[illegible] on could [illegible]

[illegible] it worth [illegible]

[illegible] of paper and write a [illegible] it worth $5,00

that's capital. [illegible] ounce and a qua[illegible]

[illegible] stamp [illegible] "eagle [illegible]" on [illegible] $2[illegible].-- th[illegible]

A mechani[illegible] worth [illegible]

$1,0[illegible].-- [illegible]

sell it for [illegible]

[illegible]

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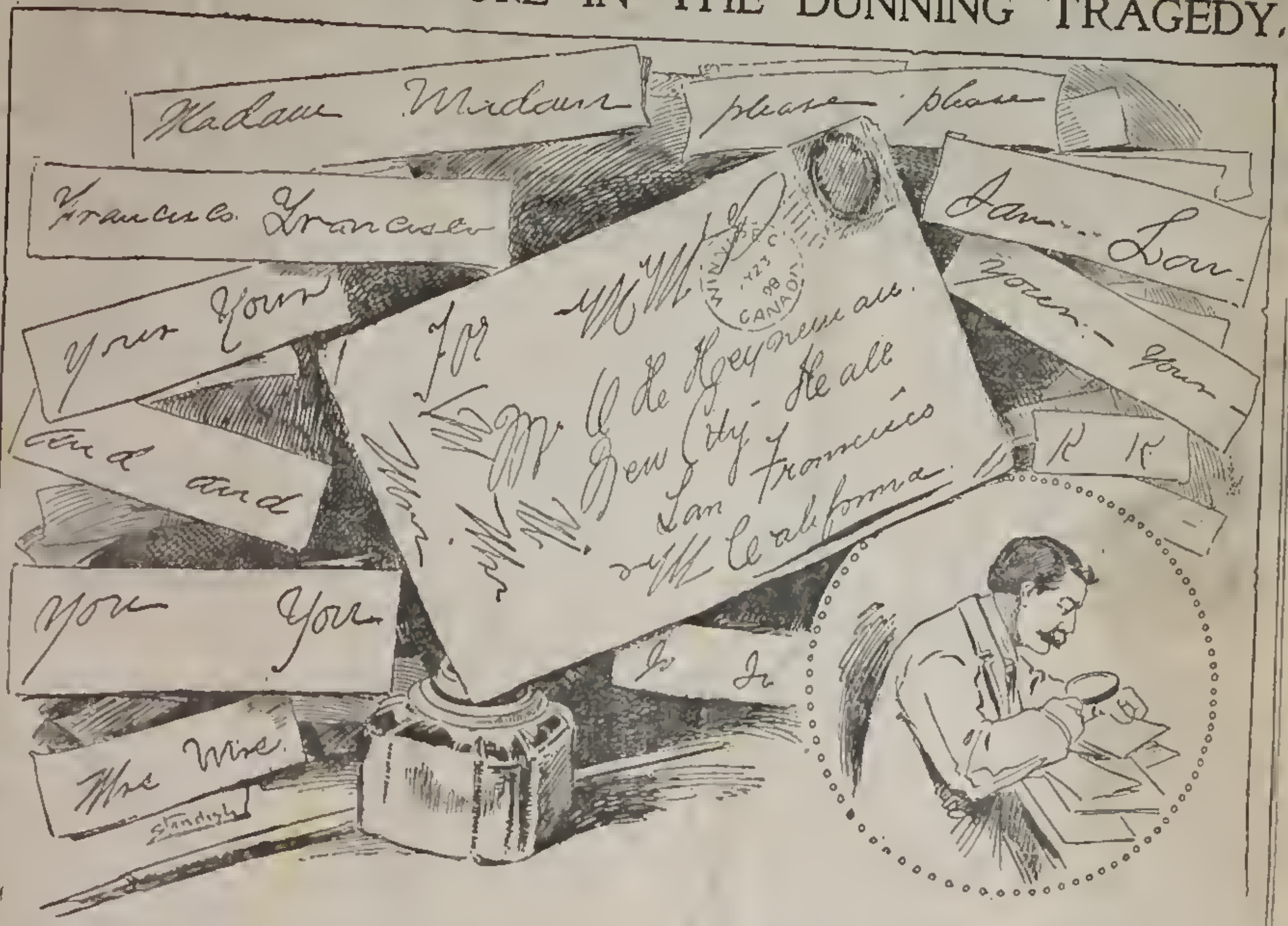
HANDWRITING WILL CUT AN IMPORTANT FIGURE IN THE DUNNING TRAGEDY.



ONE OF THE strong features of the police case against Mrs. Botkin is that furnished by Theodore Kytka, the handwriting expert, whose report to Chief Lees deals with some 30 instances of similarity between the prisoner's known chirography and the writing of the anonymous letter, the "Mrs. C." note and the address on the candy box.

When Kytka was set to work making comparisons he was given the letter written by Mrs. Botkin to her landlady, Mrs. B. Price of the Hotel Victoria, several orders for changes of postoffice address bearing samples of the accused woman's handwriting and an envelope on which she had scribbled while trying a pen. The last-named sample was secured when Mrs. Botkin was about to sign the statement which she made to Chief Lees. She desired to try the pen, and Otto Hesterman, stenographer for the Chief, handed her a letter from his pocket. She wrote a few disconnected words on the face of the envelope, and this was at once turned over to the handwriting expert. The disputed writings were four in number—two anonymous letters, one written with a pencil and the other with a pen, the wrapper on the package sent to Dover, and the note within the box of poisoned candy.

It was first established that the writer of the anonymous letters sent the candy. This was an easy task, as the addresses on the envelopes and on the wrapper were in the same hand. Then, according to the report made to Chief Lees, all the disputed writings were subjected to minute comparisons with admitted writings of Mrs. Botkin.

One of the first striking features shown is that in all the writings, both admitted and disputed, every small "d" lacks connection with the letter preceding. Again, in all the writings the letters following the small "b" are always higher, having an upward slant. The light down strokes in the Price letter are also found in the anonymous letters and in the address on the package. Mrs. Botkin has a peculiar way of making the small letter "e." In the disputed writings there are several instances of the "e" having been made first in Mrs. Botkin's natural way and then written over in an attempt to conceal the first formation of the letter. Whenever Mrs. Botkin makes the small letter "l" it is of the same size as the preceding letter. This peculiarity is found in the disputed writings.

The most successful attempt at disguise was the note inclosed in the box of candy, but even that is betrayed by a mannerism. The "C" in the signature is inclosed in quotation marks. In the Price letter there is the same thing, the name Price being quoted without reason.

When writing to Mrs. Price the accused woman placed the date of the year thus: 1-98. In one of the anonymous letters it is plain that 1897 was first written 1-97 and the figure eight was afterward written over the dash. As to the word "Francisco," in both the admitted and disputed writings, the "r" and "a" are separated, as are also the "n" and "c." Then, again, the "cls" are larger than the other small letters. The small letter "k" and the capital "F" in the disputed writings cannot be mistaken. The prisoner has a habit of placing dashes after words in addresses and in the middle of sentences is a peculiarity noted in the disputed writings.

Kytka's report includes all the minor points of resemblance, for he points out that the envelope of the Price letter and the two anonymous letters are exactly the same and that all three show Mrs. Botkin's habit of beginning a superscription very near the left-hand side of the envelope.

A few of the letters written by Mrs. Botkin to John P. Dunning while he was in the West Indies as a war correspondent are now on their way to Chief Lees, and when they arrive they will also be compared with the disputed writings.

In the comparisons illustrated above first word or letter of each pair is from Mrs. Botkin's writing and the second is from the writings in dispute.

MRS. CRAVEN COMES BACK.

SEPTEMBER 23, 1898.

Announces Her Intention to Renew the Fight.

SHE HAS A SECRET UP HER SLEEVE.

NEW LAWYERS FROM THE EAST AND PLENTY OF MONEY NOW.

The Lady of the Fair Case Promises a Merry War in the Courts and Evidence Entirely New.

A number of well-meaning but busy attorneys at law will be pained to learn that Mrs. Nettie R. Craven of Fair will fame is back in San Francisco. Mrs. Craven has come with colors flying and with trunks crowded with handsome gowns—gifts of her daughter and son-in-law. She has taken permanent apartments at the Palace Hotel, her old lawyers have rallied around her, and in addition new talent will be imported from the East. Her attorney of record will be Max Koehler, a brother of her son-in-law and a prominent St. Louis attorney. Mrs. Craven expects that Judge Curtis and D. M. Delmas will still be among her legal defenders, neither of them having withdrawn from the case.

Mrs. Craven looks much as she did when last here, though she is somewhat thinner. She has almost entirely recovered her health since she left here last February. She has not been idle since, but has been collecting evidence and getting ready to begin her fight all over again. She has come back as she said she would, partly in anticipation of the Cooney trial, which is set for Monday, and partly to defend herself against the aspersions that were cast upon her during the Fair case.

Mrs. Craven was seen last night in her apartments at the Palace. "I have come back," she said, with sparkling eyes—that is, with blood in her eye—"prepared to do battle. I don't need the money now, but I want to show them that I am not afraid, and that the things they said about me were not true. I am going to be the plaintiff now. I was the defendant before, and at a disadvantage, but I haven't been idle while I have been away. I have been at my mother's house in Iowa, where I had eleven trunks full of papers. I have spent days going through these and I have found some very important documents. I have a big surprise up my sleeve. I am dying to tell it, for it is hard for me to keep a secret, but I must not. That was why my son-in-law wanted his brother to come with me. They did not want me to come alone for fear I would say more than I should, but at the last moment Mrs. Max Koehler was taken ill, and, after postponing my trip once, I started, for I wanted to be here in case Mr. Cooney should want me. I never deserted a friend in distress yet.

"This time I am going to bring some actions myself, and they will not be confined to those two pieces of property in litigation before, from which it may be inferred that Mrs. Craven is about to open fire all along the line.

"I don't want the money, but I want my rights," she continued. "If I win I shall give most of my money away, and, anyway, I have no need of money now. My daughter and son-in-law will be here as soon as my daughter is well enough to travel and Mr. Koehler can get away. They are going to buy a place here and spend part of each year here. I shall probably remain in their San Francisco home [illegible] I am [illegible] attached to San Francisco, though I have no relatives here. My son-in-law is as much interested in my [illegible] as I am, and it has always been his wish that I [illegible] and fight it out. I was always good to the Fair children, but [illegible] Every one has treated me so badly I feel I have lost all sympathy. Not a foot of the Fair property can be sold until my claims are settled. [illegible] the other day a man [illegible] to buy the [illegible] street property [illegible] said [illegible] he would buy it [illegible] I told him I was still fighting. He said that Judge Slack's decision could [illegible] change the record and that there would be no clear title unless I [illegible] the papers.

"My return must have been a great surprise to some of the attorneys on the other side. I met one of them on the street [illegible] day and [illegible] started as if he had seen a ghost. I met Judge Slack and he looked [illegible] frightened.

"Nobody ever dared to say anything about me before this thing happened. The worst that was ever said [illegible] was that I was a politician. They called me that because I had a habit of getting what I wanted [illegible] here. [illegible] my family did [illegible] my daughter and Mr. Koehler have done everything in the world to make me happy, and I have been happy.

"I didn't care at all [illegible] books of [illegible] they [illegible] about [illegible] though they were [illegible] as the grocery book [illegible] [illegible]"

"As for the Koehlers, my daughter has a beautiful home. She is a [illegible] of hospitals and is busy doing things for others. She is a very lucky girl, and the cares of a household, where she is the mistress of five servants, sit lightly upon her. Her husband adores her, and they have a baby daughter three months old. The baby is named Dorothy May and is the most beautiful child I have ever seen. It has wonderful violet eyes, and we think it a most remarkable baby. The Koehlers have a yacht and travel a great deal. They are planning for a trip around the world. Margaret's lines have fallen in pleasant places, and my home will always be with them, but first I must have my rights in this matter and be justified before the world. Then I can settle down and be happy."

FAIR WILL CONTEST.

The Way Paved for a Trial of the Case.

The way was paved yesterday for a trial of Charles L. Fair's famous contest of the trust will of his father, James G. Fair. Judge Troutt made an order overruling all demurrers to the contest and denying a motion that certain pleadings be made more definite. This proceeding was virtually by consent, and in the same manner the contest was set for trial on December 5th. The complaint against the trust provisions of the will has already been determined in another suit, now on appeal to the Supreme Court.

Judge Slack declared the trust void, and, should that decision be sustained, it is not probable that much vigor will be put in the pending contest. In all respects other than the trust provision the will is satisfactory to the contestants.

POLICE NET FOR FORGERS

New Witnesses Found in the Becker-Cregan Case.

PROSECUTION READY FOR A SECOND TRIAL.

FOUR OUTSIDERS WILL CORROBORATE THE ACCOMPLICES' EVIDENCE.

Photographs of the $22,000 Check Show Chemical Changes That Make the Forgery Plain.

Four new witnesses in the Becker-Cregan forgery case have been found by the police in anticipation of the second trial, which is set for Monday next in Judge Cook's court. Their names are being kept from publicity by Chief Lees, but the testimony they have to give is most important, as it will corroborate that given at the first trial by Joseph McCluskey and Frank Dean, the accomplices of Becker and Cregan in forging the $22,000 check on the Crocker-Woolworth Bank on December 18, 1895.

It was for lack of testimony corroborative of that given by McCluskey and Dean that the Supreme Court reversed the Superior Court judgment which convicted Charles Becker and James Cregan of the gigantic bank forgery.

Another strong and new feature of the case against the forgers, which Chief Lees will present at the approaching trial, is found on the face of the check itself. Enlarged photographs of the slip of paper were completed yesterday by Theodore Kytka, a handwriting expert. They show that an interesting chemical change has taken place in the writing on the forged check. As a result no expert testimony will be necessary this time to convince a jury that it was raised from $12 to $22,000 by the skillful forgers before Frank Dean placed it on deposit in the Nevada Bank.

In Expert Kytka's photographs of the original letters and figures on the check are a dead black in color, while the changes made in raising its denomination are in a bluish tint.

It appears that the forgers, instead of using ink, imitated the ink used in writing out the original check by a watercolor paint of their own manufacture. This was laid on with a delicate brush wherever required. So true was the imitation that it could not be detected by the bank officials who handled the check, and even at the trial of Becker and Cregan the handwriting experts had to use [illegible] in their endeavors to demonstrate to the jury that the check had been raised. Since then the blue tint, by reason of chemical changes, has faded completely out of the ink. On the other hand, the aniline ink has retained its original blueness, making a striking contrast with the blackness of the letters and figures which were not tampered with by the forgers.

Subpoenas for all the witnesses on behalf of the prosecution have been issued within the past few days. No trouble will be experienced in having the two most direct witnesses on hand. Frank Dean is in the City Prison. Joseph McCluskey has been located in New York city, where he is living [illegible] and is ready to come West whenever required. To further insure a [illegible] and conviction of Becker and Cregan, ex-Judge Murphy has been retained as special prosecutor in the case.

MRS. BOTKIN'S MOMENT IN THE COURT.

The Prisoner's Way Blocked by an Inquisitive Throng.

Her Habeas Corpus Hearing Continued Two Weeks by Consent.

CHIEF LEES CONFIDENT.

SEPTEMBER 20, 1898.

He Proposes to Mandamus Governor Budd as a Federal Agent.

Mrs. Cordelia Botkin got out of the City Prison yesterday just long enough to walk up stairs to Judge Cook's courtroom and down again.

She was accompanied by Captain Seymour and another detective, and she made the journey to the courtroom in anticipation of a habeas corpus hearing and resultant freedom. Before she reached the court, however, the hearing had been postponed for two weeks and her prospect of immediate freedom had vanished.

The courtroom was crowded, on the main floor and in the gallery, and there were thirty or forty women in the throng. At 10 o'clock the Botkin case was called by Judge Cook, and there was disappointment when it was learned that the defendant's presence would not be required.

"The defense moves a continuance for two weeks at least," said Attorney McGowan, appearing with Attorney Wheeler, when the case was taken up. "We ask the continuance by consent of counsel," he continued, "and we expressly waive the presence of the petitioner in court at this time."

"Two weeks," repeated Judge Cook. "That will bring it right into the middle of the Figel case."

"Then we can set a new day, if necessary," suggested Mr. McGowan.

"Very well, Monday, October 3d, by consent," responded His Honor. "In the meantime the prisoner is remanded to her present custody, to be returned here at the time mentioned."

The several hundred spectators promptly proceeded to file out of the room, and the hallway was jammed by them when Mrs. Botkin and Captain Seymour were discovered in the corridor. The crowd's departure in various directions was suddenly checked, there was a rally around the prisoner, and men and women joined in the attempt to get near. It was [illegible], afterward, that none of the women had been injured in the crush.

Policemen were needed to aid the [illegible] in forcing a way to the [illegible], and the curiosity-impelled mob sought to follow the prisoner. There was only a [illegible] in the courtroom, though, for the bailiff, upraising his hand, said: "It is all over, you may retire." The retreat through the crowd was as difficult as the entrance had been.

Mrs. Botkin was dressed in plain black, with a black sailor hat whose [illegible] ribbon was tied in a bow near the back. Her sister, Miss Dora Brown, was with her. Earlier in the forenoon Miss Brown had brought a bouquet of sweet peas for her sister, but Captain Seymour refused to permit the transmission of it to the prisoner.

"We can't have any of that truck," said the Captain to the [illegible], and so the fragrant blossoms reposed on the desk of appreciative Policeman Dougherty.

A preliminary hearing of the Botkin case had been set for to-morrow morning in Judge Joachimsen's department of the Police Court, but counsel have agreed on a two weeks' continuance.

Chief Lees has been working hard to bring the Botkin extradition question into the Federal courts, hoping to obtain a ruling that will stand as a precedent in all such cases. With the assistance of Hawley's work on "Interstate Extradition," he thinks he has found a way. Hawley, a celebrated law writer, holds that the Governor grants an extradition warrant in the capacity of an agent or officer of the Federal Government, not in the capacity of Governor. He says:

The Governor of the State in issuing a warrant of extradition does not act in the capacity of a State, but of a Federal officer. His warrant amounts in effect to a [illegible] that upon the [illegible] presented to him the demanding State has a right to the possession of the fugitive. His duty in the premises is that of a subordinate ministerial officer intrusted by the United States with the performance of a duty arising under the Constitution and laws of the United States. It is because of his position as a subordinate officer that his acts may be reviewed and the [illegible] in his warrant questioned.

Were he in the exercise of the [illegible] power vested in the Governor by the Constitution of his State, the situation would be entirely different.

* * * The confusion which has arisen in the courts is partly attributed to the fact that because he is a Governor it is assumed that in interstate extradition he acts as Governor, that is as the executive branch of the State Government. This is not true. His whole authority in the premises is conferred upon him by the Act of Congress, and it might by the same power be taken away from him and vested in any Federal officer.

Hawley further says that "the Governor upon whom a lawful requisition is made is no more entitled to refuse extradition than a Sheriff is to refuse to execute a legal writ which is placed in his hands." On the point of whether the Delaware requisition is lawful, the Botkin case may go before the Federal courts. Chief Lees says that the Governor will be mandamused, not as a Governor, but as Mr. Budd, a Federal agent, and he expressed confidence in the result. It is said that all previous attempts of this kind have been attempts to mandamus Governors as State officers.

Detective McVey, the Delaware agent, is the most perplexed man concerned in the litigation. "I don't know a thing about the case, and half of that isn't so," he dubiously remarked yesterday, and that seems to be the condition of almost everybody connected with the extradition attempt.

COONEY HAS NEW FRIENDS

Executors of Fair Estate Willing to See Him Go Free.

THEY ARE OPPOSED TO A TRIAL OF HIS CASE.

CHARGES HAVE BEEN PENDING AGAINST THE NOTARY FOR MONTHS.

District Attorney Barnes, However, Insists That He Be Brought Into Court Without Delay.

The executors of the Fair estate have evinced a disposition to drop the prosecution of J. J. Cooney, the notary public who stands accused of perjury in swearing to a certain deposition that figures in the litigation over the dead Senator's property. If they had been able to have their own way the charges against Cooney would have been dismissed before now, but District Attorney Barnes has refused to consent to such a course and insists that the evidence against Cooney must be presented in court and the case judged on its merits.

For various reasons the trial of Cooney has been postponed time and again, although more than a year has elapsed since he was held to answer by Judge Cook, sitting as the committing magistrate. As soon as Mrs. Craven was defeated in the Superior Court in her attempt to establish her claim to a portion of Fair's estate the executors seemed to lose interest in the work of bringing Cooney to the bar of justice, and it was never found difficult to secure their consent to a continuance of his trial. Of late they have openly expressed a desire to dismiss the charges which they pressed formerly with so much energy and to allow the notary public to go unpunished rather than to try the case at the present.

The case was finally set for trial last Monday and Mrs. Craven's return to the city from the East was taken to mean that she was ready to lend [illegible] a hand in clearing himself of the charges growing out of his testimony in her behalf. When the matter was about to be called up in court Garret McEnerney, acting for Executor [illegible] and his associates, gave Assistant District Attorney [illegible] to understand that he would prefer to have the matter put [illegible]. He had [illegible] saying that he would rather stand in the [illegible] than have an immediate trial but under any circumstances he desired a postponement. [illegible] was unwilling to act without consulting with District Attorney Barnes, who was [illegible] with the [illegible] at [illegible] Point, and all that he would [illegible] was a continuance until [illegible]. Barnes, however, was [illegible] especially as he had [illegible] appeared before Judge [illegible] when [illegible] was to be set for trial. At the same time Barnes [illegible] to the opinion that the attorneys for the Fair heirs [illegible] in allowing him to prove the charges against Cooney while they were so eager to make the most of when they [illegible] vitally interested in the civil action before Judge Slack. When the case [illegible] to trial he will be assisted [illegible] Knight [illegible] figured in the [illegible] Fair [illegible] a place of [illegible].

The willingness of the executors to let Notary Cooney go unharmed is [illegible] the fact that the [illegible] of the charges against him by a [illegible] might affect their position in the Supreme Court in the matter of the appeal which Mrs. Craven has taken. In the lower court they secured a judgment in which the [illegible] under which Mrs. Craven was a claimant was held to be a forgery, and [illegible] was [illegible] [illegible] the [illegible]. But if he should be cleared of the criminal charge now pending against him it is thought that [illegible] would be a [illegible] to establish the validity of the will in contest.

[illegible]

[illegible] Hauk, Curtaz & Son [illegible] "Daily Report" [illegible] Theodore Kytka [illegible] Mr. Kytka [illegible] "Daily Report" [illegible]

COLOR PHOTOGRAPHY DISCOVERED AT LAST.

Every Hue of Flower, Tree, Grass or Any Other Object Accurately Reproduced, and All by the Sun, as In the Ordinary Photograph.

WORK OF THE LATE JAMES W. M'DONOUGH, OF CHICAGO.

Long Years of Enthusiastic Research, Countless Experiments and Innumerable Failures Before the Inventor Finally Hit Upon the Process Which Gave Him the Victory.

DIED JUST AS HIS LABOR WAS REWARDED BY SUCCESS.

Persevered in Spite of Long Continued Ill Health Until He Found the Method Which Will Be of Untold Importance in Medicine, Astronomy and the Detection of Crime.

CHICAGO, Ill., Saturday.—Color photography has been made a final success by a Chicago man.

The process of using an ordinary camera and in one-fifth of a second accurately photographing all of the brilliant hues of a flower garden, all the contrasts in green of a landscape, all the wonders of a summer sky, the jewel upon your finger, the ribbon at your throat, the stripes in your clothes, the decorations of your hat, the bouquet on your lapel, is now a reality.

Not a canvas of the old masters but what may be reproduced with every tint of the original; not a shade of color in the banks of flowers of Jackson Park but what may greet the eyes from a photograph, not a color line in the features and dress of a friend but may be retained forever upon the plain panel of a photographic card—and this all done, not by retouching or tinting, not by laborious processes after the picture itself is taken, but done by the sunlight instead in the same instant that the picture itself is taken.

The discovery and its practical application is the work of the late James W. McDonough, of Chicago. He has been dead a year, but what he discovered has been in the hands of friends and business associates ever since. What he discovered is due primarily to the dirty and nasty condition of the Chicago River.

Due to Chicago River.

Crossing the river on the Madison Street Bridge one day in 1870, Mr. McDonough noticed on the surface of the murky water the colors of the spectrum caused by escaping oil from some nearby warehouse. The thought came to him that the river would present a beautiful spectacle if covered with those colors.

His second thought was as to why that river's surface could not be photographed. From this thought gradually developed and grew the process of color photography—the first ever given to the world—that will always be known as McDonough's.

Mr. McDonough was in the early years of his life wealthy and given to scientific pursuits. His work in connection with the telephone was primarily along the line to the discovery of the receiver, and he fought his rights in the courts until he and all others were defeated.

Worn in health and weakened in fortune Mr. McDonough turned from the telephone to his old dreams of color photography, and pursued them until satisfied that the work could be done. He died just as success was at hand.

The process that he created is a color photography which is purely mechanical. The ordinary camera is used, and the negatives are produced and developed by the usual processes, but before exposing the negative in the camera a transparent screen ruled with the three primary colors is interposed between the negative and object to be photographed.

Like an Ordinary Plate.

After developing the negative a positive plate is produced from it, which, viewed by itself, does not differ from the ordinary black and white plate, but when it is laid upon a viewing screen, ruled with the primary colors, a duplicate of the taking screen used in the camera, the colors in the object photographed appear.

The principle of color photography is a mixture of colored lights on the retina. A transparent medium is ruled in fine colored lines, 200 to 400 to the inch. These lines are red, blue and green, commonly speaking. These are the fundamentals of the spectrum, the yellow of a few years ago now being rejected, and their mixture produces white light. In other words, the color of each is such as to absorb the remaining two and transmit only its own light.

To make a picture it is necessary to place one of these ruled screens in immediate contact with the sensitive surface of the dry plate and expose the same as in ordinary photography. The sensitive plate must be what is known as isochromatic plates, that is sensitive to all the colors of the spectrum.

After a negative is made a positive is also made by contact printing, as in the usual manner. This positive is then placed over the ruled screen and the dark lines on the positive are made to register with the colored lines on the screen. When this is done the picture is seen in its natural colors.

Making Paper Photographs.

Paper photographs are made by printing in the usual manner on the sensitive paper ruled with the three colored lines, or on the screen. Halftone pictures in colors are also made by printing with black ink from a half tone plate made from the original upon paper bearing the three colored lines ruled on its surface, the same as a screen.

Photographers and chemists of an inquiring turn of mind have attempted in various ways to make color photography a possibility since [illegible]. The experiments, generally, were so costly, the possibility of failure so great, that all of them, with the exception of McDonough, surrendered at one time or another and proclaimed that the camera would never be able to reproduce the rose with all the gorgeousness in which it hung upon the parent stem.

McDonough said it could be done, and the day before his death photographed himself in one of the flower gardens of Jackson Park. He never lived to see the picture completed, but it stands today in a frame he finished himself with every hue of the blossoms surrounding him faithfully reproduced, the work of the sun and the process.

He read in a newspaper one morning that Lippmann, a foreign scientist, had advanced the claim that he could photograph in colors. His process was what is now known as the "interference" method. By "interference" is meant that the rays of light as they passed through a transparent medium of unequal thickness and were reflected back to the eye by a mirror interfered with each other and created different color effects. Lippmann's method was purely a scientific experiment, and it was impossible to see the colors of pictures as he termed them, except in a certain angle of light.

Many Failures Before Success.

Lippmann's work attracted McDonough, and he started to work out his own theory as to how the natural colors of the sky and earth could be photographed. A majority of his experiments for years were absolute failures. One effort after another was [illegible] until he came to the correct principle, which was to cover a flat plate with very fine lines and then to endeavor to reduce these lines in greater or less angles, so as to give off the colors from a picture photographed on the surface.

His perpetual assumption was that the sun would reproduce colors if [illegible] the receiving plate was of the proper kind. His work was to find that plate.

The plate or block which he finally determined to be the proper one is what is known technically as a diffraction grating, and gives off colors when a beam of light strikes its surface at an angle. The first experiments with such a plate were more than discouraging, and when further efforts seemed useless McDonough was about to cast it aside. The day that he determined to do so he accidentally noticed on the surface of the block what seemed to be spots of different colors. The thought came to him instantly, "Why not stipple on the colored spots, photograph through them, and try and get some color result."

He purchased an air brush, and, after securing such colors as red, green and blue, began blowing them in small particles and attempting to secure an evenly grained plate. But, previous to placing these colors, McDonough made a series of tests to secure the least number of fundamental colors possible whose combination would produce white light or a neutral tint. In these tests he discovered the theories and teachings of the text books of twenty years ago that yellow was a fundamental color—were wrong.

Found the Right Color.

He found that it was a compound color, and would not absorb red or green. He then tested with red, green and blue, and added some yellow to the red and to the green. By this means he secured an orange red and a yellowish green. These two colors he found would make a beautiful yellow when combined in equal quantities—that is, following the laws of the mixture of colored lights.

These experiments were being carried on in Chicago with few to encourage him, and his fortune was dwindling every day. Still McDonough, a teacher and given heart and soul to scientific work, felt that he was on the right road to discovery, and persevered. He proceeded with his stippling, and was more or less successful in obtaining a negative from which a positive was made and mounted on the original screen, and thus a picture in the natural colors was obtained.

He had now only to make the process so simple that it would command commercial attention. He applied for a patent and received it. His future effort was to dispense with the stippling process. Numberless experiments were undertaken with different methods for placing the colors. First he colored powdered shellac and that was dusted on. The plate was then heated and the shellac melted to a flat layer.

Powdered starch was used also, and colored, but starch, having a globular form, would not lie close enough, thus allowing white light to pass through between the balls or globules. Finely divided glass of different colors was used and then fused on the plates, but the colors were bad. Clear sand, gums of all kinds, particles of mica and hundreds of other substances were brought into play with indifferent success.

A large number of these experiments were carried on at Lake Geneva, where McDonough had a summer home. In the winter he returned to Chicago to study this work.

Getting the Right Plate.

In the effort to secure just the plate needed McDonough was most successful when the plate was covered with a resin in small particles and then dipped in the color desired. Then re-covered with another resin and re-dipped until the colors were placed in an exquisite mosaic screen.

While bringing the stippled plate to its perfection McDonough in the hours of [illegible] began experimenting with screens of a regular pattern, such as lines. His first effort was to find some method for ruling lines on a transparent medium, such as glass, mica and celluloid. He tried ruling lines with a common drawing pen, but the lines varied so in width and thickness that it was impossible to make a good picture. He then [illegible] a lithographic ruling machine, and with this made some fair screens, with which a few pictures were taken.

After this, so determined were his efforts that he devised a machine which would rule on flexible material like celluloid, gelatine and rubber. He found that celluloid and gelatine were of no practical use owing to their expansion and contraction under the influence of heat and cold. Mica could not be skillfully used for sure large sheets as it was difficult [illegible]. He eventually produced the ruling machine now being used for his pictures.

Worked Day and Night.

The work of this man was little short of heroic. He labored days and weeks to secure a [illegible] that would be suitable for making single color lines. The [illegible] of this color had all [illegible]. Thousands of colors were to be considered and rejected by him after tests, [illegible] which he found it necessary to [illegible] that they would [illegible] to the right color in thin lines, for it is [illegible] that the color of a dye [illegible] for instance, a wedge shaped bottle filled with [illegible] will change its color from a yellow at the thin edge to a dark red at the thick end, and a bright red under ordinary conditions would only be a yellow when spread in thin lines.

When McDonough had secured a perfect transparency he turned his attention to printing on paper. His idea was to rule the paper and emulsify or sensitize over this ruling. He tested many methods and finally succeeded in ruling the paper so that a beautiful picture could be printed by simply using the negative made through this ruled screen over the ruled paper and registering the lines created on the negative by the subject through the screen, so that they would be parallel, and placing this in the sunlight to print, and then toning this print as is ordinarily done, the result being a picture in colors on the paper.

Found Colors for Paper.

Before McDonough succeeded in this branch of his work colors for paper had to be made. He was months finding these colors, as they had to be insoluble one with another and also in the toning and fixing processes. They also must stand the sunlight and not fade or wash off during the operations necessary to produce a photographic print on paper.

Remarkable as his labors had been up to this point, McDonough was still not satisfied. He had changed the sunlight and made the shades of a lily possible of reproduction not only upon the photograph plate, but upon paper. Now he desired to find a process of printing in half tone in colors.

By making a half tone plate from the original negative made through the ruled tri-colored screen, and then printing with black ink upon paper ruled with the same three colors as were on the screen he succeeded in realizing what is alleged to be a perfect method of printing half tone pictures in their natural colors.

In all this work it was absolutely necessary that McDonough should have a plate that was sensitive to all colors, as the ordinary dry plate is sensitive to only the blue end of the spectrum. McDonough, after testing every isochromatic plate on the market, found all defective, and therefore invented his own sensitive plates, the only ones that have ever succeeded in photographing the red end of the spectrum of faint stars.

Invented a Shutter.

His labors did not end with this. He found that he must have a device whereby in the use of his camera all the colors could be made to act equally at different times of the day under different lights. He invented a small transparent shutter, which in itself is one of the most remarkable inventions in photographic apparatus produced in the last twenty [illegible] years.

The transparent shutter can be adjusted to any color of light. The different colors can be raised or lowered at will by the operator, and all will act equally on the sensitive plate. The special [illegible] permitted by this shutter is to obtain perfect color rendering at all times of the day and under different kinds and degrees of illumination. This shutter is placed either in front or back of the lens, or can be used in the diaphragm slit.

The practical value of color photography cannot be estimated. In the field of the physician it will produce a revolution. Now it is made possible to photograph the different stages of dangerous disease, to retain the plates, to use them for comparative purposes, to know just what is the shade of color at a certain stage of the disease of the body of the patient himself. Photographs of ulcerations, of membranes, of skin affections is all possible and so valuable that the use of the process is almost certain to be demanded at once by the medical profession.

The McDonough patents, which are of the broadest kind, have been granted by the United States, England, France, Belgium, Austria and Germany.

Use in Astronomy.

In astronomy the color work of McDonough is already in experimental use in the Yerkes Observatory at Williams Bay, near Chicago. Of the McDonough sensitive plates George E. Hale, director of the observatory, writes:—

"With their aid I have been able to photograph for the first time the red portion of the spectra of very faint stars, and it is easy to see that plates of this character will prove invaluable in both solar and stellar spectroscopic investigations. The possibility of photographing the red region of stellar spectra opens up an immense field of research hitherto unexplored."

In the detection and prevention of crime the color photograph promises to become an important adjunct of the Bertillon system. George Porteous, head of that system in Chicago, has already instituted experimental work along this line. Rogues may now be photographed as to the color of their hair, of their eyes, the shade of scars upon them, redness of skin, and a thousand and one minutiae hitherto unusable by detectives.

Preserving Every Minutiae of Color.

In the process of taking the picture of a person the color of his hat, of his necktie, of his clothes, of his shirt front, of his jewelry, is all accurately taken and forever kept.

One of the best experimental pictures recently taken by the process is that of Ferdinand W. Peck, Commissioner General of the Paris Exposition, where appears in the lapel of his coat the red rose he wore, radiant with all of the color it had blossomed in.

Mr. McDonough is dead, and cannot tell his own story, but there remains some testimony from his own lips as to what he passed through while discovering color photography that is extremely interesting. At one time he was a manufacturer of furniture at No. [illegible] South Canal street, in this city. While making chairs and sofas on the first three floors of his building, on the fourth floor he maintained a laboratory, in which, during leisure moments, he experimented with the problems of light.

The disease which prostrated him for several years was melancholia. In the first attack he slept nearly a month continuously. After that he had double vision. He could not walk straight. He forgot the multiplication table. He fell asleep in restaurants, street cars and other places. He ran into buildings, and had to be led about the street. He was compelled to learn to walk. For six months every year he was so prostrated he could not work.

Never Lost Faith.

Despite these afflictions Mr. McDonough never lost faith in color photography and prosecuted his researches until success was his.

While he was working for a telephone company in New York, in 188[illegible], and still continuing his color experiments, the building in which he had his apparatus, books and [illegible] the notes of years' accumulation, burned, and he was compelled to start all over again. He built up a new library, in which were the works of Chevreul, Lommel, Vogel, [illegible], Abney and Hugel.

He made various applications for patents, which were rapidly granted by the government, until the invention of what is known as the Joly color process set up the claim that McDonough was not the original discoverer of the process. A long legal battle took place before the patent office authorities, in which McDonough came out the victor.

Mr. McDonough once [illegible] the patent office some examples of his work, saying:

"Here is a picture made in Washington Park of a front. In the foreground are seen some lotus plants and lilies. In the centre is a group of victoria regias. In the extreme background is a group of scarlet canna lilies. At one side are the photographs of two ladies who stepped before the camera when we made the exposure. Under the trees over their heads are seen a group of [illegible] plants. Their peculiar bluish green will be noticed. The trees above them are slightly touched by frost.

What a Picture Shows.

"Here is a picture of a policeman. The color of the mail box beside him is faded, just as represented here. The little boy sitting down has differently colored tan stockings and shoes. Above him and back of him may be seen a climbing vine, whose peculiar green may be noticed. The difference of the red of the brick chimney and cornice of the house shown will be noticed. The slate of the second story of the house is of a very peculiar formation. The colors are true."

McDonough's description of how he obtained the plates which have utilized the power of the sun and permitted the transmission of colors to a photograph, is simple:—

"I arrived at a way of printing upon glass or paper," he said. "I took gelatine, which I dissolved in water. I took aniline colors dissolved in glycerine and poured them upon the surface of my engraved block, about an eighth or sixteenth of an inch in thickness, and over this before the gelatine had set, I placed a sheet, at one time, of cardboard. When the gelatine had cooled off it was attached to the pasteboard. This arrangement was four or five inches square.

Like Hektograph Work.

"I should have said just before this that the dissolved dyes were poured into the gelatine, forming a colored mass. The gelatine sticking to the cardboard when removed from the line block had taken the exact figure of the ruled lines on the engraved block. When this was placed upon a piece of white paper or a gelatine surface it communicated its color to the paper, much after the manner of the ordinary hektograph work.

"I printed with three blocks on gelatine, albumen paper and dry plates, as they are called, sometimes in three parallel lines, to fill up the surface, and sometimes in two sets of parallel lines, and crossed them with a third. The colors I used were, among others that I tried, what is called commonly an 'insoluble blue,' because it is not soluble in water to any extent, another was [illegible], another was a green admixture and a yellow, the latter being used for mixing to grade the other colors. These were all soluble in glycerine and alcohol.

"The registering of the lines was a very difficult matter, and I was led to the system of lining mentioned before and to printing them directly upon the sensitive dry plate. This plate was used directly in the camera and afterward developed."

Colors Do Not Fade.

An essential feature of the McDonough process is that the colors do not fade, even after long exposure to the light and the air. In defending his absorption color screens, which in a sense are the foundation of his discovery, Mr. McDonough said:—

"I show that three colors—reddish orange, yellowish green and violet blue—may be placed upon paper and glass of such a depth that each will mutually absorb the colors transmitted by the others, and that red and green, thus mutually absorptive, will transmit yellow, and that the yellow will not absorb the red and green.

"Here is a spectroscope by means of which these colors may be tested by placing the junction of two glass pieces across the slit of the spectroscope. The spectroscope will be so arranged as to show the Fraunhofer lines. It may be seen that there is a dark space between the two colors, and that they will not overlap when thus viewed. By closing the spectroscope slit this dark space will become larger. By opening the slit these colors will overlap each other to any degree desired, showing that the sensation curves depend entirely upon illumination and that they may be regulated by regulating the illumination.

Peculiarity of Yellow.

"It must be remembered that the spectral yellow is a color of very small area, and, I think, never seen in nature except when separated by means of the spectroscope or some analogous method, and that the yellows of pigments will pass through and be transmitted by red and green, which will mutually absorb each other to such an extent that a picture obtained by the use of these screens will show the yellow in a very natural way.

"There is altogether too much stress placed upon the photograph of the spectrum for commercial work, although it is desirable to photograph it."

Sufficient has been given of the technical features of Mr. McDonough's work to show to what depth he probed and how unsatisfied he was with all progress until his plates, in development, revealed to him the actual beauties of the garden or scene upon which his camera had been focused.

Should one wish to go deeper into the processes by which he reached the end of his labors he may do so by sending to the United States Patent Office for Interference Case No. [illegible]: James W. McDonough vs. John Joly, Art of Producing Colored Pictures by the Aid of Photography. McDonough's record."

McDonough's Associates.

At the time of his death there was and for years had been associated with him E. E. [illegible], a mechanical engineer of reputation. McDonough's intimates, aside from him, had been Thomas A. Banning and Dwight K. Tripp. Mr. Banning had fought his legal battles for him before the Patent Office in Washington, and had become an enthusiast himself on the subject of color photography.

More than five hundred examples of the practical working of the McDonough plates give proof of the practicability of the process. Some are of the scenes from Douglas Park, others from Jackson Park, still others of prominent persons or of highly colored Japanese screens and fine work are a continual delight and feast for the eye.

It is believed that Mr. McDonough's process will revolutionize all color work in magazines, that the more or less laborious processes, that the lithographer's stone is to be seen over the lithographer's stone in to be done away with, and that the color illustrated magazine of the future will be a thing of beauty beside which the production of to-day cannot hold up its head.

Color Work for Magazines.

When a photographer may meet Emperor William in all the gorgeousness of an imperial uniform and take his picture in color just as he appears to the eye, and then transmit that picture to the paper of an ordinary magazine, color illustration will have approached perfection. This work the McDonough process will do.

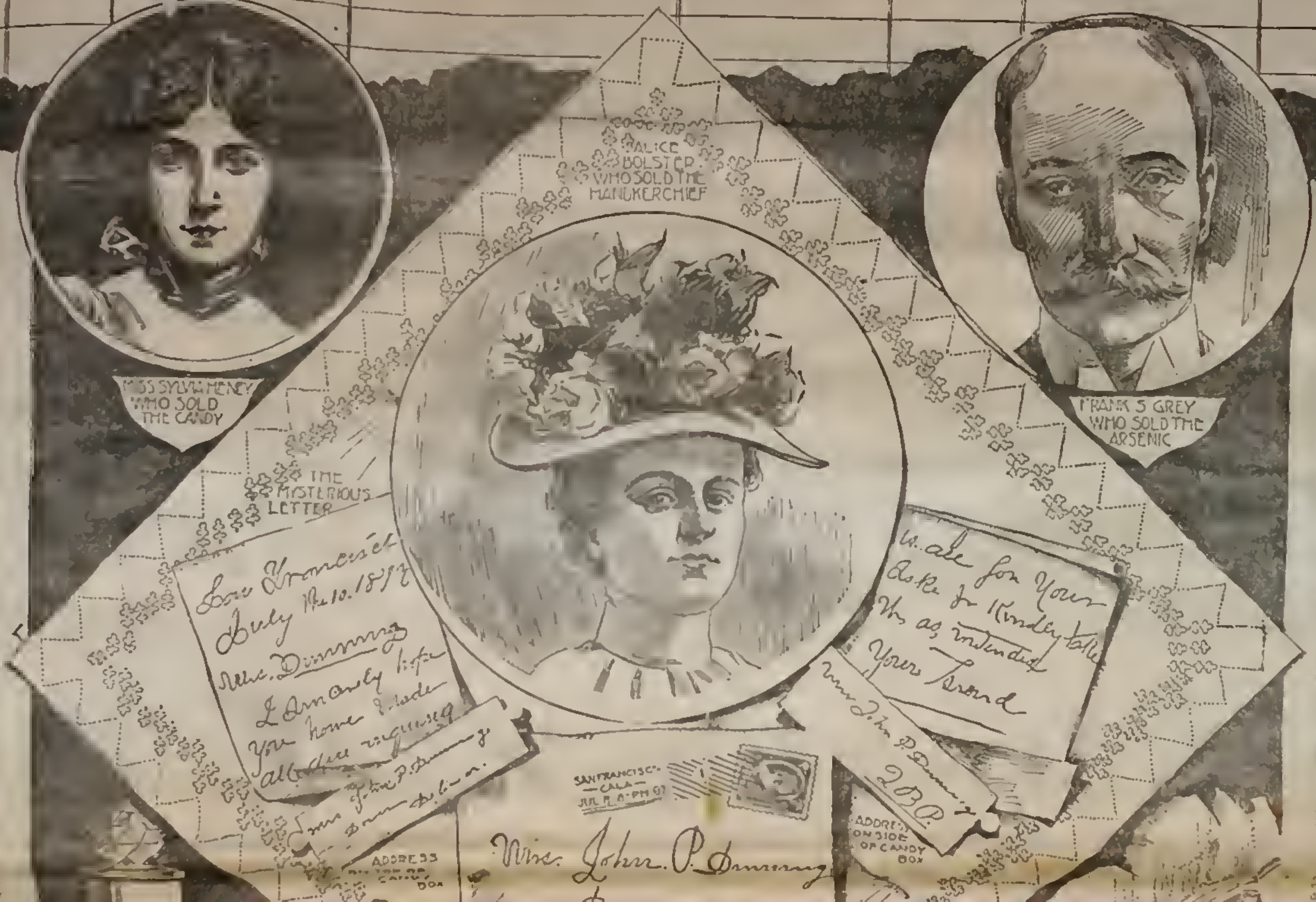
In a popular way the McDonough process may be adapted to the kodak without any extraordinary expense or trouble. It may be taken into any photograph gallery and be made a part of it without a revolution or anything but purchase.

The patent office thought so highly of McDonough's work that at the [illegible] Exposition it has made an exhibit of other patents that it has granted, the government standing the expense of the exhibit.

CHOCOLATES, HANDKERCHIEF, HANDWRITING AND POISON---ALL TRACED TO MRS. BOTKIN.

FAC-SIMILE OF THE PAGE OF THE POISON RECORD BOOK OF DRUGGIST GREY SHOWING THE ENTRY OF MRS. BOTKIN'S PURCHASE.

DATE	TIME	NAME OF PURCHASER	ADDRESS OF PURCHASER	NAME OF POISON	QUANTITY SOLD	FOR WHAT PURPOSE USED	NAME OF DISPENSER
	PM						
6.1.98	2	Mr Botkin	Cal & Hyde Sts	Arsenic	℥ii	Bleaching	Grey



THE CASE AGAINST MRS. BOTKIN UP TO DATE.

DURING the last fortnight the San Francisco police have forged a number of important new links in the chain of evidence against Mrs. Cordelia Botkin, who is charged with the murder of Mrs. J. P. Dunning and Mrs. J. D. Deane, of Dover, Del. Mrs. Botkin was arrested on August 22. Since then each day has brought its interesting developments. The Sunday Journal gave a careful analytical study of Mrs. Botkin, together with the history of the case to that date, September 4. To-day it presents the new facts that have been brought to light within the past two weeks.

The police have worked systematically upon three leading points in the mystery—first, to find where the candy that was poisoned and sent across the continent had been made and purchased; second, where the handkerchief enclosed with the bonbons had been bought, and third, what druggist had sold the arsenic that caused the death of the two victims. They have apparently been successful in securing all these vitally important bits of evidence.

MRS. CORDELIA BOTKIN, the woman who was arrested in San Francisco August 22 charged with the Dunning-Deane murders, is ready ... her ... and the ... that ... during the ... And ... for the ... of evidence that has been ... about her ...

Grand Jury.

It could not at first be told who had sold the box of candy in question. Since then it has been found that Miss Sylvia Heney made the sale on July ... to a woman who she is ready to swear was Mrs. Botkin. She has testified to that effect before the Chief of Police. Her story is corroborated in every detail by Miss Dittmer, another saleswoman in the Haas store, who remembers the circumstances of the sale and can also identify the purchaser as Mrs. Botkin.

Another clew that links the fatal box of candy to Mrs. Botkin was discovered a few days ago. Before August 4, the day on which the candy was mailed, Mrs. Botkin had been a guest at the Victoria Hotel. Since she left ... case has occupied the room she stayed in.

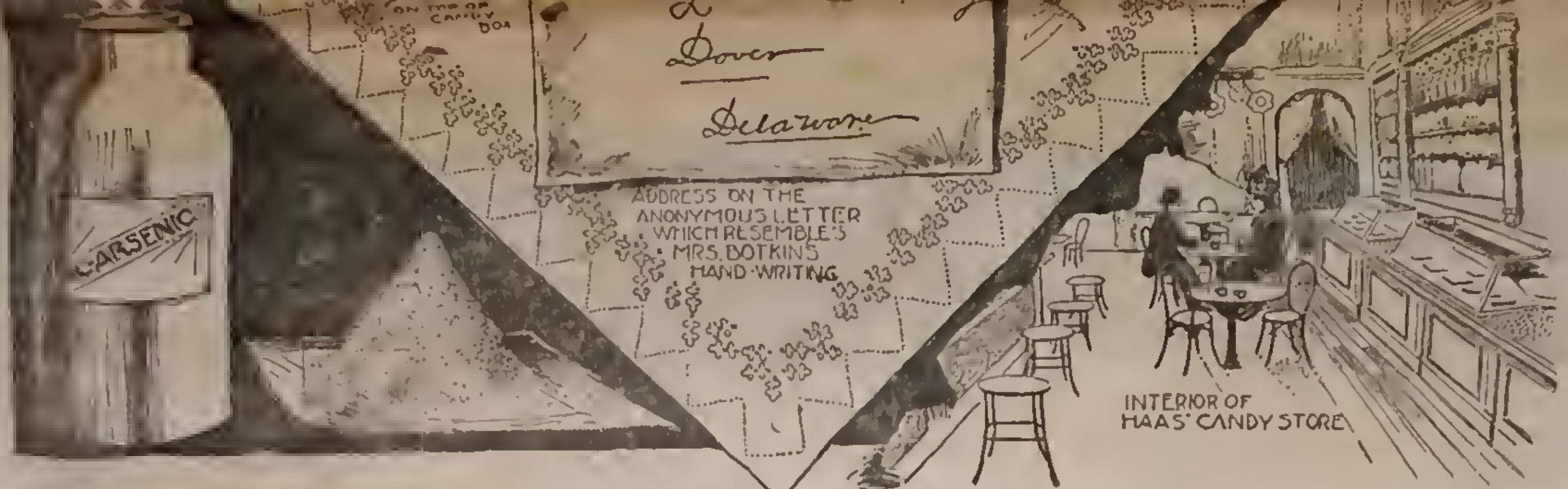
While cleaning this room about a week ago, a housemaid found a small paper wafer, such as is used by confectioners in sealing candy boxes. The name Haas was stamped upon it in raised letters. This forms another link in the curious chain of circumstantial evidence that is gradually tightening about Mrs. Botkin.

The ... important discovery made by the police was that the handkerchief which had been enclosed in the box of candy was purchased at the City of Paris dry goods store, Geary and Stockton streets, San Francisco.

With this fact established, it was next necessary to find which clerk in the store had made the sale.

To do this it was necessary to go over all the sales slips for the greater part of July. The ... of which an exact reproduction from photograph is given here was one of a ... lot.

After a careful examination of the ... it was found that a ... handkerchief of ... had been ... and do ... very much that she would be able ...



PE[illegible]S, OBJECTS [illegible] DOCUMENTS WHICH ARE FORMING a CHAIN OF EVIDENCE AGAINST MRS. BOTKIN IN THE NOW FAMOUS CANDY POISONING CASE.

[illegible] that marked her bearing during the first days [illegible] and [illegible], for the net-work of evidence that has been forming about her [illegible] and unrelentingly is now almost [illegible], without even the shadow of a [illegible].

It does not seem possible that the evidence [illegible] can be falsely circumstantial. From the very first every development in the case has [illegible] to Mrs. Botkin as the guilty one, and absolutely nothing has turned up to shake the conviction of the police and public that it was her hand that sent death across the continent.

[illegible] San Francisco police have brought [illegible] important facts to light during the [illegible].

[illegible] preceding these discoveries the [illegible] Dunning [illegible] [illegible] pointing out Mrs. Botkin as the one [illegible] of the death of his wife and Mrs. Deane, his sister-in-law.

The accusation was based upon the [illegible] of the note sent with the box of [illegible] candy [illegible] the handwriting of Mrs. [illegible]. The note read: "With [illegible] to yourself and baby. Mrs. C."

[illegible] Dunning [illegible] anonymous letters which had been [illegible] as having been written [illegible] Mrs. Botkin. The letters had been [illegible] Mrs. Dunning with the [illegible] turning her against her husband, [illegible] in San Francisco.

[illegible] that Mrs. Dunning had sent a [illegible] was in Salt Lake [illegible] explanation. He [illegible] Mrs. Botkin [illegible] a suggestion as to the probable [illegible].

Mrs. Botkin had answered that the letter [illegible] from a certain Mrs. Seely [illegible] San Francisco [illegible] the original of this letter [illegible] that it had been written by Mrs. Botkin herself.

There had been [illegible] of these letters in [illegible] and each one is identical as to the handwriting [illegible] Mrs. Botkin. One, under the date of July 10, [illegible], has [illegible]. The first and last pages of the letter are reproduced on this page. In part [illegible] as follows:

"San Francisco, July the 10, 1898.

"[illegible] I scarcely hope you have made all due inquiry concerning the grave [illegible] I sent you—[illegible] the pure interest I have in you—concerning the conduct of your husband, and if you have not you are not the woman I always supposed you were if you would ever renew former [illegible] with a man that so forgot you as to [illegible] you in the position he so [illegible].

"He was constantly with this interesting and pretty woman who by the way is an English woman. She is now divorced from her husband all owing to the marked [illegible] with Mr. Dunning.

[illegible] of the woman, as she is [illegible] and education, and [illegible] the other hand they both of them [illegible] to the extreme delight of a quiet [illegible]. You can make all the inquiries [illegible] at the address I gave you.

"I am sure you ought to ask for your own satisfaction even the assurance that [illegible] your husband [illegible] all you want to know and [illegible] that [illegible] life to you [illegible] held by Mr. [illegible] family and [illegible] where they are.

"YOUR FRIEND."

The marked resemblance between the address [illegible] the envelope of the anonymous letter reproduced here and that on the box of poisoned candy is a very important [illegible].

Therefore Mr. Kytka, the well known handwriting expert, has been making a careful study of Mrs. Botkin's handwriting, and at the proper time will present the result of [illegible].

THE CASE AS IT STANDS.

By Chief of Police Lees, of San Francisco.

IN [illegible] we have secured four important facts in the Dunning-Deane murder case.

[illegible] candy was bought at the store of George Haas & Son about the 31st of July last, but the date is not yet [illegible] that Mrs. Botkin returned from a visit to Stockton.

[illegible] the [illegible] which was found in the bottom of the box was bought at the City of Paris dry goods store. We are [illegible] Mrs. Botkin made that purchase.

Third, the superscription on the package [illegible] anonymous letters were undoubtedly written by the [illegible] person. Whether that person is Mrs. [illegible] I am not prepared to say. Experts will analyze and compare the known writing with these examples, and their reports will have an important bearing on the case.

[illegible], which is the most direct and important circumstance against the accused woman, is the purchase by her on June 1 of two ounces of arsenic, the [illegible] caused the death of the two women and the identification of Mrs. Botkin as the purchaser [illegible] with her own admission of the fact.

We are now gathering [illegible] evidence to join with these facts, and in a few days it will be decided whether or not [illegible] delivered to the authorities of Delaware.

I cannot express an opinion as to the guilt or innocence of Mrs. Botkin, nor can I foreshadow the action of our Governor.

his investigation. As yet he does not commit himself.

Following the public announcement of Dunning's [illegible] and the [illegible] resemblance in the handwriting exhibited in the case, new important evidence came with almost daily regularity.

The diligent search made by the San Francisco police to locate the place at which the chocolate candy was made and the box and its contents [illegible] met with splendid success.

It was found that the candy had been purchased at the store of George Haas & Son, about July 31, the day on which Mrs. Botkin returned to San Francisco from a visit to Stockton.

The box and part of the candy that carried death to Mrs. Dunning had been sent from Dover to the San Francisco authorities. Mr. Haas was able to identify them positively as having come from his establishment and he has so testified before the [illegible] all the circumstances of the sale [illegible] doubts very much that she would be able to identify the person who bought the handkerchief.

However, the [illegible] bit of circumstantial evidence that seems to crop up in this case whenever needed, is here present. [illegible] the day of the sale Mrs. Botkin is known to have [illegible] a money order at the [illegible]. She was a frequent visitor at the City of Paris, and had often, according to the bookkeeper's statement, [illegible] money orders at the desk. The bookkeeper [illegible] the [illegible] August [illegible] and [illegible] statement together with the tracing of the money order through the [illegible] will perhaps form another strong link in the evidence.

With the sale of the handkerchief [illegible] firmly established, the police turned all their energies in trying to find out where the poison that was placed in the chocolates had been obtained.

This was, of course, a definite task, but a laborious one, for it necessitated a careful examination of the drug store records of poison sales throughout the city. Every time a drug clerk sells a poisonous drug he is required by law to record the fact upon books specially kept for the purpose. It is a precaution for just such emergencies as the present case gives rise to.

In examining the poison records the detectives at first looked up only the days of the last of July and the first part of August, when Mrs. Botkin was known to be in San Francisco. In this manner they made an unsuccessful examination of the poison book at the Owl drug store and continued on their rounds.

After they left the clerks of the store, becoming interested in the matter, began to look over the books themselves. They examined further back than the detectives had done, and came upon the entry reproduced at the top of this page.

From this it will be seen that June 1 Mrs. Botkin—although the clerk entered the name as "Bothin"—bought two ounces of arsenic, ostensibly for the purpose of bleaching. The clerk who made the sale was Grey. As soon as he saw the entry in the book he recalled every detail of the sale and stood ready to identify the woman to whom he sold the arsenic.

This he was soon called upon to do. He was taken to the matron's room in the City Prison, where Mrs. Botkin is confined and immediately pointed her out as the one whose name he had registered as "Bothin" in the poison book.

Confronted with such conclusive evidence as this, Mrs. Botkin admitted a few days later that she had made this purchase of arsenic. She had previously insisted that she could not remember any time at which she had bought any poisonous drug. One of her lawyers, however, told rather carelessly that she had already mentioned to him the fact of this purchase of June 1. It certainly seems as though fate were conspiring to make the case against Mrs. Botkin as bad as possible.

Drug Clerk Grey states that the arsenic he sold to Mrs. Botkin was in the powdered form. Next comes the damaging coincidence that the chemical analysis of the poison made at Dover shows that the arsenic put into the chocolates was also in the form of powder.

The [illegible] important links of evidence told of here have been summarized briefly for the Sunday Journal by Chief of Police Lees, of San Francisco, who has been so successful in preparing the case as it now stands.

STRANGE MYSTERY OF THREE BEAUTIFUL SISTERS.

Continued from Page Thirteen.

The match, it is asserted, was for that season [illegible] doubly celebrated; first at [illegible] in Naples. Presently it occurred to Bomba that he had done all the ill that he could. Amid the clamors and cries of sedition and bareness he vacated the planet, leaving behind nothing but a rotten reputation and a rickety throne. The one still subsists, the other has gone. Yet that throne, however rickety, it took [illegible] to overthrow. The young queen fought for it, not for herself, but for her child, [illegible] her husband [illegible] the front, wrenching the sword from [illegible] trembling hand, brandishing it in her [illegible] holding and defending Gaeta, the Bourbon [illegible] stronghold [illegible] Victor Emmanuel [illegible] was that [illegible] into paroxysms of [illegible] an interlude of her girlhood she had [illegible] in a quadrille of royals, every one of [illegible] on her return was either dead, exiled or [illegible].

Then came the succession of incidents which [illegible] has told so aptly and so well, the transformation of her husband from a sword into a candle, the miseries of the shabby genteel, the harbors of [illegible] tawdry [illegible], incidents poignant in themselves, yet followed by others more poignant still, the suicide of her cousin, the murder of her nephew, the destruction of one sister and the assassination of another. If ever a woman has supped on horrors, it is she.

It was a road less tortuous, perhaps, yet quite as golgothic, on which Elizabeth of Austria trod. In Vienna the Prince who had won her, quickly turned to woo elsewhere. [illegible] Moreover, [illegible] [illegible] and with them moments when agony must have [illegible] when she felt herself diademed not with a tiara, but with pain, when she would have bartered her regalia to be back again, a girl once more, in the peace of the great green wood.

It was then those excursions began which filled the time. From Iceland to the Aegean, from Trieste to Tunis, ceaselessly she wandered in search of that oblivion which an anarchist brought her a week ago. [illegible] meanwhile had been turned by destiny into Niobe. The [illegible] of her assassination has stung the world, yet the brutality of it is trite beside the mystery of the murder of Rudolph, her son.

The name of Wittelsbach is ill-omened enough, but that of Hapsburg is significant. Derived from Habichtsburg, it means a Vulture's Nest. Rudolph [illegible] [illegible] looked at him [illegible] saw beside the brilliance of the plumage the beak and talons of the bird of prey. The latter were ancestral and hereditary, and had he lived would have been transmitted and maintained. When life was struck from him, not by a bullet, as has been told, but by a bottle—which, parenthetically, crushed his skull—there ensued a general silence into which presently filtered the discernment that the House of Hapsburg was doomed, that vultures of another brood, birds of prey that nested not within the realm, but without, were already hovering at the frontiers, waiting but for the Emperor of Austria's death to batten on Austria's heart.

It would be consequent, as already noted, and it would also be in accordance with the traditions which Mrs. Southworth, Miss Corelli and other lady novelists have preserved and presented, to ascribe the tragedy of Rudolph's death to the malign influence of a family curse. But fiction and history differ. Even otherwise, and admitting the literary advantage of such a process, in this instance it would be defective. In the Wittelsbach gallery there is one portrait which as yet fate has left unmarred. It is that of Elizabeth's third sister, the least known of the original four.

The [illegible] who came to her found her not among the oaks of the forest, but in the tawdriness of the Naples Court. He, too, was a son of Bomba, a younger brother of the consort of Gaeta, yet in making her Countess of Trani it is rumored that he omitted to make her unhappy as well. Their union, tolerably effaced and entirely obscure, resulted in a girl who a few years ago married a Hohenzollern. But precisely as a family trait may skip a generation, so, too, may family fatality.

The gift of prophecy has gone, horoscopes have lost their meaning. What the future holds, what phantoms lie in wait for this particular descendant of an ill-omened house, none may foretell. Yet though her existence be more obscure than that of her mother, more effaced than that of her father, more insignificant than either, it will be serene in sweetness, if only by contrast with the tragic lives of those whose history is interconnected with her own and of which the assassination of an Empress resembles the climax.

EDGAR SALTUS.

EXTRADITION, BUT IT'S YET CONDITIONAL.

Governor Budd Acts in the Case of Botkin.

Complications Will Require Decision by the Supreme Court.

REPORTS IN HER FAVOR.

Question as to the Fact of Her Being a Fugitive.

Governor Budd has conditionally granted a writ for the extradition of Mrs. Ada C. Botkin as prayed for by the State authorities of Delaware. He announced this decision in the office of the Attorney-General yesterday afternoon, where he met by appointment Chief of Police Lees, Detective McVay of Delaware, Attorney-General Fitzgerald and George A. Knight, one of Mrs. Botkin's attorneys.

Under the laws of California the Governor's right to refuse to issue extradition writs is not subject to review by the courts. Neither has the Governor the right to call upon the Supreme Court for advice in issuing writs. Governor Budd believes that the weight of authorities are against the legality of the extradition of Mrs Botkin.

On the other hand, the sensational case in which she is the central figure is of such importance that he desires the Supreme Court to decide upon the legality of her surrender to the Delaware authorities; also to decide if the woman cannot be tried for murder in this State. He thinks the only way to get the matter before the Supreme Court, at least so far as the extradition is concerned, is to grant one and have it brought to the Court's attention by a writ of habeas corpus on Mrs. Botkin's behalf.

In rendering his decision Governor Budd said:

In the matter of Botkin the Governor of Delaware, on the [illegible] of August, issued a requisition on me as Governor of this State for the delivery and removal of Adelaide C. Botkin from California to Delaware, claiming her as a fugitive from the justice of that State and desiring therewith certain papers certified by myself [illegible]

[illegible]

Mr. Knight and the Attorney-General [illegible]

habeas corpus proceedings would, in addition to passing upon the writ's legality, decide the question as to whether Mrs. Botkin could be tried here for murder.

"We must by some means get a decision on that point," said the Governor. "If the court says Mrs. Botkin can be extradited, I can withdraw the writ until the other point is decided. If the court holds that she cannot be extradited the authorities here will be forced to try her on the murder charge, or at least on the felony charge of mixing poison with candy. I will issue the writ the day after to-morrow or at any time that may suit the convenience of Mr. Knight, Chief Lees and Attorney-General Fitzgerald."

Mrs. Botkin was informed of the Governor's action in the settlement of the extradition matter. She declined to be seen, [illegible] that she had no criti-

COUNTERFEITS WERE PRINTED IN THIS CITY

Most Deceptive Bills Ever Uttered.

GOVERNMENT EXPERTS AT SEA.

CLAIM THAT THE INKS AND PAPER ARE GENUINE.

Five Thousand of the Bogus Hundred-Dollar Bills Exchanged for the Gold of Kloudikers.

Special officers of the United States secret service, acting in conjunction with Chief Lees, have traced the origin of the $100 bills which are such excellent counterfeits of the silver certificates issued by the Government. The imitation is so close that it can be told from the genuine only by the application of the acids used by the officials of the Treasury Department.

The bills were made in this city, on Broadway, and the operators are under police surveillance. Copies of the bills have been turned over to Expert Kytka of the Police Department. He has taken enlarged copies of them. These photographs tend to show how skillful were the men who prepared the bills.

The person who uttered the bills struck off [illegible] of them and [illegible] them into the Klondike district. They were readily exchanged for gold dust, and their falsity was not discovered until the returning miners tried to pass them in Portland. Cash on them was refused, but the cautious bank officials agreed to accept them and sent them to the Treasury Department at Washington for collection.

The banks of this city, following the precedent of the [illegible] in the north, have refused to handle any bills of that denomination. The paper is said to be of Government make, as are also the [illegible] inks, with the exception of that with which the number is printed. This is of ordinary quality and [illegible] withstand the action of acids. The bills are the most dangerous with which the secret service officials have ever had to deal.

If your time will not permit you to go down to the big salesrooms of Benj. Curtaz & Son, 16-18-20 O'Farrell street, you can go into the art department of the Emporium and Golden Rule Bazaar and see the duplicate of the piano the "Report" is offering as a prize for the most popular women and girls engaged in legitimate employment. You will have no trouble in finding the prize. It [illegible] an artistic card from the pen of Theodore Kytka, the famous handwriting expert, and indicates that that gentleman not only knows how the pen has been used, but is mighty with the pen [illegible] One glance at the artistic [illegible] the "Daily Report" [illegible] prize emphasizes the fact that in [illegible] hands at least the pen is mightier than the sword.

SEAVER'S STORY STANDS A TEST.

Attorney for the Defense Cross-Examines the Informer.

[illegible]

COONEY'S TRIAL CALLED A FARCE

Geo. Knight Refuses to Prosecute The Ex-Notary.

Fair Heirs Do Not Care to Push the Case Against the Accused.

The trial of Notary James J. Cooney on the charge of perjury growing out of his connection with the Craven-Fair deeds commenced in Judge Wallace's court this morning.

In the trial of the celebrated Fair case before Judge Slack Cooney supported Mrs. Craven's statement that James G. Fair acknowledged the "pencil deeds" before him in his capacity of notary public.

At the outset of the trial this morning George Knight caused surprise when he announced that he did not desire to assist in the prosecution of [illegible]ney.

When the case was called Mr. Knight arose and, addressing the court, said: "I desire to withdraw from the prosecution of this case. I have consulted with District Attorney Barnes and told him that there was no use going on with the case, as there is no hope of conviction. The people I represent are thoroughly satisfied with the outcome of the civil proceedings, and they do not desire to prosecute the case. Mr. Hinkle is going on with this matter and he has never consulted with the police or myself. He knows nothing about the case, and I pronounce the whole affair a farce."

Judge Wallace here took exception to Mr. Knight pronouncing the trial a farce, and said that it should not be referred to in that way.

Mr. Knight, continuing, however, said: "It is a farce and there is no hope of a conviction. I therefore withdraw from the case." The attorney then left the court room, entrusting the prosecution of the case to Assistant District Attorney Hinkle.

Later it was learned that the Fair heirs have no hope that Cooney will be convicted and that they are not anxious to prosecute him, because they consider him merely a tool in the hands of others.

Cooney is represented by W. W. [illegible] and ex-Judge Denson. His father, ex-Judge Cooney, was also present in court and took an active interest in the proceedings.

The morning session was devoted to securing a jury. Nine jurors were sworn in, and as the panel was exhausted, an adjournment was taken until to-morrow morning, a special venire being ordered.

The jurors selected to serve are: Charles F. Hahn, 2125 Howard street; M. J. Kelly, 1513½ Mission street; J. [illegible] Gallagher, 1131 Treat avenue; John [illegible], [illegible] Clayton street; William H. Tilson, 617 Folsom street; N. Nason, [illegible] Twenty-[illegible] street; P. A. Smith, 514 Fourth street; M. [illegible], 1922 [illegible] street; Matthew Colligan, 317 O'Farrell street.

WILL OF DEBBIE TAYLOR.

Trial of a Contest Commenced by Judge Hebbard.

Judge Hebbard commenced yesterday the trial of a contest against the will of Debbie Margaret Taylor, who died on March [illegible]. The estate is valued at [illegible], and by the will the bulk of the property was bequeathed to E. H. Tucker and Miss Helen [illegible], both of this city. The contestants are [illegible] McDermott, maternal grandmother of the deceased [illegible]

[illegible]

FIRST STEP TO CONTEST WILL OF ADOLPH SUTRO

THESE CHILDREN CLAIM PART OF SUTRO'S ESTATE

Claiming to have been married by contract to the late Adolph Sutro the woman calling herself Mrs. Clara Kluge-Sutro has taken the first step toward [illegible] a contest for part of the millionaire's estate. She has filed an application to be appointed guardian of the two minor children, aged seven and five years, who she says were the fruit of her marriage with Sutro and whom she designates as Adolph Newton Sutro and Adolphine Charlotte Sutro.

In her petition Mrs. Kluge-Sutro says that the children's possessions at present consist of two blocks of outside lands worth $10,000, which Mr. Sutro conveyed to them while he was supporting them and their mother in the house he built for them at the corner of Steiner and Clay streets in this city, and she adds that they are also interested, as heirs at law, in the [illegible] estate.

The next step to be taken on behalf of the children will be to contest the Sutro will on the ground that these children were the legally recognized children of the [illegible] and that he failed to provide for them [illegible] will.

[illegible] Van R. Paterson, who represents the woman and her children, says the marriage with Mrs. Kluge was an annulment of the will according to the decisions of the Civil Code of California [illegible] a recognition of the marriage [illegible] only probable way of getting rid of [illegible] will, which is so objectionable to a majority of the heirs.

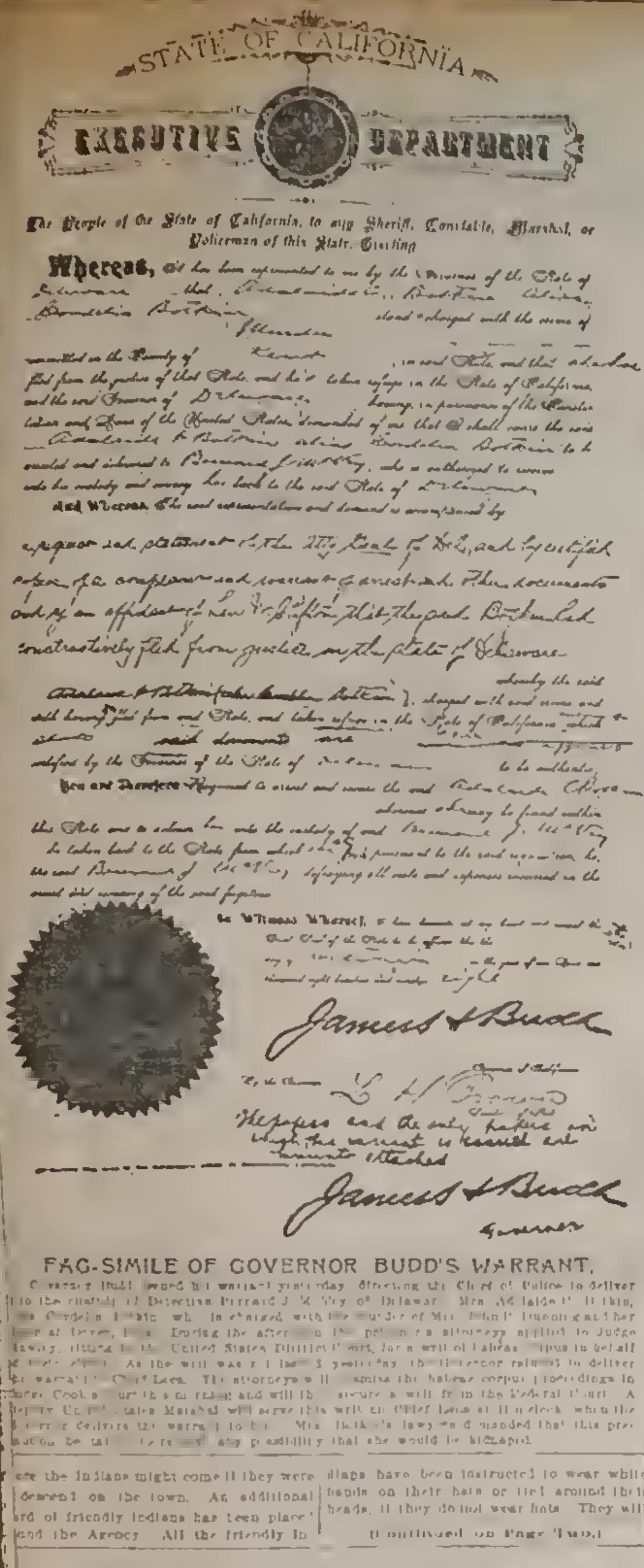
The claim of a contract marriage [illegible] on a written document which [illegible] yet been submitted to the court [illegible], but which, it is promised [illegible] at the trial. The legal adoption or recognition of the children by Mr. Sutro is altogether another matter. [illegible] says that Mr. Sutro took the little ones everywhere with him—on the street and in the Park, to the Cliff House—and with the pride of a fond parent introduced them as his offspring.

Judge Troutt will hear the application for letters of guardianship a week from Friday, November 4th.

CHECKS DRAWN FOR FORTUNES.

Checks for large amounts seem to be the order of the day, but even Mr. Thomas Lipton's large check in payment of import duties [illegible]

[illegible]



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(Continued on Page Two.)

A RED RATTLE FOR THE CHIEF OF POLICE.

George A. Knight's Outbreak in the Botkin Case.

Lees and the Lawyer Engage in a Heated Controversy.

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The Chief jumped into the fight like a two-year-old.

"Well, you can't make me tired, Mr. Knight," he yelled. His face flushed with anger and he pounded the arm of his chair.

"But I will, just the same," Knight roared. "I'll make you very weary before I get through with you. I won't stand any funny business. I tell you that flat. I'll show you, Chief Lees, before this case is over that you will have all you can attend to, and so will your star, too. You'll have to look out for that, I'm telling you."

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(Continued on Page Two.)

POLITICA[L] TO[...]

THE PEOPLE'S OPPORTUNITY TO DOWN THEM.

Bosses and the Railroad Leagued Against Maguire.

For the First Time One Blow Will Cause Every Head to Fall.

TO TALK FOR EFFECT.

Southern Pacific Managers May Try to Start a Back-Fire of Oratory.

BY EDWARD H. HAMILTON.

If the people of California really desire to rid themselves of the political old men of the sea who have clung about their necks all these years they have a chance to do so at this election—the best chance they ever have had. For at last the disreputables are all on one side, and it requires but one heroic stroke to cut off all the heads.

Hitherto it has been different. In previous campaigns the railroad has not had all its hundred elements of corruption massed so that the public could get a fair

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swipe at them. If the Southern Pacific strung to the Republican candidates for Governor, Senator and Representatives to Congress, judicial officers and members of the State boards, there were still bosses who, for sake of local plunder or in order to retain party standing, clung to the Democratic party and weighted it. And it must be admitted in all frankness that the railroad has not always been Republican.

But at last the "associated villainies" and the common scoundrels are all together, and all are against Maguire and Phelan. Find a man who has betrayed his trust in office and I'll find you a man who is whispering against Maguire. Look up a lobbyist who has bargained for votes in Sacramento and you'll discover an anti-Maguire man. Hate Rainey as he may, Buckley joins with him in trying to defeat Maguire, and no matter how both may feel regarding Kelly and Crimmins and Curry, all are leagued in the common anti-Maguire cause. The mask is off with these scavengers of the slums of politics. Whatever they may think of Gage; however they may fear that he will not be a pliant tool like Waterman or Markham, they know that Maguire is their sworn foe, eager to crush them under his heel, and in fighting against him they are fighting for existence.

So the chance of a political epoch is in the hands of the common people. If California really wants to rid herself of the wens and cancers which have disfigured her politics, this is the opportunity and this the time. Should Maguire and Phelan and Healey be elected, there will be such a rush for tickets for Canada that the northways routes will require more men in the ticket offices, more trains on the tracks and greater watchfulness lest the sleeping-car maps and towels be stolen.

I have often doubted the sincerity of the masses on some political subjects. I have

AROUND THE WORLD.

Bachmann, the Cyclist, Has Reached Vienna,

And Has Won the Prize for Which He Was Striving.

A few months ago Sig. Bachmann, an Hungarian cyclist, halted at this city on his way round the world and very naturally dropped into the "Daily Report" office. Bachmann promised to write a letter for publication on his arrival in Vienna, and as will be seen by the following, he literally kept his word.

VIENNA, Sept. 28, 189[8].

Editor "Daily Report": According to my promise to you to let you know of my arrival at Vienna I write you, although it is more than a month since I arrived. The European climate and custom had so great an influence on me that after my arrival I got sick and am still under the weather. In order that you may use what I tell you for the paper I will write of my whole trip as it happened.

On the 17th of September, 1896, I left Vienna, crossed Austria, Germany, Holland, Belgium, France to Bordeaux; thence per steamer to London; thence to Southampton, thence per steamer to New York, Chicago, Omaha, Salt Lake City, Reno, Sacramento, San Francisco, thence by steamer to Sydney via Honolulu, Apia (Samoa Islands) and Auckland, New Zealand. From Sydney by wheel to Melbourne, Adelaide, thence per steamer to Colombo, Ceylon; from Colombo to [illegible] the principal city of Ceylon; thence [illegible] by steamer to Tuticorin, [illegible] Madras, Calcutta, Allahabad, Cawnpore, Agra, Mhow, Bombay.

Between Agra and Bombay I was attacked by one of the natives, who stabbed me in the right arm and which nearly cost me my life. By the aid of the medicines I carried with me I h[eal]ed the wound, and after seventeen days was out of danger. The reason for the attack was that between the 12th and 19th of March of last year there was a row in Bombay between the natives and the English militia.

From Bombay my route lay to Abyssinia, but the Consul-General advised against my going that way, so I took the steamer to Suez, Egypt; then wheeled to Ismailia, Zagazig, Cairo, [illegible], Damanhur, Alexandria, thence per steamer to Brindisi, Italy, Potenza, Naples, Rome, Venice, Trieste, [illegible], Agram, Croatia, [illegible], Budapest, Hungary, to Vienna, where I arrived on the 9th of August, 1898, and was received with great [illegible], having completed my tour of the world, visited the five grand divisions of the earth in [illegible] year, eleven months and fifteen days, which time was eighteen days in advance of the time given me. I carried off the prize of 10,000 gulden, or [illegible] about $4000, and a great [illegible] medal, with band and crown, which was given to me two days after [illegible] with great festivity. From the capital city of Hungary I also received [illegible] golden [illegible] as [illegible] became a citizen.

When this [letter] appears in your valuable paper I would ask that you send me some copies. With best [wishes], I am yours very truly,

SIG BACHMANN.

Detective McVey Thinks He Will Secure Mrs. Botkin.

The prosecution as well as the defense in the case of Mrs. Cordelia Botkin [illegible] of securing [illegible] decision from the courts upon the legality of the proceedings instituted to remove the prisoner to Delaware.

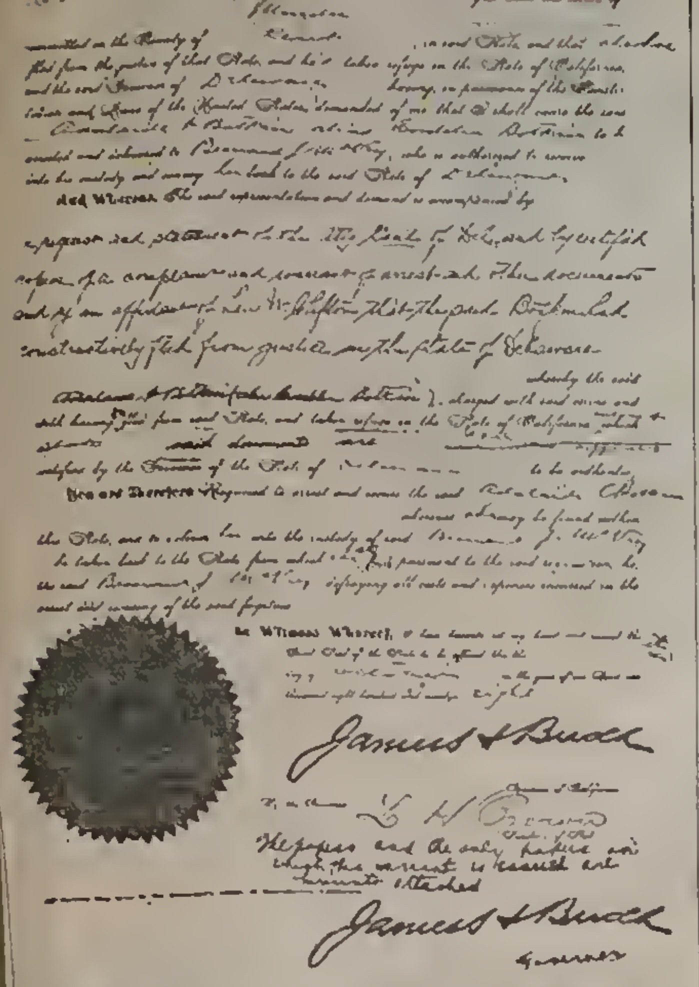
To the Supreme Court, now in session in Los Angeles, Acting District Attorney [illegible] yesterday made application for a writ of habeas corpus. He contended that Mrs. Botkin was being unlawfully withheld by Chief Lees from the custody of Detective McVey. The detention of the woman by Chief Lees was, Mr. Hosmer urged, illegal, in that the signing of the extradition papers by the Governor gave Detective McVey of Delaware the [illegible] control and custody of the prisoner, notwithstanding the habeas corpus proceeding.

The application which Mr. Hosmer presented to the court was signed by Detective McVey. He did not personally appear before the court, depending upon Mr. Hosmer to advance his claims. The [illegible] of the court gave consideration to the petition, but for some reason not given in the press dispatches from Los Angeles, denied the application. It is believed in the District Attorney's office that the petition was denied upon the ground that the writ pending before Judge Cook will determine the claims advanced by Detective McVey.

The proceedings before Judge Cook will be heard Monday. Should the writ be denied by Judge Cook the defense will [illegible] in the Supreme [Court] or in the Federal courts.

Doubtless, however, Detective McVey will be prepared to start East with Mrs. Botkin immediately after Judge Cook shall have rendered his decision. Should Judge Cook decide in his favor he will probably start [illegible] before the defense can secure a second writ.

According to Chief Lees, no further action will be taken in the prosecution until Judge Cook has rendered his [decision]. [illegible] He is confident that Judge Cook will give judgment in favor of [illegible] McVey. Judge Cook has [illegible] Judges Wallace and Seawell [illegible] during the hearing of the [illegible] proceedings. Acting District [Attorney] [illegible]


And Whereas ...

Now Therefore ...

In Witness Whereof ...

James H Budd

Governor

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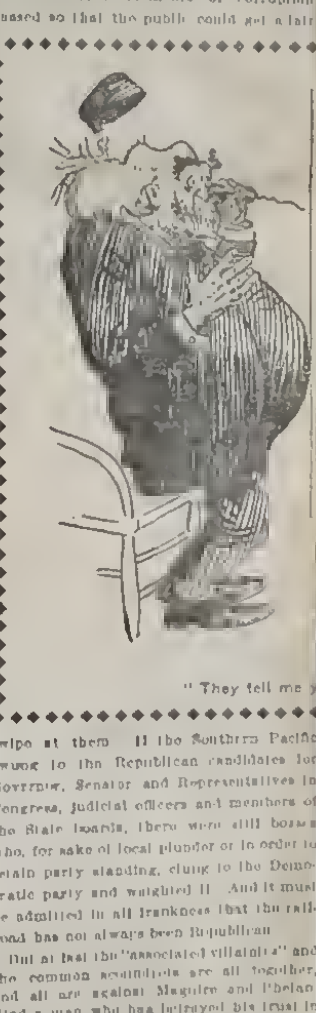

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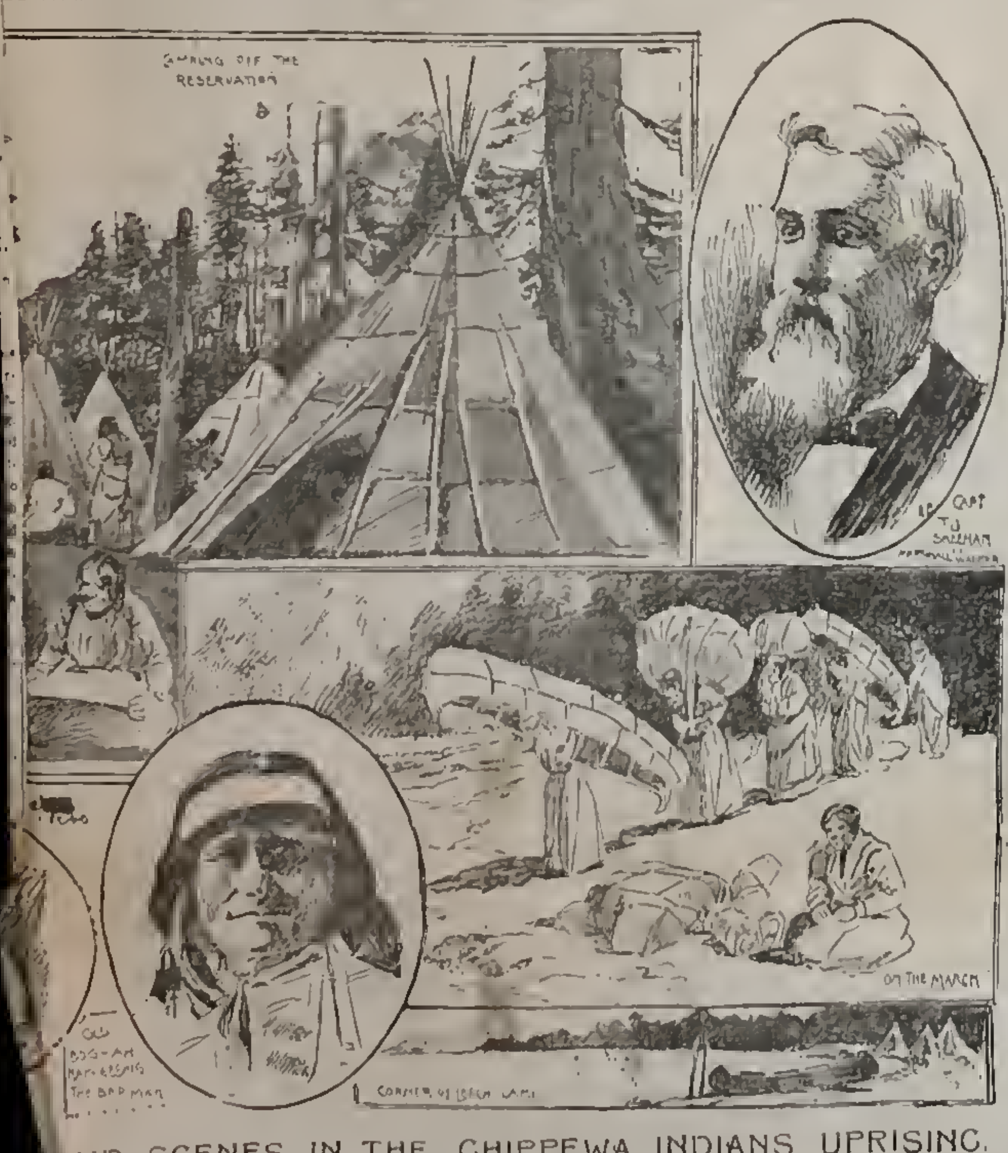
I have often doubted the sincerity of the masses on some political subjects. I have waited too long for the "people to use their might" to put much faith in that uprising, except as an expression of editorial thunder. But if the decent, honest voters do not take advantage of this opportunity they will deserve to be over-taxed, over-ridden and generally misgoverned all the rest of their days. Defeat Maguire, beat Phelan, snow under Henley and the day of the boss



...AND SCENES IN THE CHIPPEWA INDIANS UPRISING.

...nd of Chippewa Indians at Leech lake, in Minnesota, is Chief Bug-Ah-Nah-Ge-Shig, who, with 200 of his fol... ...0 men of the Third U. S. A. Infantry, at Sugar Point, opposite Bear Island, which is in Leech lake. Min... ...aw-breakers wanted by the United States Marshal, and is one of the bad Indians, having killed eight of his ...n, the Marshal of Walker, distinguished himself as a brave man at the battle of Sugar Point and was wounded

FIFTH SECTION. THE NEW YORK HERALD. PAGES 1 TO 8.

NEW YORK, SUNDAY, OCTOBER 2, 1898.—[COPYRIGHT, 1898, BY JAMES GORDON BENNETT.] PRICE FIVE CENTS.

JOHN ELBERT WILKIE AND THE SECRET SERVICE IN THE WAR.

The Man Who Engineered One of the Most Fascinating Branches of Our Government's Operations Against Spain, Circumventing the Spanish Spies.

"AT ELEVEN O'CLOCK THAT NIGHT WE ARRESTED THE MAN IN HIS ROOM"

"AN EARNEST CONVERSATION WAS BEING CARRIED ON IN THE LIEUTENANT'S ROOM"

THE THIRD MEMBER OF THE PARTY SLIPPED THE LETTER INTO HIS POCKET

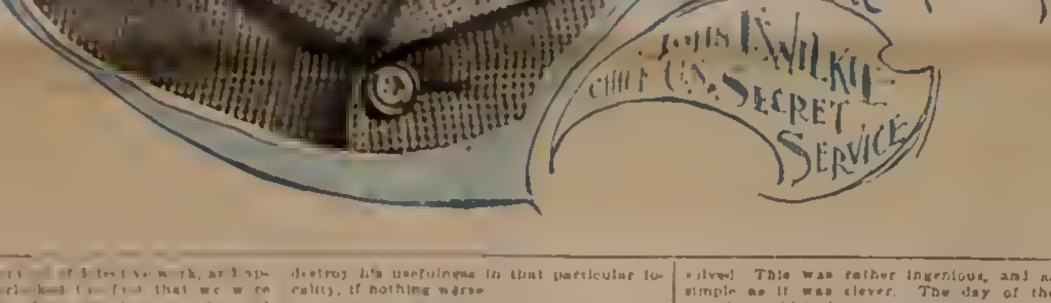
HOW OUR SECRET SERVICE MEN —RAN TO EARTH— THE SPIES OF SPAIN.

—A Peep Behind the Scenes.—

Chief of the United States Secret Service Tells of the Inside Working of His Department.

I assigned to the work an operative speaking all the Continental languages, thoroughly familiar with Austria, Germany and Spain, and otherwise especially well equipped for the task before him. He called upon the Doctor, [illegible] Germany, begged a private interview and then confided to him that he was anxious to do something for Spain. He alluded touchingly to the natural sympathy for his beautiful countrywoman, who was being so sorely tried. He had met Count L——, who was here on a political mission, and had spoken to him of his desire.

A Bit of Strategy.



[illegible] Washington que se ahorco o lo ahorcaron, y otro ante ayer en [illegible] por parte de [illegible]. "We [illegible] bad luck, for they have captured the two best spies [illegible] in Washington [illegible] hung, and the other day before yesterday in Tampa. There is extraordinary vigilance on the part of the [illegible]. [illegible] Ramon Carranza to Señor Don Jose Gomez Ymas, May [illegible]

By John Elbert Wilkie, Chief of the United States Secret Service.

T[illegible] [illegible] as the former Naval A[illegible] of [illegible] late S[illegible] was [illegible] gratifying [illegible] [illegible] [illegible] [illegible] [illegible] There are [illegible] many matters [illegible] [illegible] [illegible] work is [illegible] about which [illegible] write.

When it became ap[illegible] [illegible] with Spain was [illegible] [illegible] the advice of Secretary Gage and Assistant Secretary Vanderlip [illegible] an [illegible] force of the secret service [illegible] the Treasury Department. This was necessary [illegible] the regular force [illegible] [illegible] the government is maintained [illegible] an appropriation which may [illegible] drawn [illegible] [illegible] for expenses [illegible] [illegible] [illegible] became available the President made a [illegible] allotment of [illegible] for [illegible] use, and [illegible] weeks later increased this by [illegible] [illegible], it was estimated, would be sufficient to [illegible].

The [illegible] of the fact that there had been a special allotment for an addition to the secret service made it [illegible] necessary to a [illegible] for men. The applications during the first thirty days exceeded a thousand [illegible] the pressure for appointment became embarrassing, but the peculiar nature of the work [illegible] men would have to do made it essential that they should be thoroughly familiar with Spanish. This quickly [illegible] of [illegible] than [illegible] per cent of the applicants, [illegible] the remainder there were few who possessed the other qualifications—detective experience, rugged health, strength, courage and enthusiasm.

There's No Money in It.

It is morally certain that when the force was completed there was not a man among them who was there for what there was "in it." The pay being [illegible] a day and travelling and living expenses, the latter limited to $3 a day. With one exception they were under forty years of age. All of them fairly bubbled over with loyalty, were determined to make a record and were ready for any emergency that might arise. It may surprise a great many persons to know that the auxiliary force of the secret service during the war was smaller than the local staff of a large metropolitan newspaper, but as the men were unusually intelligent and reliable it was possible to satisfactorily cover the country with a comparatively small number of operatives.

Thanks to a patriotic public, the division was early supplied with much information relating to suspicious strangers. A realization of the danger to the country from these internal enemies [illegible] every one on the alert, until [illegible] fairly [illegible] [illegible]. Most of them were founded on trivial suspicion. [illegible] more than a [illegible] of the "suspects" reported [illegible] were [illegible] investigated. The greater [illegible] of these were found to be [illegible] [illegible] but only [illegible] [illegible] as to threaten what they [illegible] [illegible] they had [illegible] were [illegible] [illegible] that they were [illegible] making trouble for themselves.

[illegible] it was possible the men were kept at headquarters in Washington for some time [illegible] [illegible] [illegible] mysterious [illegible], there was an excellent opportunity to test [illegible] [illegible] [illegible], especially in the important matter of [illegible] a [illegible] [illegible]. They were [illegible] general idea of their duties, but [illegible] an [illegible] [illegible] was not always [illegible].

However, it is [illegible] that [illegible] failure. In that particular case I was [illegible] [illegible] from the start [illegible] the agent would have to work and explain [illegible] [illegible] [illegible] [illegible] he reached his station, and had to be [illegible].

In Touch with Washington.

Each operative was provided with a cipher code for telegraphic [illegible], and when his territory had been assigned was expected to keep in constant touch with Washington. In my private office at headquarters I had a large map of the United States, mounted in a flat cabinet, and by means of small numbered flags attached to it [illegible] was able to locate every man on the force at a glance. [illegible], Washington, Newport News, Savannah, Jacksonville, Tampa, Key West, Mobile, New Orleans, Galveston, San Francisco and the army camps were the principal points of activity.

Tampa was a particularly lively district, for in addition to the Secret Service men in the field there a branch of the Military Information Bureau, under the jurisdiction of the War Department, was maintained, and during the latter part of the war was useful in looking after thefts of army stores, deserters and military offenders of all classes. Montreal was a good second in the matter of activity, though there were times when Washington led them all.

Occasionally, when the pressure was particularly heavy, it became necessary to detail the regular members of the division to run out certain lines of investigation, their expenses at such times being defrayed from the defence fund. Of the thousand or more "suspects" something over six hundred men and women were at one time or another under close surveillance for varying periods, among them professors, diplomats, doctors, merchants, cigarmakers, mariners, electrical experts, government employes of foreign birth and uncertain antecedents, capitalists, milliners, dressmakers, society women and servants. Every man in the service was required to make a detailed daily report covering his operations, and there were revealed a great many interesting things that had nothing whatever to do with the Spanish-American war.

Some Queer Applicants.

Most of the applications for appointment, which came from every State in the Union, and from England, Canada and Mexico as well, bore evidences of having been written by intelligent men actuated by a loyal ambition to serve their country. About half of them were addressed to the War Department, but there being no Secret Service in that branch of the government they were referred to the Treasury Department for consideration. Many of the writers confessed to an [illegible] [illegible] of [illegible] work, and apparently overlooked the fact that we were dealing with a foe whose language was not our own, but among the hundreds and hundreds of letters there were many whose authors [illegible] [illegible] [illegible] general qualifications necessary for the work.

[illegible] [illegible] [illegible] [illegible] age was [illegible] question. Another pointed out that [illegible] the fortunate possessor of "Spanish [illegible]" [illegible] work among the enemy with [illegible] safety. As an example of the queer applications received the following [illegible] well worth quoting:—

"I [illegible] for my services to the government [illegible] [illegible] [illegible] I am a man [illegible] [illegible] and travelled [illegible] [illegible] [illegible] my [illegible] [illegible] [illegible] them to so I get among all [illegible] I [illegible] language [illegible] german and the american or english [illegible] as for writing [illegible] can see for yourself."

The early establishment of a "crank" box was a necessity. Hardly a day passing without a letter or two from some irresponsible visionary or out and out lunatic. There were stacks of anonymous communications threatening death and destruction to every one connected with the "unholy" war, and scores of suggestions from demented persons who had inspired plans for the annihilation of all Spanish emissaries. Then there was a class of cranks with hallucinations that they were being dogged by Spanish spies, or had danger of assassinating the President and overturning buildings.

Cranks Were Numerous.

Where such letters were signed and it was possible to locate the writer the matter was always investigated, but in no instance was the author found to be a responsible person. Not all the cranks stopped at writing to the department. Many of them called at the office and were led gently away, introduced to the guards at the doors of the Treasury Building and thereafter refused admittance. One enterprising woman succeeded in getting in to see me, however, with a unique scheme to ascertain the identity of the leading Spanish agents in this country.

"This is my plan," she said enthusiastically, after introducing herself. "As soon as you engage my services I shall go to New York and look about among the theatres until I find where the most patriotic audiences gather. Then at one of the evening performances, when they are all cheering for the United States, I shall stand up in my seat and cry, 'Spain forever! Hurrah for Alfonso!' Of course I shall be arrested and the matter will get into the papers, and I shall be visited by the friends of Spain, who will be convinced that I am a sympathizer. So, gradually, I shall be able to worm my way into their confidence until I shall have gained all their secrets. Now won't that be lovely?"

The chances being that if she tried it the audience might not leave enough of her to sympathize with, and as she looked as if her children might need attention, she was advised to go home. She departed reluctantly, thoroughly convinced that the government was making a fatal mistake in declining her services.

When the "emergency men," as the temporary employes of the division were termed, were instructed in the use of the cipher code they were told that in communicating with headquarters they should use, instead of my name, "John Uhlen," which I had registered with the telegraph companies. This was simply a precautionary measure intended to protect the operatives by eliminating the chance that some one might discover the message was for the Secret Service, identify the sender as a member of the division, and destroy his usefulness in that particular locality, if nothing worse.

An Intercepted Telegram.

Out of this arrangement grew a curious incident. In the latter part of May a young Western newspaper correspondent, stationed in Washington, sent in his card, asking to see me on important and confidential business. When admitted he explained that a telegraph operator, whom he had known for years in the West and who had been transferred to the capital, had intercepted a cipher message from Montreal the night before, and believed it was from the Spanish headquarters to an agent here. We were particularly interested in the Spanish messages at that time, having possession of a cipher that was being used in some of their correspondence, and the newspaper man, knowing this, had suggested to his friend the operator that the suspected communication be submitted to our office.

He had tried to translate it, but was unable to succeed, and he wondered if we would have better luck. The copy of the mysterious message which he then produced and placed before me on the desk, was addressed to my alias, the original, from one of my men, being in a drawer at my side. Under the circumstances I felt moderately certain that we could get at its meaning, but without explaining to the correspondent I told him that if we did succeed in deciphering it, and the contents were of such a character as to permit of their publication, he should have a "scoop" on it. This satisfied him, and he went away.

A little later I called up the telegraph company and asked that the operator in question should be sent to the office for a moment. In a few minutes he was ushered in—a young, bright faced fellow, with plenty of color in his cheeks and an air of suppressed excitement. I only guessed that he felt his discovery had been of value to the government, and he was to be rewarded in some way. In reply to my question he detailed how he had received the message, and how, when it occurred to him that it might be from one Spanish agent to another, he had surreptitiously obtained a copy of it. The fact that it bore no local address had made it doubly suspicious, as it indicated that it was to be called for.

An Awkward Interview.

"Didn't it occur to you to see if the person to whom it was addressed was registered in the office with delivery directions?"

"No, sir."

"Well, if you had consulted your company's books you would have discovered that I am 'John Uhlen,' and that this is a government message."

The poor fellow's face was a study when he realized that he had held out an official telegram and had turned it over to a newspaper man. He appreciated the gravity of the offence in violating his oath as an operator, and felt that his position was as good as gone, under circumstances that would make it impossible for him to obtain employment with any company. He said nothing, but his eyes filled with tears.

"Have you a family?"

"No, sir, but I am supporting my old father and mother."

"Your motive was the best in the world," I said finally, "but your methods are open to criticism. Now, nothing shall be said to the company about this, but if in the future you catch any mysterious messages, just bring them straight to me without intrusting them to any outsider. If your newspaper friend had succeeded in translating this message it might have been awkward for all of us."

This was quite true, for the message in question detailed briefly, but completely, the capture of the Carranza letter. He gave me a grateful pressure of the hand, and the incident was closed.

Some Clever Ciphers.

Apropos of ciphers, there were several employed by the Spanish. There was a "figure" cipher which we were unable to translate, and there was another whose mystery we solved. This was rather ingenious, and as simple as it was clever. The day of the month on which the communication was written was the key. For instance, if the letter was dated on the 6th, the sixth letter of the alphabet, "f," was used in place of "a," "g" instead of "b" and so on. This gave a change for every day in the month.

Among the letters seized on the steamer Panama we found several in which, after completing what looked like an ordinary commonplace letter, the author had written the secret information between the lines in sympathetic ink, which developed only on being subjected to a temperature almost high enough to scorch the paper. There were a number of these from Mexico to suspected individuals in New Orleans, relating to the purchase of supplies to be shipped to the open ports of Cuba, and up to the time that the blockade was extended to include the whole island there was a large and constant movement of supplies from this country to Vera Cruz.

Some of the most delicate and interesting work of the department was that involving the "testing" of suspects. Given a clever operative, who could speak Spanish like a native, and the right opportunity, it was moderately certain that within a comparatively short time the subject of the investigation could be induced to declare himself. There were a few cases, however, where the conditions were peculiar and the accomplishment of the task decidedly difficult.

One of these, with a touch of comedy in it, was that of a certain German doctor in an Eastern city, whose social position was of the highest and whose reputation was the best. Several letters had been received warning us that the doctor was a most dangerous spy. He was not naturalized and before hostilities broke out had been an avowed friend of Spain. It was stated that last year he had gone abroad, ostensibly to visit Germany, but that as a matter of fact he had gone to Austria, and afterward to Spain, and now was certainly acting as an agent for the enemy.

Investigating the Doctor.

After sending to several of the writers of the warning letters and establishing the fact that they were reputable and responsible persons, arrangements were made for a careful watch upon the doctor. His associations were found to include no suspicious individuals, his actions were rational, and he seemed to be behaving himself like an ordinary mortal. The facts against him were that he was an outspoken advocate of Spain, writing and speaking in her behalf, openly denouncing this country for its part in the conflict, and expressing the hope that victory might rest with the Spanish arms.

Yet this was in a sense in his favor, for it seemed more than likely a secret agent would cloak his operations under a pretended friendship for this country. But he was an influential man, with many acquaintances in governmental positions, and if the charges were well founded would be a dangerous enemy, because he was so situated as to easily obtain very important information. It was therefore extremely desirable to fix his exact status. The question was whether he was doing more than employing mere moral force in behalf of Spain. Any one could obtain his friendly view of the Dons for the asking, but if he was engaged on a secret mission it would require exceedingly delicate work to ascertain the truth.

It chanced that the first week in May I had made a short trip to the West, and on the "limited" formed the acquaintance of a foreign gentleman, an Austrian, en route to Mexico. He had given me his card, a very formidable black bordered affair, identifying him as Count L——, of Vienna, an officer of the Society of Jesus. I had kept the pasteboard, and one day, while the case of the German doctor was under consideration, a glance at it in my desk suggested a plan which was soon given a trial.

[illegible] *who has been so sorely tried. He had met Count L——, who was here on a political mission, and had spoken to him of his desire.*

A Bit of Strategy.

The Count had told him of the great friendship of Austria for Spain, and had advised him that if he wished to serve her he could not do better than call upon the famous Doctor X, who was in a position to instruct him, because, as the Count had intimated to him in the strictest confidence, the Doctor was doing a little quiet secret work for Spain. The Count had written the doctor's name and address on one of his own cards. Here it was. Now would the good Doctor tell him how he could serve poor Spain? No mission would be too dangerous for him to undertake.

The Doctor was much agitated during his visitor's recital, which was carried on in a cautious whisper, and when it was finished was silent for a time. Finally he said that though he felt honored at the confidence displayed in his discretion, and would be glad to advise his friend, he himself dared do no more than write and speak for the downtrodden nation.

We were satisfied from the result of the test that the Doctor was not a spy, and thereafter disregarded the warnings concerning him. A curious sequel to the agent's call was that a few days later the Austrian Minister was obliged to deny a foolish story to the effect that his government was preparing to make a friendly demonstration in behalf of Spain. I fancy the origin of the rumor might have been traced to my friend the Doctor, who overestimated the Austrian Count's revelation to the nervous man who was so anxious to do something for an unhappy people.

Strangely enough, the two best spies to whom Lieutenant Carranza refers in his more or less famous letter to his uncle were not Spaniards. Both were of English birth, and neither even spoke Spanish. Both are dead—one destroyed himself in prison and the other fell a victim to deadly typhoid while incarcerated in Fort McPherson. The circumstances leading up to the arrest of these men are interesting in that they illustrate two widely different phases of the work of the agents of the emergency force of the federal secret service.

Shadowing the Former Minister.

One of the first men employed in the special investigation was a young New Yorker of good family and excellent social position. A long residence abroad had given him a fluent command of modern languages. He was the possessor of much natural shrewdness, and his courage was unquestioned. He was sent to Toronto immediately after the departure of Señor Polo y Barnabe, with instructions to keep headquarters advised of the movements of the former Minister's party, to look carefully after those who might connect with them in any way, and to do both without arousing suspicion.

He was fortunate in securing a room adjoining that occupied by Lieutenant Carranza, and as there was a connecting door, against which the head of his bed was placed, he was beautifully situated for his purpose. Early on the morning of Friday, May 6, an earnest conversation, this time in English, was being carried on in the Lieutenant's room. It lasted for an hour or more. The Lieutenant's visitor showed an intimate knowledge of the American navy and referred to his own services on the Brooklyn.

Carranza first satisfied himself that the man knew what he was talking about, and then arranged for him to go to Washington, where he was to secure certain information and forward it to Montreal, for which point the former Minister was to leave that afternoon. Instructions were given in the use of the code for telegraphing, and there was much further talk in a tone too low to be understood, but the stranger was finally heard to say, "Then I am [illegible] to this address [illegible]."

Capturing a Spy.

Carranza assented, and our agent, believing the visit was at an end, opened the door and stepped into the hall. He had timed his movements well, for Carranza was just bidding his visitor farewell. Together the secret service man and the stranger walked through the hall, the former asking a light for his cigarette as they passed down the stairway. At the door they separated. The suspect was shadowed to an obscure hotel, where it was ascertained that he had registered as "Alexander Cree" and that he was to leave the city that evening.

(CONTINUED ON PAGE THREE)

WITNESSES WERE BEHIND THE SCREEN.

Freeman and Murphy Heard Lawyer Pratt's Conversation.

OCTOBER 23, 1898.

Mrs. Abbie M. Bryant Says Pratt Offered Her a Bribe.

STRUGGLE FOR A PRIZE.

Developments in the Litigation Over William Murdock's $300,000 Estate.

Mrs Annie M Bryant of [illegible] Kearny street yesterday signed an affidavit in which she says that Delos Pratt, real estate agent, endeavored to induce her to testify falsely in the case of Mrs. Mary Helen Murdock against Adam Compton, W. P. Harrington and E. H. Burton, executors of the estate of the late William Murdock, who left an estate in Glenn county, this State, estimated to be worth $300,000.

William Murdock died three years ago, and among the first of the claimants to present a bill against his estate was Mrs. Murdock, who asked for payment of a note of which the following is a copy:

[illegible] OLIMPO, September 5, 1877.
Twenty years after date without grace, I promise to pay to the order of Mary Helen Murdock [illegible] one hundred thousand dollars for value received, with interest at 1 per cent a [illegible] from date until paid, both principal and interest payable only in United States gold coin.
[illegible] WILLIAM MURDOCK.

Payment was refused by the managers of the estate, and on the maturity of the note suit was begun in the Superior Court of Glenn county. Mrs. Murdock was called on to explain how she got the note and to show what consideration, if any, there was for its execution. In a deposition taken in the case Mrs. Murdock swore that the note was given in consideration of a debt due from William Murdock to Samuel Murdock, her husband's father. She further explained that it was understood that the money was to be for the benefit of her children, who are the grandchildren of Samuel Murdock.

Mr Pratt has taken part in the litigation on behalf of the estate, and Mrs. Bryant says that he offered to compensate her if she could "remember" that Mrs Murdock and L. F. Megginson had talked in her presence about the note being given to her [illegible] love and affection," and that they must [illegible] careful not to speak of the note until after William Murdock's death lest the other heirs should hear of it and make trouble. On the witness stand Mrs. Bryant said that though she never promised to [illegible] as Mr. Pratt requested, yet he expected [illegible] to do so. In support of her allegation that Pratt had approached her as she alleged she submitted to Notary Holland Smith two written documents, covering the points which she said Pratt told her she must in[illegible] in her testimony, in order to earn the reward which he was prepared to give her. [illegible] questioned by Attorney E S Pillsbury on behalf of the executors of William Murdock's will, Mrs. Bryant swore to exactly the opposite of what she said Pratt had written out for her. In the cross-examination by Attorneys W. M Cannon and Frank Freeman of Mrs. Bryant on the manner in which she was approached by Mr. Pratt she said that Pratt called and wanted [illegible] about the Murdock case.

[illegible]

Mrs Bryant said Pratt told her the money was to be paid by Mr. Wadsworth of the Wells-Fargo Bank on Mr Pillsbury's order; that it had all been arranged, and that all Pillsbury said was law and all right, and any money that was necessary he could take; that Pratt said other witnesses were to back her up, and gave the names of Young, Dunn and Turner, and Pratt said after the others had testified he would read their depositions and corroborate all they said; that he was to be the main witness, with most of the responsibility, and would have most of the money; that Pratt told her they all intended to maintain that the note was a forgery and that the job was put up by Mrs Murdock and Megginson, or that it was without valid consideration; that Mrs. Murdock had offered to settle for $20,000, but they didn't intend to let her have a cent, as they would rather spend the money for witnesses.

A note from Mr. Pillsbury's office to Pratt asking him to call on Mr. Pillsbury was produced by Mrs. Bryant. She testified that Pratt dropped it during one of his visits.

In the closing part of Mrs. Bryant's deposition there was a surprise, for she swore that during her last consultation with Pratt, on the 18th inst, Mr. Freeman and James Murphy were present, though Pratt did not see them.

Mr. Pillsbury—Where were Mr. Freeman and Mr Murphy?

Mrs. Bryant—They were behind a very large screen that I have in my room.

Mr. Freeman was not in the city yesterday, but Mr. Murphy corroborated Mrs. Bryant's testimony so far as it related to the conversation on the 18th inst.

E. S. Pillsbury scoffed at Mrs. Bryant's story when the matter was mentioned to him last night. "This whole thing is too flimsy and ridiculous to be seriously considered for a moment," said Mr Pillsbury. "It is simply preposterous that I would pick up a stranger to approach a lodging-house woman for the purpose of getting her to swear to anything of that kind. Besides, she is not of such great importance, as there are other witnesses who have information similar to what she said she could tell. I did not know Pratt, but Mr. McCarthy with whom he is associated said he was all right, and when he said he could ascertain what she knew of the Murdock note, and when he told me that he wanted to get even with Megginson, who was interested on the other side, I consented that he might make the attempt. He said it would be all right and that the woman would be a good witness unless the people who were interested in the note should offer her money, when she would probably forget all that she knew.

"I told him that if she broached the subject of money to drop her and have nothing to do with her. He represented that she had told him a straight story and was willing to give her deposition, so I had her subpenaed in the usual way. Of course it was a great surprise, the story that she told when she did appear, but it is one of those things that might happen to any attorney who is attempting in a proper way to ascertain what testimony there is to sustain his client's cause. It is evident that Mrs. Bryant is in with Mrs. Murdock and Megginson and that it is all part of a scheme to bolster up their plot to rob the estate of the dead man, Murdock. Such an outrageous scheme was never hatched before. They tried to keep it a secret until Murdock's death, but through their attempt to borrow money on the instrument he heard of it when he was in a hospital in this city, and insisted on getting up from his bed and going to Glenn county, where he said he would confront Mrs. Murdock and denounce the whole thing as a base forgery. He started and almost reached his destination, but he caught cold from the change of air and died of pneumonia within forty-eight hours. All this was testified to by Mr Lusk at the hearing in the probate court in Glenn county.

"It seems that Pratt did actually give the woman her note for the sum mentioned in her deposition. He said he considered it worthless and that it was only a joke to give it to her. I never knew that he wrote out what he said she told him, and he explains that by saying that he did it for his own protection, so that if she did not stick to her original story he would have the writing to show what she had told him in the first place. After considering the matter I came to the conclusion that Pratt was overzealous in his effort to obtain testimony to injure his enemy, Megginson, but I do not doubt that Mrs. Bryant told him the story as he represented it to me. All that talk about Mr. Wadsworth and the Wells-Fargo Bank is merely rubbish without a word of truth in it. Mr. Wadsworth assures me that Mr. Pratt never spoke to him about the matter and that he never spoke to any one about the Murdock case."

MRS. BOTKIN IS INDICTED.

THE ACCUSED MUST STAND TRIAL HERE.

A TRUE BILL TO BE PRESENTED TODAY TO JUDGE BELCHER.

No New Evidence of a Material Nature Given by the Many Witnesses That Were Heard.

[illegible]

[illegible] candy seals in the room occupied by Mrs. Botkin at the Victoria, Mrs. Birdie Pike, landlady of the Victoria, who found Mrs. Botkin carry to her room a box resembling that in which the candy was sent to Mrs. Dunning, Thomas Price, a chemist, who examined the candy in the box sent to Mrs Dunning and found it to contain arsenic, Theodore Kytka, a handwriting expert, who thought Mrs. Botkin had written the superscription on the box of candy and also the note contained in the box, Detective McVey of Dover, Del., who worked up the Eastern end of the case, Postal Inspector Kirch, who had expert knowledge of the postmark on the box of candy sent to Mrs. Dunning and Police Stenographer Herman, who took the depositions of all local witnesses.

LEES WILL NOT POSE AS A KIDNAPER.

Plain Truth About the Botkin Abduction Story.

OCTOBER 10, 1898.

Attorney Knight's Talk of a Tugboat Aroused the Chief's Ire.

A SCHEME THAT FAILED.

Supreme Court Will Pass on the Question of the Prisoner's Extradition.

[illegible]

FORGERS ON TRIAL.

Three Jurors Were Accepted This Morning.

Record of the Bank Swindlers, Becker and Creegan.

After a full morning's work the attorneys in the Becker-Creegan forgery case managed to find three acceptable jurors.

The names of the gentlemen whose answers met the approval of the prosecution and defense are George L. Humphrey, 27 [illegible] street, W. H. McDonald, 716 Larkin street, and M. Thorny, 716 [illegible] street.

Neither of the above named had any recollection of the former trial and outside of the defendants, and they had no acquaintance with Chief Lees or with any of his subordinates.

The second trial of the now celebrated case will be closely watched by the banking interests of the United States.

Charles Becker, who is accused of having done the pen work in the Nevada Bank forgery, is universally regarded as the most expert forger in the world. His marvelous skill has contributed to the success of nearly every great forgery [illegible] [illegible] and his fame as a forger is not equalled in the United States [illegible] of the principal cities of [illegible] and the

continent. The police and detective authorities of the world have for years unsuccessfully sought to effect his capture.

Becker, however, in all his operations has managed to keep himself in the background so successfully that it is believed he never had suffered a conviction before his arrest in connection with the crime for which he is about to undergo his second trial.

James Creegan, his codefendant, was the financial backer of the coterie of swindlers and bank thieves that followed in the wake of Becker.

In this recent trial the prosecution is handicapped by a lack of evidence, independent of the testimony of the two accomplices, Dean and McCluskey. It was upon the testimony of the two last named that the former conviction was had, but as there was no evidence to corroborate their testimony the Supreme Court, applying the settled rule of law, was compelled to grant a new trial. Whether the prosecution will be able in this trial to corroborate the evidence given by Dean and McCluskey is a question. Chief Lees says he can, and it is certain that he has left no stone unturned in that regard.

This afternoon the defense having exhausted the statutory number of challenges, the entire jury was selected and the trial was begun at once.

OCTOBER 19, 1898.

ARGUED FOR MRS. BOTKIN.

McGowan Raises Some Intricate Law Points.

A DECISION WILL BE RENDERED SATURDAY.

FIVE JUDGES LISTEN TO THE ARGUMENTS FOR THE DEFENSE.

Chief Lees Says the Prisoner Must Stand Trial in This State if She Is Not Extradited.

Arguments were concluded yesterday in the habeas corpus proceedings of Mrs Cordelia Botkin. Superior Judges Cook, Seawell, Borden, Wallace and Troutt, sitting in bank, took the case under advisement and will render a decision on Saturday morning at 10 o'clock. Mrs. Botkin's attorneys are confident that their client will not be taken to Delaware and tried on the charges of poisoning Mrs. Dunning and Mrs Deane, as demanded by the [illegible] of that state.

Mrs. Botkin was [illegible] in mind and more confident in manner during her stay in Judge Cook's courtroom yesterday than during the day before, when she had occasional fits of [illegible]. She wore the same tailor-made gown of dark blue serge as then and was accompanied by her sister, Miss [illegible] Brown. Frank McGowan, one of her attorneys, was the principal speaker, and his argument for the defense was a rounding out of the case for both sides. Frequently during his speech, which occupied the time from 10:15 o'clock till after noon, one or more of the Judges questioned him on certain points presented, or conferred with each other as to their understanding of authorities and precedents.

As heretofore, the principal point discussed dealt with the fact of whether or not Mrs. Botkin is a fugitive from Delaware. McGowan said that the three main propositions of the prosecution were: First, the contention that the provision in the Constitution of the United States on the subject is to be construed liberally and in another sense than that appearing on its face; secondly, that this is a case of constructive flight and within the provisions of the Constitution, and that therefore Mrs. Botkin is amenable to the law of Delaware; thirdly, that the question was one of comity.

He cited numerous authorities against a liberal construction of the provision. He endeavored to show that the courts have been against extending the State power of extradition at all times. He declared that it would frequently work injustice and that any extension of the constitutional meaning would be the loophole for many acts of [illegible]. He said further that the law of the land was against such a thing as constructive presence.

He said that the Constitution sought to protect the rights of citizens. The real rule of construction is to determine the meaning of the lawmakers, and those who framed the provision could not have intended any meaning but that the flight from justice must be actual. He said that the opposing counsel after quoting but the dissenting opinion in the [illegible] case to support their side. This gave the defense little to combat and made their task easy. A dissenting opinion may be worthy of grave consideration, but it cannot have the weight of a majority opinion.

He urged that the main proposition for consideration was whether a person has not a legal right, which cannot [illegible] by a state, to demand in turn proof that he was in the State where the crime is said to have been committed. McGowan said this was not a question of presumption, but of fact. The flight from a State must be physical to put the accused within the constitutional provision. He summed up his argument by declaring that if Mrs. Botkin had been in Delaware after even the slightest intimation of the crime, she would then, and then only, be a fugitive from that state. That the Constitution was the highest authority on the subject of extradition and that no state could abrogate or increase the powers delegated to it by the Constitution in the matter of extradition.

The question of comity was disposed of by Judge Cook, who stated that they would listen to no arguments in that line.

Judge Wallace asked McGowan where the crime was committed. McGowan would not answer directly and said that this particular was not under discussion.

In conclusion he said that there was no warrant for any different construction of the Constitution than that known at the time the document was written, and that it would be an encroachment on the rights of the people to change this construction. Mrs. Botkin was not a fugitive, and he believed their honors would so decide.

Judge Cook said that owing to the mass of authorities necessary to look up there would be no decision until Saturday morning, when the five Judges would act upon the case.

Chief Lees said after court had adjourned that the granting of the writ of habeas corpus would not mean the liberation of the prisoner. "That would be nonsense and injustice," he said. "The return to the writ shows that a crime has been committed and that Mrs Botkin is charged with murder. The Judges must commit her even if they favor the defense in granting the writ. That would simply mean that she will not be extradited, but must stand trial for her crime here."

HAS NO HOPE FOR JUSTICE.

Mrs. Botkin's Husband Is Fearful of Her Extradition.

STOCKTON, October 18.—W. A. Botkin of this city, husband of Mrs Cordelia Botkin, is much chagrined over the action of Governor Budd in signing the extradition warrant after what he had previously stated in the matter.

"I do not believe they will get my wife back to Delaware," said he, "but if they decide to extradite her she might just as well be hung at once, for feeling [illegible] there will justify [illegible] in this case. The people of that State would [illegible] the penalty for the crime committed, and whether she might be [illegible] there [illegible] be convicted [illegible]."

Forgers on Trial.

The second trial of Becker and Creegan, the Nevada Bank forgers, was commenced in Judge Wallace's court yesterday. It is likely that the jury will be completed today. On a former trial both men were convicted. The Supreme Court on appeal granted a new trial. Chief Lees is confident of a conviction on the present trial and claims to have evidence which will supply all the requirements of the Supreme Court decision.

DRAWING TO A CLOSE.

Argument in the Noted Becker-Creegan Case.

The famous Becker-Creegan forgery case, which has been on trial before Superior Judge Wallace and a jury for more than three weeks, is drawing to a close. This, the second trial of the facts and circumstances in relation to the criminal conspiracy by which the Nevada Bank was defrauded of $[illegible] in gold coin, has attracted the attention of the entire [illegible] world, for Karl Becker, known to the police by the sobriquet of "The Dutchman," enjoys the reputation of being the greatest and most dangerous forger of bank paper in the world.

After the former trial and the sentence of the defendants to life imprisonment at Folsom penitentiary there was [illegible] rejoicing among the bankers, who felt that a great victory had been accomplished. The court then, however, [illegible] as it was upon the testimony of two accomplices, Dean and McCluskey, could not stand the scrutiny of the Supreme Court, and much to the chagrin of Chief Lees and the Pinkertons the defendants were granted a new trial. The familiar rule of law that a person cannot be convicted upon the uncorroborated testimony of an accomplice had [illegible] saved the king of forgers and his friend Creegan from the doom of life imprisonment pronounced by Judge Wallace, and in the present case the prosecution entered upon the trial handicapped by the decision of the Supreme Court.

A serious effort has been made to corroborate the stories told by Dean and McCluskey, and it is seriously urged that the purpose has been accomplished. Some material changes have been made in the order of proof, points made before have been elaborated, and every possible effort made to build up a case in which it will be impossible to pick a flaw. Chief Lees [illegible] to be certain that the purpose has been accomplished, and [illegible], the chief witness, says that he has this time told a much stronger story than on the former trial.

Peter F. Dunne, attorney for the defendants, concluded a masterly analysis of the evidence at the morning session today. Mr. Dunne dissected the testimony of Dean and McCluskey bit by bit, showed many material points of difference in their stories, and argued therefrom that the witnesses for the prosecution had made an attempt to bolster up the prosecution's case. He showed that the present story of these witnesses was in some respects different from the testimony given at the former trial.

Attorney Ach will make the closing argument for the people this afternoon and the case will go to the jury tomorrow.

Becker-Creegan Case.

Theodore Kytka, handwriting expert, is [illegible] for the prosecution [illegible] the trial of Becker & Creegan [illegible] [illegible] Bank forger. [illegible] [illegible] plate of [illegible] handwriting [illegible] identified them as having been written by the same hand that [illegible] [illegible] [illegible].

MRS. BOTKIN MUST GO.

How the Prisoner May Be Taken to Delaware for Trial.

The enemies of Mrs. Botkin think they have at last discovered a way to circumvent the extradition process and take that interesting person to Delaware for trial.

The suggestion of the new scheme was found in the opinion of Judge Cook, or rather in that part of the opinion wherein the court suggested that there was power in the national government to make such a use of the mails as Mrs. Botkin is alleged to have made murder. Of course it is admitted that to that end an act of Congress [illegible], and as [illegible] forbidden by the constitution, any such act even if passed by Congress would be inoperative against Mrs. Botkin. However, the suggestion that the jurisdiction [illegible] such a misuse of the mails is in the United States has set the authorities to thinking, and to this effect.

It will be remembered that the box of poisoned candy had a message alleged to have been in the handwriting of Mrs. Botkin. Now a box of candy is included in mail matter of the fourth class and the Federal statute makes it a misdemeanor, punishable by a fine, to include any writing in mail matter of the fourth class. The statute is found in section [illegible] of the postal regulations, and is part of the act of Congress of March, 1889. The statute also provides that a violation may be prosecuted either at the place where the package was mailed or at the place of its destination.

It is contended therefore that a proceeding can be commenced in United States Court in Delaware against Mrs. Botkin for the alleged violation of the above section, and that as the criminal process of the United States Courts extends to every part of the country, Mrs. Botkin can be taken from this State to Delaware to be tried for the misdemeanor. Of course once within the State of Delaware it is familiar law that she can be arrested on process of the State courts for murder, for having found her within the jurisdiction of the State the courts will not inquire as to the manner of her coming provided she was not brought thither by fraud.

The Federal statute provides a fine of $10 for the particular infraction of the postal laws, now under consideration, and in ordinary circumstances, a person accused of having violated the law, would offer to pay the fine here and avoid the inconvenience of a forced trip to Delaware. It is pointed out, however, that Mrs. Botkin could not do that without admitting that she did mail the box of poisoned candy, and thus furnish the missing link in the evidence necessary to convict her of the murder of Mrs. Dunning. Should she do that, as a matter of course, she could be successfully prosecuted under section 27 of the Penal Code of California.

The only possible objection to the scheme above outlined arises from the question as to what view the Federal courts might take upon the question as to the place at which the misdemeanor charge, growing out of the violation of the postal laws, should be tried whether it should be tried here or in Delaware where the package was received. As to that question, as the language of the statute permits a prosecution at either place, it is presumed by the authorities that the courts would decide in favor of the place where the complaints were filed, which, if the plan is put into execution, would be Delaware.

GEORGE A. KNIGHT IS OUT FOR THE SENATORSHIP.

The following open letter was given out by Mr. Knight yesterday:

TO THE PUBLIC.

I take this method of announcing to the people that in the event of the success of the Republican party in the election of a majority of the members of the Legislature this fall, I will become a candidate for United States Senator.

I believe it is but fair to the voter that those who aspire to that exalted position should so declare their candidacy before the election of members of the Legislature so that the citizen may have some idea at least for whom he is voting.

Should I be chosen United States Senator, I only can pledge the people to be honest with them, loyal to my party and true to my individual sense of right and justice.

I am a McKinley Republican, and if elected to the Senate will assist in holding up the hands of that wise statesman and in sustaining his policy.

I believe that this nation has a greater destiny than its founders ever dreamed of, and that no man or organization of men should be permitted to obstruct its progress; that every foot of soil acquired by the valor and blood of the American soldier and sailor should be retained as a part and parcel of this great republic; and that American industry and American commerce should be extended to the four quarters of the globe.

I feel that the people of California, knowing me as they do, will give me the credit of being at least the proprietor of my own manhood and of being independent of the domination of any individual or influence that may be considered inimical to the interests and well-being of the State—if they have not this confidence in me, I do not desire their support.

It has been my practice in every national and State campaign for the past twenty years to stump the State in behalf of the Republican ticket, the success of which, in my estimation, is paramount to the individual aspirations of any man. No one should be elected to that high office unless he be the decided choice of the Republicans of this State were they permitted to vote upon such choice.

In any event I am a Republican and a Californian, and in public or private station will do all I can to further the harmonious interests of both.

San Francisco, October 24, 1898.

GEO. A. KNIGHT.

MRS. KLUGE FILES SUIT.

She Wants Some of the Sutro Estate.

Says the Ex-Mayor Was the Father of Her Children.

Mrs. Clara Kluge, the alleged contract wife of the late Adolph Sutro, has filed her first proceeding to obtain a share of the Sutro estate.

Ex-Judge Van R. Paterson, on behalf of Mrs. Kluge, filed a petition asking that she be appointed guardian of her two children, known as Adolph Newton Sutro and Adolphine Charlotte Sutro.

Mrs. Kluge alleges that the children are the offspring of Adolph Sutro, deceased, [illegible] they have an estate situated in the city and county of San Francisco and that the appointment of a guardian is necessary to protect their interests.

The property in which the children above named are at present entitled consists of [illegible] of the estimated value of [illegible]. It is alleged that the above described property was conveyed to them by Adolph Sutro during the period that he was maintaining Mrs. Kluge at the house which he built for her at [illegible] and Clay streets. Mrs. Kluge also alleges that the children have a [illegible] interest in the estate of the late Adolph Sutro.

In connection with the above application for [illegible] of guardianship, it is stated that within a few days Mrs. Kluge will file a contest of the Sutro will in behalf of the children, and that she will demand a [illegible] share of the estate. In the contemplated proceeding Mrs. Kluge will seek to establish her claim as the contract wife of Adolph Sutro and in any event will make a strong effort to establish the paternity of her children.

Last week, Manager Gillingham says that Mrs. Thrupp [illegible] $15 on the strength that she wanted to give a dollar to each one of the members of her company. She did not do that, he says, but kept the money instead.

SAID HE "HELD UP" THE LADIES.

Public Administrator Criticised by Judge Coffey.

OCTOBER 11, 1898.

Believed That Mrs. Curtis and Miss Muir Were Imposed On.

THEY PAID A BIG FEE.

Advised From the Bench That They Need Not Comply With Their Contract.

"Suggestion has been made to the Court that you are not to receive the commissions that have been awarded to you as administratrices of the estate of Jacob Z. Davis," said Judge Coffey yesterday to Mrs. Hella Curtis and Miss Lizzie Muir, who were mentioned in decedent's will as legatees to the entire estate.

The ladies remained mute and the Judge asked if his understanding was correct.

"That is substantially true," said Mrs. Curtis.

"Who is to receive the commissions for the work you have done?" asked Judge Coffey.

The ladies hesitated and gave no answer. This appeared to nettle the Judge.

"I consider it my duty to know what is going on in this department," he said, "and it is proper for you to state to whom the money is to go. When I made the allowance I naturally presumed that the persons named in the petition were the real beneficiaries. If that is not so I wish to be informed."

"Public Administrator Freese is to get the commissions allowed us," explained Mrs. Curtis.

"Is that true?" asked Judge Coffey, addressing Miss Muir.

Miss Muir said she so understood it; that she and Mrs. Curtis acted under advice of counsel and signed a contract with Mr. Freese, not deeming it incumbent on her to consult the Court.

"How much did you pay him?" asked Judge Coffey.

"We paid $5,000 and signed a contract to give him the balance of all fees allowed to us in the administration of the estate," said Mrs. Curtis.

Judge Coffey responded, somewhat [illegible]:

"That the Public Administrator has done nothing in this estate. He has never appeared, so far as I know. He has not secured anything and you did not owe him anything. I don't see why you should have paid him a cent, much less $5,000. If you were [illegible] the money is now simply [illegible] the [illegible] that he could keep his hands off. That is true it appears, but this is not the first case [illegible] in which this has been done. I was told that the Sencion estate is another instance."

Attorney J. F. Campbell tried to point out the [illegible] though he considered the contract to pay Mr. Freese for the fees that would be earned by Mrs. Curtis and Miss Muir invalid, yet he could understand their feelings. It was represented to them that the Public Administrator would rampage about the place and try to take possession of all their furniture and everything in the house if they declined to pay him the fees he might earn, and that he might wreck the estate if they did not accede to his demands. Mr. Campbell was not in the case at the time, or he would have attempted to protect them from the apparent coercion which led them to sign a contract which he believed to be void for want of consideration.

"How about that?" demanded Judge Coffey of Attorney G. H. Mastick. "You acted as counsel for these ladies when the contract was made. Did you sanction this transaction?"

"I believe in giving the devil his due," said Mr. Mastick. "The offer came from us. We were afraid the Public Administrator might try to interfere, and it would have embarrassed us."

"But Mr. Davis did not die intestate and the Public Administrator had no right to come in at all," said Mr. Campbell.

"Yet we considered danger and the annoyance of litigation," replied Mr. Mastick.

"No doubt you thought you were in desperate straits because you were held up," said Judge Coffey. "People always feel that way when they are held up, and no doubt you sidestepped, as everybody does, when thinking of the Public Administrator. But if it is so you think that if you had applied to the Court you would have been spared the annoyance and the expense.

"You have already paid the Public Administrator $5,000. Well, that is ten times as much as he would have received if he had actually served as special administrator, which was the most he ever could have [illegible] in this matter, and he could not have obtained that much in this court, as the ladies were entitled to letters of special administration, according to the tenor of the will. But that is not all about this [illegible] transaction, for I am told that the Public Administrator claims $1,650 additional that has been awarded to these ladies."

"That is the contract," said Mrs. Curtis.

"Well, the Court advises you that you ought not to pay the balance claimed. The Public Administrator will never sue for it, or if he does he will never obtain judgment; and if I were in your place I think I would bring an action to recover the $5,000 already paid. You are entitled to it, and such a suit would be the means of [illegible] the Public Administrator's office a [illegible] at good character of [illegible] that were before I knew of this transaction. It goes to show the danger of writing letters."

Mr. Mastick had applied for $5,000 as a fee in settling the Davis estate, and the legatees thought $3,000 was enough. All matters considered, the Court allowed $1,000.

GETTING READY TO FIGHT FOR A FORTUNE.

Mrs. Clara Kluge-Sutro Has Been Appointed Guardian of Her Minor Children.

Judge Troutt has granted the application of Mrs. Clara Kluge-Sutro to be appointed guardian of her minor children, Adolphine Sutro and Adolph Sutro Jr. She declares these children to be the offspring of the late Adolph Sutro, and this is the first step in enforcing their demands for a share of the estate millions. The claim will be bitterly fought.

FORGERY CASE WITH THE JURY.

Becker and Creegan in Suspense as to the Verdict.

The second trial of Becker and Creegan for forgery closed yesterday and the case was given to the jury, which retired and was locked up. The case has been gone over very thoroughly and every point has been warmly contested by opposing counsel. Attorney [illegible] closed his argument yesterday afternoon. In his charge to the jury Judge Wallace carefully reviewed the evidence [illegible]

[illegible]

The first trial resulted in a conviction. The Supreme Court granted a new trial, holding that the evidence of Creegan [illegible] insufficient to convict. A strenuous fight was made on the second trial [illegible] whether with success.

WITNESSES TO COME WEST.

Delaware Authorities Discuss Plans in the Botkin Case.

Relatives of the Murdered Woman Will Give Testimony Here.

WILMINGTON (Del.), November 14.—Detective [illegible] was in consultation with Attorney-General White, to whom he reported his efforts to have Mrs. Botkin, the alleged poisoner, extradited to Delaware. The proceedings were reviewed at length, and the trip of Delaware's witnesses to California was discussed. John P. Dunning also was closeted with the authorities for an hour.

It was decided that the witnesses will leave for California November [illegible] in a special car, the object being to arrive in San Francisco the evening prior to the beginning of Mrs. Botkin's trial. Detective [illegible] and Attorney-General White will accompany the witnesses, who will be J. H. Deane and Mr. Dunning, husbands of the victims, Miss Millington, Miss Bateman, Harry Pennington and William [illegible], who were affected by the poisoned candy, [illegible] and Dr. Bishop, attending physicians, and [illegible]. The trial is set for December 19, before Judge Carroll Cook.

Chico

1900

INDIAN BOY'S COMPLAINT

Claimant for Alfred Fuller's Property Institutes Suit

Special to the Herald.

OROVILLE, March 13.—The original complaint filed by Wm. Fuller, alleged heir to the estate of Alfred Fuller, has been filed in the Clerk's office. It embodies the same matter identically as appeared in Fuller's petition filed in this county, asserting his heirship, that is, that he was born in Tuolumne county and is the son of Alfred Fuller by an Indian woman, Juana, and that he was publicly acknowledged as such by deceased during his lifetime.

MRS. BOTKIN TO BE TRIED HERE.

OCTOBER 25, 1898.

JUDGES REFUSE TO EXTRADITE.

MRS. CORDELIA BOTKIN will not be taken to Delaware for trial on the charge of poisoning Mrs. Dunning and Mrs. D[illegible]. Five Superior Judges decided [illegible]

"fled" or the words "from which he has fled" have been employed at all? Why the words "and who flees" [illegible] condition was not intended?

If the word "fled" and the words "from which he has fled" were elimin[illegible]

[illegible]

THE JURY FAILED TO AGREE.

NOVEMBER 17, 1898.

Becker and Creegan Will Be Tried Again.

Three Citizens Who Refused to Find the Forgers Guilty.

David Brooks, Edwin Lang and E H Seaman Held Out

Judge Wallace Sets the Case for Retrial Monday Morning Next

[illegible]

By special request of the [illegible] the men accused of perpetrating the famous Nevada Bank swindle by means of a draft raised from $12 to $22,000 will be tried for the third time almost immediately. Judge Wallace has set Monday morning next. There are two cases however which stand in the way of an immediate trial, one of which is that of Walter Reiner, the young militiaman from the Tennessee regiment, and these will occupy the whole of next week, probably. As a consequence the Becker-Creegan case will be continued from day to day and may be expected to come to trial by Monday week, the 28th.

The sudden [illegible] of the case was by no means liked by H. T. McPike of counsel for the defense. Mr. McPike had been in court continuously for three weeks, and so had his partner, Peter F. Dunne. Their clients' business suffered, naturally, and Mr. McPike [illegible] a rest from criminal practice a while. Besides the defense is not over-anxious to have the case tried again before Judge Wallace. That fact was made plain by Mr. McPike, who gave notice that on Monday next he would be prepared to show cause why a transfer of the case to another department should be given.

Before the jury retired last night Judge Wallace's [illegible] charge [illegible] been transcribed by his [illegible] stenographer, Robert F. Gallagher, was read by special request. It dealt at length with the law concerning accomplices and [illegible] [illegible] not very clear to the minds of a layman [illegible], upon the technical construction of the law as applied to the case at bar hung the refusal of the three jurymen to find a verdict of guilty.

[illegible]

AMES IN THE BOTKIN CASE.

Famed New York Expert Employed by the State.

HE HAS EXAMINED THE DUNNING LETTERS.

SATISFIED THAT THE SUSPECTED WOMAN WROTE THEM.

Noted Witness in the Fair Will Contest Will So Testify on the Trial of the Accused.

Additional weight was given yesterday to the police presumption that Mrs. Cordelia Botkin sent to Dover, Del., the box of poisonous bonbons which caused the deaths of Mrs. J. P. Dunning and Mrs. J. A. Deane. Daniel Ames, the noted handwriting expert of New York, who was such an important factor in the Fair will case, has declared that the alleged double murderess wrote the note accompanying the drugged candy and that she was also the author of the anonymous letters which warned Mrs. Dunning of her husband's alleged marital infidelity in this city.

In Chief Lees' office at the Central Station yesterday afternoon Expert Ames made an exhaustive examination of the chirographical exhibits in the Botkin case. He arrived from New York in the morning, having been brought here as a witness for the prosecution, and immediately reported to Chief Lees. The photographs taken by Theodore Kytka, the San Francisco handwriting expert, of undisguised notes written by Mrs. Botkin were submitted to Ames and compared with those of the anonymous notes in Chief Lees' budget of documentary exhibits.

Ames, after a thorough inspection of both sets of photographs, is said to have made the unqualified statement that one hand penned them all. His conclusion in this respect corroborates powerfully the testimony given by Theodore Kytka before the Grand Jury, at the time Mrs. Botkin's indictment was being considered [illegible]

[illegible]

[illegible] say that she could not be extradited. Chief Lees and District Attorney [illegible] will undoubtedly seek to have her indicted by the Grand Jury as soon as [illegible] and California will be [illegible] to see their trial that [illegible] fair [illegible] and as sensational as that of Durrant.

The decision yesterday did not result in an order for Mrs. Botkin's release on [illegible] The counsel [illegible] in the writ—that of extradition [illegible] but the Judges refused to [illegible] order until the matter of jurisdiction [illegible] is adjudicated. This will be done on Saturday, when arguments will be heard from both sides.

Noon was the hour set yesterday for the handing down of the decision by the five Judges sitting in bank, and promptly at that time [illegible] Judges Cook, Seawell, Troutt, Borden and Wallace, took their seats on the bench in [illegible] courtroom. Mrs. Botkin, [illegible] faithful sister [illegible] Brown, was already present, as were [illegible] and District Attorney Hosmer, Chief Lees, Attorney Chamberlain [illegible] a hundred attorneys, detectives and [illegible] of the morbid.

[illegible]

A number of cases were referred to and the language of high tribunals was quoted to show that the presence of the accused in the demanding State at the time the crime was committed must have been real and the flight actual. The Supreme Court of the United States, the decision held, had always held this way and no court had ever held to the contrary. The dissenting opinion of one Judge in the case of State vs. Hall, in North Carolina, was [illegible] lightly by the Judges.

"To our minds," says the decision, "such [illegible] opinion is an absurdity and the opinion is supported by no sound reasoning." The decision concluded as follows:

[illegible]

...ated from the provisions of the statutes and constitutional article referred to, a qualification would be taken away which appears to have been inserted ex industria, for if respondent's interpretation were adopted such words would be meaningless. We have no more right to eliminate those words than we would have to insert words, and by so doing we would enlarge the terms of the Constitution as well as the statute in question.

In the very able and subtle argument of the District Attorney much stress was laid upon the fact that the advance of civilization, modern appliances, modern facilities for communication, etc., were so far advanced over those existing at the time of the adoption of the Constitution that a construction should now be put upon the provisions to meet present conditions. Such is not the law. It has always been a settled rule that in interpreting statutes or constitutional provisions the intention of the law-makers or the Constitution's framers should, if possible, be ascertained and such interpretation given as will carry out that intention. If the law or the Constitution is to be made to fit the times the Legislature or the people, not the courts, must make it.

If modern times require a different law than that which was sufficient in the times of our forefathers the people can establish it. The only power which is ultimately sovereign in this country is the people acting in the manner prescribed by the Constitution, and capable in that manner of passing any law whatever in the form of a constitutional amendment. The subjection of all the ordinary authorities and organs of this government to a supreme instrument expressing the will of the sovereign people and capable of being altered by them only is the basis of our Government.

It is true, as stated by the District Attorney, that modern [illegible] facilities make crime possible without the actual presence of the criminal [illegible] [illegible] The Constitution of the United States gives Congress [illegible] the undisputed right to define what shall be an unlawful use thereof, and to make such unlawful use criminal with such penalty as it shall fix, even to death penalty. Fraud perpetrated through the mails is now by act of Congress criminal and can be [illegible] in the Federal courts and [illegible] The sending [illegible] infernal machine can [illegible] be made criminal as can murder when committed by the use of its [illegible] and [illegible] the law the accused would be tried in a Federal court where [illegible] would issue to [illegible] all necessary witnesses.

A strict [illegible] in the absence of [illegible] statute as we have in this State, [illegible] better that the [illegible] of government not delegated to them.

...(illegible) and upon the higher law the anticipate dilatory legislatures by providing for the safety of the public. [illegible] Neither actual nor possible consequences should deter Judges from executing the law as it is plainly written.

"The argument ab inconvenienti, when used to bring about a modification of a well established principle of law, should be addressed to the lawmaker, whose province it is to provide a remedy for any evils growing out of its enforcement. Addressed to judges under such circumstances it is an invitation or a temptation offered to violate their sacred obligations in order to appease the public. * * Courts enforce laws, not simply to punish the guilty, but as well to protect the innocent. The law which fails to provide for the extradition of a guilty man must be understood and adhered to, because it may be invoked as a protection to the innocent, who are prosecuted without cause, against the annoyance, expense and invasion of personal liberty involved in being extradited."

The decisions all taken together, with their various shadings, amount to the establishment of this rule, that is, that he who was actually in a state at the time any act tending to the ultimate completion of a crime was done or who at any time after the completion of a crime has entered the state and left, whether voluntarily or involuntarily, may be returned to it for trial. But where he never has been within reach of the process of a state since the crime or some portion of it was committed he cannot be sent there.

Any other construction than this would subject every citizen, guilty or innocent, to the possibility of being removed from the state of his residence to a distant state upon the mere filing of a complaint in such other state charging a crime. All citizens would be at the mercy of their enemies, for under the Constitution as well as the statute of this State, which is in substantially the same language as the Constitution, it would be the duty of the Governor upon it being shown to him that a criminal charge had been made to order the arrest and removal of the person charged, for it has always been held that the question of guilt or innocence cannot be inquired into. Such a result was never contemplated either by the framers of the Constitution, Congress or the Legislature of this State; therefore words were added which made proof that the person charged had at some time been within reach of the [illegible] of the demanding state necessary before the liberty of the citizen could be [illegible].

The conclusion of the reading was greeted by silence for perhaps a minute. Mrs. Botkin, aware that all eyes were upon her, straightened up in her chair, and assumed the air of one deeply bored. She yawned and then made some laughing remark to her sister. Judge Cook remarked that, while the decision put aside the question of extradition, the Judges had not decided what disposition should be made of the prisoner. In other words, while the writ of habeas corpus was technically granted, no order for her release would be given.

Judge Cook said that he believed that an action lay against Mrs. Botkin under section 27 of the Penal Code, but in order to have the matter settled he desired further argument on that point. Attorney Knight was about to [illegible] explaining that their side did not care to argue jurisdiction at that time, but Judge Cook said:

"I must hear arguments before finally disposing of the matter. The Court does not know what order to make, whether to await the action of the Grand Jury, or the filing of a complaint."

Knight wanted to know why if Chief Lees believed there was sufficient cause he had not brought Mrs. Botkin before the Grand Jury or filed such a complaint?

District Attorney Hosmer asked the Court to set a day for argument, for Knight made a last [illegible] against this.

"We are [illegible]," he said, "that the Court should remand the prisoner. There are similar cases on hand now. Why not let Mrs. Botkin's case go the ordinary course?"

Judge Cook was still undecided. He said as much, and Knight replied that he wanted to take no technical advantage [illegible] right. Judge Wallace enlightened him to the effect that Mrs. Botkin [illegible] remanded to the custody of [illegible] without restriction the latter might take her to [illegible].

Knight was silent. Judge Cook ended the controversy by saying that he would continue the matter until Saturday, when he would hear arguments.

Chief Lees was disappointed at the decision. He said afterward that he would try [illegible] expressed opinion of the [illegible].

"I shall not, however," said the Chief, "[illegible] into the Police Court and put the State a burden of [illegible] The [illegible] would have to be brought here for the Police Court trial and then for the one in a higher court. I have done all I could to send Mrs. Botkin to the place where she committed [illegible] but as it has been decided [illegible] and [illegible] I shall not allow her to escape punishment.

"The defense have contended all along that she was not amenable to the laws of California. They contended this to the newspapers and before Governor Budd. Now they must abide by it. It is not my place to go before the Grand Jury. The District Attorney must attend to that. Mrs. Botkin will be tried at the expense of the people of California."

District Attorney Hosmer said that he had not made up his mind what to do. He was noncommittal. It was learned, however, that he had written to Delaware to find out if the witnesses there would come here to testify.

Attorneys Knight and McNab [illegible] jubilant after they left court. They said that they were prepared for any action on the part of the prosecution. They had won their contention and would wait for further developments.

Detective McVey, who has been lingering here to take Mrs. Botkin to Delaware, keenly feels the decision. He refused to talk on the subject. However, he visited the Federal building with a [illegible] in view of invoking the [illegible]

[illegible]

WILL NOT SHIELD MRS. BOTKIN

NOVEMBER 16, 1898.

Dunning Says He Will Have No Mercy on the Woman.

Does Not Shrink From the Ordeal in Court.

WILL TELL THE TRUTH.

Believes the Accused Will Not Spare Him When the Trial Begins.

PROSECUTION'S PLANS.

They Claim That the Prisoner Cannot Escape Through Any Technicality

WILMINGTON (Del.), November 16.—Attorney-General White had another conference to-day with John P. Dunning in relation to the trial of Mrs. Cordelia Botkin, and the men went over the evidence to be produced at the trial. The subpoenas have not yet arrived from San Francisco, but are expected Saturday. Then they will be served on the Delaware witnesses. Mr. Dunning to-day assured the Attorney-General and his friends that he had no hesitancy in going West. He said: [illegible]

[illegible]

Dunning expressed a firmer opinion than ever that Mrs. Botkin was responsible for the death of his wife, although he considered her trial in California a farce and that the only place where justice [illegible] to be done [illegible]

[illegible] California [illegible] it being intimated that the [illegible] was to [illegible] he had so far [illegible] as to what [illegible] to be brought out.

"Of course," he added, "she will not [illegible] and I am very willing that [illegible]"

[illegible] explained that the [illegible] allow Mrs. Botkin [illegible] No technicality [illegible] the women now [illegible] should she be acquitted the [illegible] for the murder of Mrs. [illegible] having gotten [illegible] This [illegible] the first [illegible] woman will [illegible] murder which [illegible] the same [illegible] of either of the [illegible] will not place her life in jeopardy [illegible]

[illegible] will be sent on in advance [illegible] with his Federal [illegible] any [illegible] or secure the release [illegible]

[illegible] White [illegible] a most [illegible] to try [illegible] of San Francisco [illegible] White would not state [illegible] would be

WITNESSES TO COME FROM DELAWARE.

NOVEMBER 16, 1898.

Fourteen Fares at the Expense of the State.

A Trifle Over $3000 for Railroad Fares and Meals.

Chief Lees Applies to Judge Cook for the Necessary Order.

The Auditor Will Now Draw Upon the Treasurer for the Amount

Mrs. Botkin's Trial Will Surely Open Without Hitch on Monday, the 5th of December.

That the trial of Mrs. Cordelia Botkin will commence on the day set, Monday, December 5th, is now assured beyond all reasonable doubt.

This morning Chief of Police Lees applied to Judge Carroll Cook for an order directing the Auditor to allow the payment of certain expenses incidental to the coming trial. Lees said that it was proposed to bring fourteen witnesses from the State of Delaware to California, and that their presence was absolutely necessary. Every means of transportation had been investigated, with the view of saving the State as much as possible, and it had been found that the cheapest and best plan would be to accept the proposal made by the Southern Pacific Company. The proposal was to bring the fourteen witnesses over for a total cost of $2,617.30, for railroad fares, and $160 for meals.

Judge Carroll Cook at once made the necessary demand upon the Auditor. It will now be Mr. Broderick's duty to issue a warrant upon the Treasurer, by which Chief Lees may draw the sum necessary for the expenses of the witnesses required. Their names are:

T. M. Gooden, J. B. Pennington, Harry Pennington, Josephine Bateman, Ethel Millington, Edith Clark, J. D. Deane, John P. Dunning, Dr. Lemuel Bishop, Dr. P. W. Downes, Dr. T. H. Wolf, H. C. White, B. J. McVey, Leila Deane.

It is [illegible] proposed on behalf of the [illegible] to question Judge Carroll Cook's jurisdiction to try Mrs. Botkin. George A. Knight considers that this is too good a point to be used at the present time. He has reserved his exception to all rulings of the court so far and will now await the outcome. Should Mrs. Botkin be convicted of the murder of Mrs. Dunning then the question of jurisprudence will be the strongest point made by the defense upon appeal to the Supreme Court. Should she be acquitted, there is an end of the matter.

Monday, December 5, Is the Day Fixed.

Settled by Arrangement of Counsel in Court To-Day.

Second Indictment of the Grand Jury Read to the Accused.

Pleaded Not Guilty Without Offering Any Technical Objection.

Expert Ames Has Identified the Handwriting in the Anonymous Letters and on the Slip of Paper.

Mrs. Cordelia Botkin appeared before Judge Carroll Cook this morning and pleaded to the second indictment of the Grand Jury charging her with the murder of Mrs. John P. Dunning.

The new indictment is precisely similar to the first [illegible] in one incidental particular. In the first indictment the murdered woman's name read as "Elizabeth Dunning"; in the second her true name, "Mary Elizabeth Dunning," appears. George A. Knight and Frank McGowan, her attorneys, were present in court and when Clerk Tuite had read the second indictment to their client they instructed her to plead. In the same calm tone as on the former occasion Mrs. Botkin pleaded "Not guilty." Without any legal preamble or fuss attorneys on both sides agreed that the case should be set for trial Monday, December 5.

So the fate of the woman charged with the deliberate poisoning of two innocent women will soon be decided. The latest arrival on the scene of action is Daniel Ames, the noted New York handwriting expert, who comes to assist the prosecution. Ames had a protracted interview with Chief Lees yesterday afternoon and examined every exhibit in the case. Photographs of acknowledged exemplars of Mrs. Botkin's handwriting were submitted to Ames and compared with the anonymous letters sent by some one to Mrs. Dunning some months previous to the murder.

Ames declared positively that the same hand penned all the documents, including the writing on the slip of paper which accompanied the poisoned candy. There is no doubt whatever in the expert's mind of the truth of his convictions.

The Delaware witnesses will arrive in a few days. Dunning, the murdered woman's husband; ex-Congressman Pennington, her father, and several others will be of the party. The trial is expected to occupy at least a month.

COSTS OF THE BOTKIN TRIAL.

Beginning of the Expenses to Be Incurred by This City.

Railroad Tickets for Witnesses Call for $3,207 in Cash at Once.

EXPERTS' AND JURORS' FEES.

Before the Case Is Ended the Outlay by the City Will Be Over $6,000

An important item of expense in the Botkin murder case has been authorized by Judge Carroll Cook on the application of Chief of Police Lees. Chief Lees filed an affidavit declaring that it is necessary to secure the attendance of a number of witnesses who are residents of Dover, Del., and that to do so the city of San Francisco would be required to pay in advance the traveling expenses of these persons. The names of the witnesses on Chief Lees' list is as follows:

T. M. Gooden, J. B. Pennington, Harry Pennington, Josephine Bateman, Ethel Millington, Edith Clark, J. D. Deane, John P. Dunning, Dr. Lemuel Bishop, Dr. P. W. Downes, Dr. T. H. Wolf, H. C. White, B. J. McVey, Leila Deane.

According to the estimate made by Chief Lees, it will cost $3,207 to buy the railroad tickets for these witnesses from Dover to San Francisco and return, and to defray their incidental expenses for sleeping cars, meals and the like, on the way here and back to their homes.

There are fifteen witnesses to be summoned, instead of thirteen, as at first announced, and the expense of keeping these persons at a hotel during their sojourn in this city will fall on the city treasury.

The money for transporting the witnesses is to be placed at the disposal of Chief Lees, who reported that he had investigated all the means of travel and had found that the offer of the Southern Pacific Company was the most advantageous to all concerned.

Estimates as to the final cost of Mrs. Botkin's trial have already been attempted, but none of the experts have been satisfied that they were able to give anything more than an approximate of the sum that will be drawn from the public treasury on this account.

The expenses of fifteen witnesses at the most moderate hotel in the city will not fall short of $50 a day, it is estimated, and if the witnesses are held here for cross-examination and for rebuttal testimony, as the lawyers usually consider necessary, it is safe to put that item at $1,000. The fees of local witnesses and experts in the analysis of poisons will probably take another $500; then there will be the per diem of the jurors, which is $24 a day in the aggregate, and if the case is prolonged to twenty days the jurors will receive $480. The shorthand reporter will come in for something like $700, or possibly more. The salary of the Judge and of the various court officers may be reckoned at not less than $500. This will give a total of more than $6,000 of expense in sight, with all contingencies of costs and fees on appeal, the maintenance of the prisoner at the public charge, and other incidentals to be considered hereafter.

F. Bell
March - 1908

THEN HE WOKE UP.

Son of Well Known and Wealthy Family Behind the Bars.

Fred Bell, a member of the family whose connection with "Mammy" Pleasant of litigation fame has kept their name for several years prominently before the public, was arrested Monday night on a charge of disturbing the peace. He appeared before Judge Cabaniss yesterday, who, after a long lecture on criminal law, dismissed the charge.

Last night young Bell, while drunk, imagined he was a deputy license collector. He visited a Japanese store at 630 Jackson and informing the proprietor that he was a license collector, demanded to see his books. The proprietor objected and Bell then created a disturbance. An officer was called and he was arrested.

CHILDREN WHO CALLED ADOLPH SUTRO "PAPA."

NOVEMBER 13, 1898.

ADOLPHINE SUTRO.

ADOLPH SUTRO JR.

Mrs. Clara Kluge-Sutro did not appear in Judge Troutt's court yesterday morning to press her application to be appointed guardian of her two children, whom she calls Adolph and Adolphine Sutro, declaring them to be the children of the late Adolph Sutro, to whom she says she was married by contract.

The children are particularly bright and well trained, which Mrs. Kluge-Sutro says was one of the reasons Mr. Sutro gave for his pride in them, but the most potent cause for his affection was his belief that they resembled him in their features. This he considered particularly noticeable in the [illegible] the girl and frequently commented on it with evident satisfaction.

Mrs. Kluge-Sutro alleges that Mr. Sutro never hesitated to acknowledge the children as his offspring, actually going so far as to deed them $20,000 worth of property, and that she bore to him the relation of wife from the time of the death of his first wife to the date of his death, and that in all this time no one questioned their marriage, since he treated her as his legal spouse.

She declares also that she has a written contract of marriage signed by both of them and made out in legal form. This document has been submitted to her legal advisers, Hodgens, Falvey & Sloss, and they have deemed it of sufficient validity to begin legal proceedings on her part to establish her title to part of the Sutro estate, or at least to establish the legitimacy of her children.

In addition to the claim that they have a right to share in Adolph Sutro's estate as pretermitted children of the testator it will be claimed on behalf of these minors that Sutro by his marriage with their mother legally annulled his will of 1882. It was a [illegible] four [illegible] after the making of the will that Sutro established his relations with the mother of these children, who, as she says, he permitted to call him "papa." Section 1298 of the Civil Code has the following provision:

If, after having made a will, the testator marries, and his issue of such marriage born either in his lifetime or after his death, and the wife or issue survive him, the will is revoked, unless provision has been made for such issue by some settlement, or unless such issue are provided for in the will or in such way mentioned therein as to show an intention not to make such provision; and no other evidence to rebut the presumption of such revocation can be received.

Section 1299 has a similar provision in regard to revoking of the [illegible] with [illegible] a wife, and declares that a will executed before marriage is revoked unless provision is made for her in a marriage contract or otherwise. This principle will be invoked by Mrs. Kluge-Sutro in her fight for part of the estate.

BECKER TEARS OFF THE MASK OF INNOCENCE AND MURDER SHINES IN THE FORGER'S EYE.

Threatens to Hurl an Ink Well at an Artist.

Something of the Career of the Criminal Now on Trial.

"If you don't stop that I'll throw this inkwell at you!"

It was Charles Becker, the most expert forger in the world, who hissed out that menace. It was in Judge Wallace's courtroom yesterday afternoon. The forger's face was in a blaze. The red streaks in his eyes showed murder.

He fingered a heavy inkstand—fingered it dangerously—and glared at an "Examiner" artist who sat a few feet from him sketching placidly.

"I tell you if you don't stop I'll throw this at you!" he repeated. Lawyer Henry Ach, who is prosecuting Becker, hurriedly moved back out of the line of fire. "There's going to be trouble here," he muttered. Several jurors sitting waiting to be called shifted uneasily. But the artist sketched right on.

Then H. C. McPike, who was examining jurors on behalf of the forger scoundrel, gave attention to the fact that his client was at last revealing to the jury his true character, and took a hand. He caught away the inkstand and went on with his questioning. But the tiger in Becker was aroused and he reached for the inkstand again.

"Can't you stop that fellow sketching?" he asked his lawyer. "If you can't, I'll throw this at him!"

This would never do for McPike. He has been playing off the forger as a case of injured innocence, and Becker has been doing his sweetest to [illegible] the part. But here he was ablaze with wrath, an assassin in his [illegible] attitude—quite such a man as might have been concerned in the murder of Mrs. "Joe" Chapman, the wife of his barely deserted pal, back in London in 1876. So McPike put in a plea.

"I am informed that some one in the courtroom is annoying my client very much," he complained. "An artist is here looking at him and sketching him. It annoys him a great deal."

"Of course that ought not to be done—you'd better desist," counseled Judge Wallace. "The defendant ought not to be disturbed."

"I believe the papers ought to give the prisoner a fair chance while he is on trial," McPike went on. "They ought not to print anything about him when they know that their publications will go to the hands of the jurymen. It is just like sending a letter to a juror."

"If you can get a Judge who can regulate the press you'll be doing well," cynically put in Attorney Ach.

"But he can regulate what's going on before him," persisted McPike.

So the artist was asked not to sketch the man whose photograph is probably in half the rogues' galleries of the world, and the jurors were given an extra caution not to be guided by anything they might read in the papers, and the incident closed. The murder look slowly faded out of Becker's face and he resumed that studied pose of calm thoughtfulness which he usually assumes in the presence of a jury.

The fellow studies unobtrusiveness in dress and general demeanor. He looks out [illegible] a refined and sublimated and [illegible] picture of John P. Irish. Yesterday he was attired in modest brown, plain white buttons in his cuffs, a quiet neck scarf [illegible] tied. There was before the devil in him flashed to his face just a trace of color under his pallid transparent skin. His thin hair, in which the gray had [illegible] streaked the native German blonde, was worn rather long and carefully brushed and parted. A straying mustache partly hid a mouth which seemed to be made up of [illegible] unkindly lines.

His favorite pose is that of the scholar at his desk, head leaning on one white hand, a long finger pressed against the cheek. Otherwise his hands are clasped in his lap, and he assumes an air of inoffensive nonchalance. He might be taken for an average retired merchant, who had given himself over to books or scientific fads. Of all in the courtroom he would have been one of the last to be picked as the villain of the trial that is [illegible] till the artist's sketching caused him to lose his poise and show the passionate deep [illegible] which underlies his affected calm.

Yet this man is the terror of financiers on two continents. He once testified in court that he was a professional forger, and that

The Hand That Has Forged Fortunes.

CHARLES BECKER, PRINCE OF FORGERS.

This criminal [illegible] for months the [illegible] yesterday [illegible] an "Examiner" artist sketching him in Judge Wallace's courtroom. [illegible] to [illegible] his features. Then in a moment of [illegible] "If you don't stop that I'll throw this ink well at you!"

his forgeries [illegible] And [illegible] years ago, when he had [illegible] uttered the forgery of a [illegible] Union Trust Company of New York. [illegible] his forgery of a [illegible] of the Bank of France the president of the great institution testified [illegible] the original.

About this man and his crimes a novel has been written, "The Two [illegible]." In the work [illegible] Folsom, published in Baltimore [illegible] entire chapter [illegible] Charles Becker [illegible] the Shaw in Germany [illegible] York with his [illegible] was ten years of age. That was in [illegible]

At school he [illegible] with his pen and he was apprenticed to an engraver. He soon could teach his master. At the age of twenty he [illegible] Clara [illegible] wanted a handsomer [illegible] he forged a check for [illegible] He was arrested, and Clara [illegible] father paid back the money and he escaped prison. But his sweetheart [illegible] him [illegible]

Then Folsom's book tells that [illegible] Becker and [illegible] Elliott [illegible] the Third National Bank [illegible] clean away with nearly [illegible] as [illegible] went to France, and there in the [illegible] [illegible] She had married a rich [illegible] Becker [illegible]

Then [illegible] to Florence, and then with [illegible] a [illegible] forger and Elliott [illegible] [illegible] These [illegible] arrested at [illegible] and sentenced to three years and [illegible] the [illegible] in the great jail at [illegible] [illegible] from the prison [illegible] and Becker also escaped [illegible] by leaving Joe Chapman asleep [illegible] them.

The fugitives made their way to England [illegible] Not long afterward the woman was found dead in the house. She had [illegible] and her money and jewels were gone.

In [illegible] Becker was back in America and married a pretty Brooklyn girl [illegible] It was in 187[illegible] that Becker forged a check for [illegible] drawn by the New York [illegible] [illegible] the money was secured and divided among a number of conspirators. Through the work of [illegible] in New York the conspirators were arrested [illegible] It was then, when questioned by Thomas [illegible] of this city, that he admitted that he was a professional forger with a [illegible] to his credit that he could not recall the number.

He went back to [illegible] and was accused of putting out [illegible] fraudulent French and Tunisian securities. [illegible] arrested, himself and his pals were not extradited. But when he came back to New York he [illegible] and went to work on an engraving of a [illegible] note of the Bank of France. He was caught red handed and

sentenced to [illegible] years and [illegible] months in prison.

[illegible] how he raised a [illegible] Woolworth check from $12 to $22,[illegible] and [illegible] has often been told. Once convicted he was granted a new trial by the Supreme Court. [illegible] trial three jurors refused to join in the verdict of guilty. [illegible] is his third trial. Up to last evening [illegible] jurors had been accepted.

[illegible] California it was [illegible] yesterday afternoon that he let his villainous murderous instinct overcome his affected placidity.

CLEVEREST FORGERS KNOWN.

Two of the Principals in the Nevada Bank Robbery.

POLICE GET A CONFESSION FROM CREEGAN

"Squeals" on Becker at Last.

TRYING TO SAVE HIMSELF

CHIEF LEES SAYS NO INDUCEMENTS WERE OFFERED.

The Prosecution Is Now Confident That the Adept Bank Forger Will Be Again Convicted.

The Police Department is now more than confident that Charles Becker, the dangerous bank forger, will be convicted at his third trial for forging a $22,000 draft on the Nevada Bank. James Creegan, who was convicted with Becker on the first trial, has turned against Becker, and yesterday he told the police all he knew about the crime. The police refuse to give the details of Creegan's confession, as it would put the defense in possession of the new evidence before it is given in court. Creegan's testimony, added to that of Frank Deane, who turned State's evidence when the trio were arrested, and on whose testimony Becker and Creegan were once convicted, will undoubtedly send the notorious forger to prison for life.

Creegan has been one of Becker's partners for years and they have perpetrated many gigantic bank forgeries. Besides informing the police of the details of the Nevada Bank deal Creegan is believed to have "peached" on a number of other transactions in which he participated with Becker.

When Deane testified against his partners in the first trial Judge Wallace laid down the rules of evidence that an accomplice's testimony could not be considered unless it was corroborated. The evidence given by Deane, though almost unsupported, secured a conviction. The police now declare that Creegan has furnished all the necessary collateral links to make the chain around Becker so strong that nothing can prevent a conviction. Creegan is the only man who saw Becker raise the Woodland draft from $12 to $22,000, and he has placed the police in a position to secure all the corroborative evidence to establish when and where the work was done, the materials used and where they were obtained.

Creegan now occupies the "parlor" cell at the City Prison with Deane. He was taken to court yesterday, but did not return to the County Jail, where he has been the cellmate of Becker. During the afternoon, and again last night, the new witness had long conferences with Chief Lees. The Chief, however, would not disclose the purport of the interviews. Nevertheless he emphatically declared that the case against Becker had been greatly strengthened.

Becker declined to talk about Creegan's "squealing," saying only that he had no inkling that he would do so. The third trial of this famous case is set for Thursday morning.

Mr. Ach, attorney for the prosecution, was seen last night, and claimed that he did not know Creegan had turned State's evidence. "I heard the rumor this evening," he said, "but whether it is true I cannot say. As far as I know, there has been no inducement offered Creegan to give testimony against Becker, and as far as I am concerned I would prefer he did not turn State's evidence. I am firmly convinced that with an honest jury I can convict both Becker and Creegan."

Only rumors of Creegan's determination to turn State's evidence have reached Messrs. Dunne & McPike, the attorneys who have fought so long and hard to secure the acquittal of the two forgers. Peter F. Dunne, the senior member of the firm said:

"I am as much in the dark about this as anybody else. All I know about it is this: The trial of Becker and Creegan was set for this morning in Judge Wallace's court.

"After the proceedings in court to-day were concluded Becker was taken back to the County Jail, while Creegan was locked up in the City Prison.

"Soon after Becker reached the County Jail he sent for either Mr. McPike or myself to go and see him. Mr. McPike went to the jail and to him Becker confided his fears that Creegan intended to make a confession, his fears being based solely on the fact that Creegan had been taken to the City Prison instead of being returned to his old quarters in the County Jail.

"Creegan is a young man, not yet 40 years old, and believes that if he is convicted on this trial Judge Wallace will again sentence him to life imprisonment. He has now been in jail about three years and it is reasonable to suppose he would resort to almost any means to escape spending the remainder of his life behind iron bars.

"Becker is regarded by the police as the most dangerous man of the lot by far, and they would make almost any concession to the others in order to secure the conviction of Becker, and if they have promised Creegan his freedom in return for a confession it is a great temptation to a man in his position."

THE FORGER OF THE CENTURY.

Karl Becker Is Pursued by the Associated Bankers.

Four of His Accomplices Have Promised to Testify Against Him

Karl Becker, charged with forging a check for $22,000, which was accepted by the Nevada Bank and the Crocker-Woolworth Bank of this city, is a notable character among America's criminals. He is on trial in Judge Wallace's court. Becker possesses all the quiet dignity of a gentleman of the old school.

He is regarded by banking men as the most phenomenal forger of the century, and for this reason the members of the American Bankers' Association are using every endeavor to secure his conviction.

Originally there were three other defendants with Becker—Creegan, Dean and McKosker. Dean and McKosker confessed their guilt, and promised to help convict their associates. Becker and Creegan were convicted, but were granted a new trial. At the second trial the jury failed to agree. Last week, Creegan was induced to turn State's evidence. If Becker be convicted Creegan, Dean and McKosker will be liberated.

No visitor in Judge Wallace's court would pick out Becker as the superlatively expert forger of America and possibly of the world, yet bank managers yield to him the palm in this line of industry. They admit that no teller or accountant is proof against his wiles. As a character study, Becker is interesting. He looks like a prosperous business man, with a touch of the man of the world. His hair is almost white and somewhat thin, and is worn in an old fashioned manner. His face shows no signs of emotion; the lines never change, but the eyes are remarkable. They are everything. They are trained eyes, for Becker is an artist in the highest sense of the term.

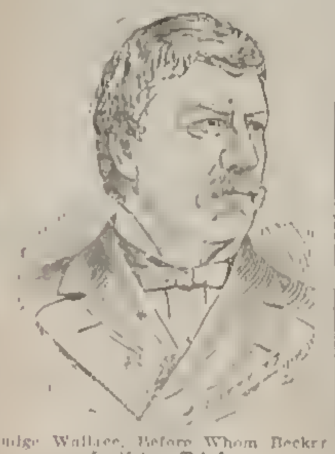
The forged Nevada Bank check illustrates his peculiar genius. A less expert man would have made the three ciphers in the form, but he permitted them to "shade off" in color. This looked so natural that the money was paid without question. Becker is an engraver of the most exquisite taste and high ...

BECKER AGAIN ON TRIAL

For the Great Nevada Bank Conspiracy.

Karl Becker, who, if police records count for anything, is the greatest forger of the century, sat alone in Judge Wallace's court Thursday morning.

At a little distance and counted among the witnesses for the prosecution sat his former companion, James



Judge Wallace, Before Whom Becker Is Being Tried.

Creegan, who since the last trial of the case has consented to turn State evidence and gain his freedom by helping the Pinkertons to send Becker to the penitentiary.

With the three accomplices, Dean, McCluskey and Creegan, on the side of the prosecution, Becker faces a

CRITICAL POINT

in his career, for conviction certainly means a sentence to life imprisonment. It will be remembered that the

Becker.

first trial, which resulted in the conviction of both Becker and Creegan, was followed by sentences of life imprisonment.

When the case was called, Attorney McPike, for the defense, demanded a

SEPARATE TRIAL

for Karl Becker, saying that facts had come to the knowledge of the defense which made a separate trial essential.

Judge Wallace asked Attorney Ach, special counsel for the prosecution, if there was any objection on the part of the people. Hesitating a reply in the

[illegible]

GUILTY, SAYS THE PRINCE OF FORGERS

Karl Becker Gives Up His Fight.

WILLING TO GO TO PRISON

PLEA FOR A SENTENCE OF SEVEN YEARS.

The Bankers' Association and Chief Lees Consent to the Passing of This Short Sentence.

Karl Becker, "the prince of forgers," will go to prison for a term of seven years for his crime of forging a draft for $22,000 and passing it successfully on the Nevada Bank of this city. This cleverest of "crooks" rose before Judge Wallace yesterday morning when his name was called at the opening of his third trial and brought the proceedings to a sudden culmination by pleading guilty to the charge against him. Court frequenters stared at one another in surprise when the aged forger in a low voice announced that he had given up his battle for freedom and was willing to serve a term in the penitentiary for his crime.

Becker's plea was the direct result of the act of his associate in crime, James Creegan, who at the last minute turned traitor and agreed to turn State's evidence. Creegan's testimony strengthened by that of Dean and McCluskey, accomplices in the swindle, was without doubt sufficient to send the man who did the pen work to the penitentiary for the term of his natural life, and with such a fate staring him in the face Becker weakened, and after his counsel had effected a compromise with the prosecution he decided to plead guilty.

After the plea of the noted forger was entered upon the records Attorney Peter F. Dunne rose and on behalf of his client asked that the court take into consideration the advanced age of the defendant, his impaired physical condition, together with the circumstance that by his plea of guilty he had saved great expense to the city and county.

Attorney Ach, special counsel for the prosecution, seconded Mr. Dunne's request as did also Acting District Attorney Hinkle. All agreed that a seven years' sentence was sufficient and Judge Wallace said: "Very well, gentlemen, I will set this case for Friday for sentence."

The case of James Creegan will be taken up a week from Friday. It is thought by some that at that time the prisoner will be freed, while others are of the opinion that he will be forced to plead guilty and spend at least a year or two behind the bars of the penitentiary.

BOTKIN NEMESES NEAR THIS CITY.

Witnesses From Delaware Will Reach Here This Afternoon.

Detective McVey Is Positive That He Has Sufficient Evidence to Convict.

GRIEF OF MR. PENNINGTON.

Remainder of the Box of Poisoned Candy Is Brought With the Party.

[Special Dispatch to The Examiner.]

LOS ANGELES, December 4.—The doom of Mrs. Botkin is being carried to San Francisco in a luxurious manner on the Sunset Limited, which arrived this morning in the party of fourteen witnesses, the remaining portion of the box of poisoned candy which encompassed two deaths, the chemists who analyzed the deadly sweets, the letters from Mrs. Botkin to her lover, the handwriting in which is expected to show that she directed the box of candy, and much more evidence which State Detective B. J. McVey admits he has, but of which he declines to talk.

The old father of Mrs. Dunning, Mr. J. P. Pennington, would not talk about the case, but his face set grimly when he was asked if he thought he had enough evidence to convict.

Most of the people are fearful of San Fran...

[illegible]

BECKER CAN COME TO NO HARM.

Opinion of the Lawyers for the Defense.

Creegan Only Makes One Accomplice the More.

His Uncorroborated Testimony Cannot Be Heard by a Jury.

Peculiar Attitude of the Two Defendants in Court To-Day.

It Was Friday Last When the Officers of the Law Saw the Middleman at the County Jail.

Carl Becker, the Prince of Forgers, stands alone in his misery. He will be tried to-morrow for complicity in the Nevada Bank swindle. Though James Creegan is his nominal co-criminal, there is no doubt that if any one suffers it will be Becker alone. Becker, whose master hand that raised the draft on the Bank of Woodland from $12 to $22,000, occupies a cell in the County Jail alone. The last of his accomplices, Creegan, has gone over to the enemy and occupies sumptuous apartments in the City Prison, sharing the "parlor cell" with Dean, alias Seavers.

It was on Friday last that Becker first knew something was up. The officers of the law, under Captain Seymour, visited the County Jail and asked for Creegan. There was a long conversation, after which Creegan returned to the cell. After yesterday's proceedings before Judge Wallace, when to-morrow, Thursday, was set for the third trial, Becker rode back to the County Jail alone. He

CONTEST

[illegible]S GOLDEN WEST.

....

....

[illegible]LOT. One Vote.

[illegible] saw Creegan this morning in court for the first time since then.

Neither Henry Ach nor Chief Lees will [illegible] their knowledge of what has taken [illegible] statement has been made by [illegible] they say. But the fact that Creegan and Dean, the latter the first [illegible] turn State's evidence, occupy a [illegible] room together, is considered [illegible]. It is sufficient for Messrs. [illegible] & McPike, who are now that [illegible] will be a hard battle to fight when the case comes up again to-morrow [illegible] before Judge Wallace. They say, however, that any fair-minded jury will resent what has been done in this [illegible] and will refuse to convict one man [illegible] the testimony of all the accomplices who have deserted him one by one. That is the ground upon which they [illegible] their hope of acquittal.

It [illegible] which way the wind [illegible] the parties assembled to [illegible] this morning for the purpose of [illegible] out [illegible] to select a jury to-morrow [illegible] Becker and beside his attorney, Henry T. McPike. Henry Ach was present for the prosecution. Let the [illegible] Judge Wallace [illegible]:

"Where's the other prisoner? Where's Creegan?"

"Here," said some one, and Captain [illegible] emerged from the ranks of the [illegible] followed by the "middleman." Creegan's face wore a shamefaced look as he walked to a chair in [illegible]. For the jurors few [illegible] and

made to take a seat beside Becker, or nearly so, as only McPike sat between. The selection of jurors occupied about an hour, after which an adjournment was taken until to-morrow.

Creegan had nothing to say, of course. Becker had little. The "Dutchman" said: "I first knew about this on Friday when the officers came and took Creegan away with them. I know all about it now. But I'll not give in. I'll fight this case to the end."

Mr. Dunne said that the matter came to him as a surprise. He had absolutely no inkling of it until yesterday at noon. He knew that Creegan had never been anxious to confess—to turn State's evidence. He had never expressed any desire to do so. But he supposed the prosecution had worked upon his feelings so, had offered so many inducements to him, that he had been tempted and fallen. Mr. Dunne did not think it would really hurt Becker much. It would only add one more to the list of accomplices, and accomplices cannot corroborate each other.

"Those are precisely my views," said Mr. McPike, Mr. Dunne's partner. "The law has been settled that uncorroborated accomplices cannot corroborate each other. The jury in the last case held that McCluskey and Dean were accomplices, and it was not found that either of them had been corroborated by one not an accomplice. Now, if Creegan is added to the list, how is the prosecution's case strengthened? The jury will find that Creegan, being also an accomplice, cannot be listened to any more than the rest.

"I would like to say one word. I don't know whether the Bankers' Association, the real prosecutor in this case, has sanctioned the turning of State's evidence by all these men. It is an unheard-of thing, especially in a case where the prosecution boasted of having a case that nothing could beat. I never heard the like, and it sets a very bad precedent."

Mr. McPike dropped into the humorous awhile. He said: "I have heard on the best authority that overtures are being made to Becker to confess. He is the last left, and the effect of the prosecution is to cinch Dunne and myself. If they do we will act at once. We'll turn State's evidence in our turn, and that will suffice to send Judge Wallace across the bay for ten years."

Chief Lees made a brief statement about Creegan's confession. He said: "To my knowledge Creegan has made no such confession as published in the morning papers. But if he has he has done it voluntarily. I am sure I have held out no inducements for any such confession. I say now as I have said before that I believe we have enough testimony now to convict these men without looking any further. It was a surprise to me to read that Creegan had confessed, and as I have said before I don't believe he has."

From all this it appears certain that the man the prosecution has aimed at from the first is Becker. It is considered that he is too dangerous a man to be at large. The police and the banks do not fear the accomplices, not even men like Dean, who stood calmly at the paying teller's desk at the Crocker-Woolworth Bank and waited while the stolen money was being counted out to him. It is the forger, the greatest in the world, they say, that they fear. Becker has the reputation of being so skillful as to defy scrutiny in his work.

BECKER IS SORE

Over the Treachery of His Pal Creegan.

Says the Latter Played Him False.

The Case of Becker Will Certainly Be Tried Thursday.

Karl Becker, the prince of forgers, sat alone in the dock in Judge Wallace's court Tuesday morning.

The fact that his codefendant, James Creegan, had joined the police forces under an agreement to turn State's evidence in exchange for immunity from punishment was told in Monday's "Report."

Creegan was taken into court Tuesday morning in charge of Captain of Detectives John Seymour and given a seat beside Frank Seaver and Joseph McCluskey, the other accomplices in the great

NEVADA BANK FORGERY.

Creegan declined to talk, though under pressure he admitted having made an arrangement by which his story of the crime will form a part of the people's case on the third trial of Karl Becker.

"Creegan has played me a contemptible trick," said Becker Tuesday morning. "This is only another illustration of the lengths to which the police department of this city will go to accomplish an object. I suspected that Creegan

HAD BEEN TAMPERED WITH

Last Friday. On that day Creegan received several visits from detectives and on Saturday he was taken from the county jail and it was several hours before he returned. When he came back I questioned him and he admitted that he had been having a talk with Seaver. I charged Creegan with treachery, but he strenuously denied having entered into any conspiracy with the prosecution.

"Yesterday Creegan was taken from the county jail and I now understand that he is quartered with Seaver at the city prison."

When the case was called Tuesday morning

BY MUTUAL CONSENT

A continuance was granted to Thursday morning, for which time 150 jurors have been summoned.

Henry Ach, special counsel for the prosecution, was jubilant Tuesday morning. He said: "There is now no doubt of the conviction of Karl Becker. Even without the testimony of Creegan I am satisfied we should have secured a conviction, but this turn in the case makes the result a certainty." [illegible] Dunne, chief counsel for the defendant Becker, declined to discuss the case.

THEY COME TO CONDEMN MRS. BOTKIN.

Witnesses Against the Alleged Poisoner Leave Delaware.

John P. Dunning Coming to San Francisco by Another Route.

PARTY ARRIVES SUNDAY.

Delaware's Attorney-General Says He Is Confident of Securing a Conviction.

[Special Dispatch to "The Bromlaw."]

WILMINGTON (Del.), November 29.—The party of Delawareans who will testify in the case of Mrs. Cornelia Botkin, charged with poisoning Mrs. John P. Dunning and Mrs. J. D. Deane of Dover, to be heard in San Francisco on December 5th, left here to-night at 7:25 o'clock.

Those who came from Dover were the Hon. John B. Pennington, father of the victims, Joshua D. Deane, husband of Mrs. Deane, who died as the result of eating the candy, Miss Ethel Millington, Miss Josephine Bateman, Miss Leila Deane, Dr. L. A. D. Bishop, Dr. Presley Downs and Ex-Postmaster T. M. Dunton. They were joined at the French station by Dr. and Mrs. Theodore Wolfe of Newark. Dr. Wells is the State chemist. Detective Bernard J. McVey and Harry Pennington, Attorney-General Robert C. White and Mrs. White also met the larger party at the station.

For an hour the party of State officials and witnesses were the cynosure of the eyes of a curious throng. They will go south from Baltimore, and will reach New Orleans on Thursday. They are scheduled to reach San Francisco by Sunday afternoon. The trip will be made in the Pullman car Monaco, which has been reserved for them.

John P. Dunning, the husband of one of the murdered women, was not with the party, but will go to San Francisco via Chicago.

"Do you think you will be successful in the West?" Attorney-General White was asked.

"We will be successful, no doubt," he said. "If we get a good jury and a good Court we will secure the conviction of Mrs. Botkin, for we have the case against her."

"Do you think the California authorities would hang Mrs. Botkin if she were convicted?" Mr. White was asked.

"I don't know whether they will hang her, but they surely should convict her. A fair field and no favors is all we ask there."

Mr. White stated that he had received word from Chief of Police Lees that there would probably be no trouble in drawing a good jury, as arrangements are being made for that process now. The only thing to interfere with a speedy trial, he thought, would be the efforts of the defense to place a large list of witnesses on the stand.

L. LAZAR AND THE POLICE.

One Juror Less in the Becker Case.

Already Accepted, He Is Excused by Order of Court.

Attorney McPike Omitted to Ask an Important Question.

Lazar Is Connected by Marriage With Heir Sergeant Lindheimer.

Work of Jury-Getting a Slow Process, but the Panel Will Be Completed by Monday.

The five jurors selected yesterday to try Karl Becker were reduced to four this morning through the discovery being made that one juror was rather too close to the Police Department.

When court adjourned yesterday the first [illegible] sworn in as jurors were J. T. Wh[illegible], [illegible] L. Lazar, J. P. Fl[illegible] and W. W. Griffen. Proceedings were resumed [illegible] to-day, and Henry T. McPike, Becker's counsel, [illegible] Judge Wallace [illegible]:

"May it please the court, I ask permission to put another question to [illegible] one of the jurors [illegible] yesterday."

The court [illegible] McPike turned to [illegible] and asked him:

"Did I ask you yesterday whether you were acquainted with any members of the Police Department?"

"You did not," answered Lazar.

"Well, I [illegible]?"

"Yes, I know one or two."

"Do you know Sergeant Lindheimer?"

"I do."

"Are you not related to him?"

"No."

"Are you not his brother-in-law?"

"I am not."

"How long have you known Sergeant Lindheimer?"

"Thirty-five years."

"Well, is not some relative of yours related to the Sergeant?"

"Yes. My brother's wife and his wife are sisters."

"Oh, that's it, is it?" said McPike.

Then turning to Judge Wallace the attorney asked that the juror be excused. This was done, and Mr. Lazar was set at liberty.

The work of jury-getting goes on slowly. By Monday morning, however, it is expected that the case will have got under way. Becker sits alone, never glancing at his erstwhile confederate, Creegan, but taking in every word of the examination of talesmen. Creegan looks at no one. He is simply [illegible] to turn State's evidence and [illegible] the time comes. As his testimony will be that of an accomplice, it remains to be seen whether it will materially assist the prosecution.

SEVEN YEARS IS HIS SENTENCE.

Charles Becker Ordered to San Quentin by Judge Wallace.

While in New York He Joined in a Plot to Commit Crime.

SCHEME WAS CARRIED OUT.

All the Participants Were Arrested, but Becker Is the Only One Sentenced.

Charles Becker, who pleaded guilty to the crime of forgery, has been sentenced by Judge Wallace to serve seven years in the State Prison at San Quentin. By good conduct in prison he may reduce the term of his service to less than five years. He was granted a stay of proceedings for twenty days in order to give him a chance to settle his business affairs before beginning his term of service.

Becker had obtained a world-wide reputation as a forger before coming to this city in 1895. The plot was hatched in New York city by Becker, James Creegan and A. H. Dean, alias Sievers. Becker was imported for the purpose of carrying out the scheme of the conspirators. Creegan supplied the capital, and Dean was engaged to do the work of "laying down the paper" after it was prepared.

A draft was obtained by Dean from the Bank of Woodland on the Crocker-Woolworth Bank for $12 and this was raised by Becker so that it appeared to call for $22,000. Dean deposited this draft at the Nevada Bank of San Francisco for collection. The paper passed through the Clearing-house and was honored by the Crocker-Woolworth Bank on which it was drawn. A few days after Dean drew his money from the Nevada Bank and went to [illegible]land with Creegan [illegible] a man named McCluskey [illegible] the [illegible] Dean and Creegan received the greater part of the money. Becker received less than $1,000.

All the men were arrested. McCluskey was acquitted and Dean turned State's evidence. Becker and Creegan were convicted, but were granted a new trial because of some irregularities. While a jury was being impaneled for a new trial Creegan turned State's evidence, and Becker withdrew his plea of not guilty on a promise that he would be lightly punished.

In passing sentence Judge Wallace said that the maximum punishment allowed by law was fourteen years, but that in this case he was [illegible] the extenuating circumstances. He remarked that an understanding had been reached [illegible] the district attorney, the special counsel [illegible] and it was agreed that seven years would be adequate punishment. While [illegible] Becker [illegible] court he was [illegible] disposed to go to [illegible] a [illegible] and be [illegible] than [illegible] years [illegible] punishment.

"THE DUTCHMAN" ADMITS HIS GUILT.

FORGER BECKER SUCCUMBS AND PLEADS GUILTY.

Sensation Furnished in the Famous Nevada Bank Case To-Day.

Weary of Long Confinement, With the Worry and Anxiety of Repeated Trials, the Old Man Gives In.

The Prince of Forgers has thrown up the sponge. Karl Becker, whose inimitable skill cost the Nevada Bank over $20,000, stood up before Judge Wallace in court this morning and acknowledged his guilt.

The collapse of this most remarkable case was due to a compromise. The Bankers' Association, the District Attorney's office and the police, weary of the protracted struggle to secure a conviction that would stick, sick of trials and retrials that only served to pile up the expenses higher and higher, made overtures to Becker on Saturday last to plead guilty, promising to use all the influence in their power to secure a light sentence for the forger. The forger, at first, steadfastly refused; but the long confinement in the County Jail had shattered his nerves and injured his health. The desertion of Creegan was the last straw that broke the old man's back.

The result was an arrangement whereby all parties agreed to ask Judge Wallace to pass a seven years' sentence. As he has been in jail for nearly three years, it will be just as though he suffered a ten-years penalty in all. Sentence was fixed for Friday next, at which time Judge Wallace will probably accept the suggestions of the parties interested and dispatch Mr. Becker to San Quentin for a period of seven years.

The arrangement was kept a profound secret. The jurors attended court as usual to-day. Becker took his place at the desk, with Peter F. Dunne on one side of him and Henry T. McPike on the other. Acting District Attorney Walter F. Hinkle was in the prosecuting attorney's chair; Henry Ach, special counsel employed by the Bankers' Association, sat beside him. The nine jurors already accepted to try the case occupied their places in the box.

Becker looked as usual pale and restless. He pressed a handkerchief to his lips from time to time. He uttered no word, showed no sign. What occurred was a complete surprise to all present except those in the secret. Judge Wallace came into court and called the case up, whereupon Peter Dunne rose.

"May it please your Honor," he said, "the situation of the case is precisely this. Taking into consideration the circumstances that have lately arisen, it has been deemed advisable that Karl Becker, the accused herein, should deny the prior conviction formerly admitted, with the full consent of the [illegible] and should plead guilty to the [illegible].

"He does so with the full consent of the [illegible] and all parties concerned in the [illegible] tion."

Judge Wallace turned to Becker, who stood up. "You understand what your counsel says?" he inquired. "You now deny the prior conviction you formerly admitted and you plead guilty to the charge of forgery?"

"I do," replied Becker, in an almost inaudible voice. Then he resumed his seat.

[illegible] rose again. "Now, with regard to the punishment to be inflicted I would call your Honor's attention to the fact that the defendant Becker has been in jail for three years. He is an old man, and his health is bad. I venture to suggest that if your Honor pass sentence of seven years, that would be [illegible] together with his three years' confinement credited, justice will be satisfied.

"The matter has been discussed by all parties concerned, and they are satisfied with this arrangement. On his part Becker consents to save the State a [illegible] amount of trouble and expense. This third trial would probably [illegible] in another disagreement, [illegible] three or four weeks spent on it, and [illegible] the trouble of trial and retrial [illegible] to say nothing of an appeal to the Supreme Court in case of conviction. Becker is a man in bad health and the District Attorney will read you [illegible] a communication from the City Physician who has been attending him."

[illegible] complied and read a letter [illegible] setting forth that Becker had been [illegible] He suffered from [illegible] [illegible] in the long confinement [illegible]

"I, too, wish to say a few words," put in Henry Ach. "I am the special prosecution in this case, employed by the banks of San Francisco and the Bankers' Association of America. I represent the Nevada Bank, where the $22,000 check was passed, and the Crocker-Woolworth Bank, upon which it was drawn. This whole matter was fully discussed on Saturday last, and Chief Lees and myself visited several bankers. We visited Mr. Crocker of the Crocker-Woolworth Bank, Messrs. Alvord and Brown of the Bank of California, Mr. Hellman of the Nevada Bank and Mr. Steinhardt of the Anglo-Californian Bank.

"The result of our conference was that it was agreed that if Becker would plead guilty and save us further trouble and expense, we would be satisfied, taking into consideration the fact that he has passed thirty-two months in jail, with a sentence of seven years' imprisonment. He is an old man now, over 61 years of age, and the banks fear him no longer."

Judge Wallace listened patiently to all these remarks, and then announced that he would pass sentence on Friday morning. Court adjourned then, and the incident was over. Becker [illegible] calmly, put on his hat and followed a deputy sheriff down stairs.

WHY BECKER GAVE IN

Would Have Beaten the Case Had His Health Held Out.

The man whose skill in penmanship has scared half the banks in Europe and America stood quietly talking to Sheriff Whelan in the office when the court proceedings were over. He showed no emotion whatever, he was the same quiet, courteous, affable old man. Becker has good manners, and he is pleasant to converse with, his Teutonic accent rather attracting than the reverse.

"I was going crazy up in that County Jail," he explained. "It was bad enough while Creegan was with me. But when he turned and left me, I didn't know what to do. On Monday night last, at the close of the day, when Creegan staid behind to chum with Dean, and I went to the County Jail alone, I tried six times to go to sleep. Six times I retired and six times I rose again, nervous and depressed.

"That was one reason why I resolved to take my medicine. Another reason was this. I've been three years in jail now. They'd never have convicted me, never. If they had, the Supreme Court would have reversed the case. But I'd have been tried and tried again, for I know the banks would never have let up. More and more expense. It would have been all right if Creegan had stood by, but he was a coward. We could have beaten the case sure. Creegan is a coward and a traitor.

"Perhaps, as I'm old and not very well they'll give me nice work over the bay. I can draw and paint, do anything like that.

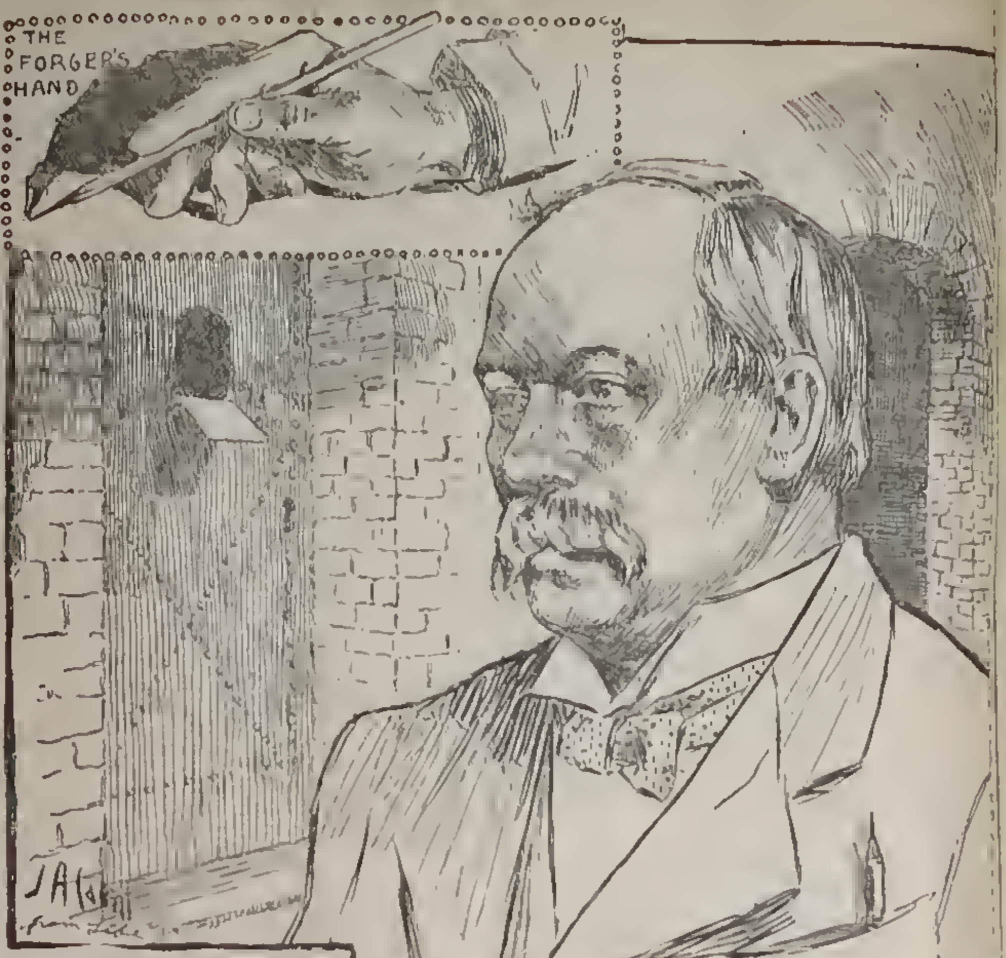
"Well, I'm glad it's over. I'm going to send for my dear wife, and she'll come at once. There is so much to arrange. Perhaps Mr. Dunne will fix it so that I won't go across before Christmas. Just think; I have to arrange all my affairs."

Becker talked freely of the forgery and of the persons concerned. He does not quite see what part Dean and McCluskey need have played in the matter. For himself, he knew only Creegan.

"Why, I never heard of Dean," he said. "I knew only Creegan. Dean says he met me in London. That is not true. He did not meet me, no one met me. I never met people. I always worked alone, in the background. I never let any one know me, or anything about me.

"McCluskey said he saw me in England. If he did, he did not know me. What do I know about McCluskey, or he about me? The fact is, when people make up their minds to turn State's evidence they tell a great deal more than the truth. They want to round out the story, tell it all, you know. And what they don't know they make up.

"Look at the trial. That chambermaid at the Galindo Hotel in Oakland, said I had given orders to have my door always locked. That. It was always [illegible]



BECKER GIVES UP.

He Makes Confession

FORGER BECKER PLEADS GUILTY.

(Continued from First Page.)

[illegible]

THE FATE OF CREEGAN

Will Probably Plead Guilty and Take a Light Sentence.

Creegan, the middleman, will probably have to follow the example of Becker and plead guilty. [illegible]

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Mr. Hinkle complied and read a letter from Dr. [illegible] setting forth that Becker had been very sick of late, [illegible] weak. He suffered from nervous [illegible] and insomnia and was rapidly growing worse in the [illegible] A man of 60 years of age, he [illegible] weighing 1?? pounds. His weight had reduced to 1?? pounds [illegible].

"[illegible] I say," said Mr. Hinkle, after he had read the letter, "that it is entirely [illegible] to the District Attorney's department, and the advice of Chief of Police Lees taken. The [illegible] is that the prosecution is satisfied with the arrangement as to plea and punishment proposed by Mr. Dunne."

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"Look at the trial. That chambermaid at the Galindo Hotel, in Oakland, said I had given orders to have my door always locked; that it was always locked. What nonsense! You see how my rooms were situated," and here the forger drew a diagram on the table. "It was never necessary for me to lock the door. The fact was, that one day I came home to lunch and found my door wide open, all my luggage exposed to any thief that came. I rang for the chambermaid and told her to be

(Continued on Page Ten.)

BECKER GIVES UP.

He Makes Confession and Ends the Trial.

Willing to Take Seven Years for the Nevada Bank Forgery.

FORGER BECKER PLEADS GUILTY.

(Continued from First Page.)

more careful, to lock my door when I went out. And from that she made up her story.

"Then that fellow Carlsen, at the hotel [illegible] [illegible] I wanted a room with a good light. [illegible] [illegible] room that [illegible] [illegible] and [illegible] and I wouldn't have it. That's all.

"They said I always kept indoors [illegible] What lies! I was out all the time and every afternoon I was [illegible] on the street at the [illegible] [illegible] playing the races. Every day, I tell you.

"That's the way it is in trials. Make it up all the [illegible] But I could have [illegible] if my health had [illegible] way.

"Creegan was a coward as well as a traitor. What did he need with McCluskey [illegible]? I tell you that he [illegible] that he had [illegible] McCluskey [illegible] dirty work. That's the truth.

"[illegible] I never knew. Creegan told me that he could find a [illegible] [illegible] I didn't know [illegible] [illegible] [illegible] himself he [illegible]

"I hope [illegible] I hope [illegible] enough to pay half the expenses. [illegible] [illegible] everything [illegible] money. Creegan [illegible] pay his debt? He has a [illegible] property in New York that [illegible] He must pay.

"I don't [illegible] now. It is over. But I [illegible] [illegible] the [illegible] hall and the kindly [illegible] [illegible] his [illegible]

THE FATE OF CREEGAN

Will Probably Plead Guilty and Take a Light Sentence

[illegible] will probably [illegible] the example of Becker and plead guilty. [illegible] will be let go and [illegible] McCluskey [illegible] and [illegible] But Creegan has [illegible] [illegible] him an absolute pardon. He would undoubtedly [illegible] [illegible] third trial [illegible] [illegible] District Attorney [illegible] Chief of Police [illegible] [illegible] light punishment [illegible] [illegible] in San Quentin.

"THE DUTCHMAN" ADMITS

FORGER BECKER SUCCUMBS AND PLEADS GUILTY.

Sensation Furnished in the Famous Nevada Bank Case To-Day.

Weary of Long Confinement, With the Worry and Anxiety of Repeated Trials, the Old Man Gives In.

The Prince of Forgers has thrown up the sponge. Karl Becker, whose inimitable skill cost the Nevada Bank over $20,000, stood up before Judge Wallace in court this morning and acknowledged his guilt.

The collapse of this most remarkable case was due to a compromise. The Bankers' Association, the District Attorney's office and the police, weary of the protracted struggle to secure a conviction that would stick, sick of trials and retrials that only served to pile up the expenses higher and higher, made overtures to Becker on Sunday last to plead guilty, promising to use all the influence in their power to secure a light sentence for the forger. The forger, at first, steadfastly refused, but the long confinement in the County Jail had shattered his nerves and injured his health. The desertion of Creegan was the last straw that broke the old man's back.

The result was an arrangement whereby all parties agreed to ask Judge Wallace to pass a seven years' sentence. As he has been in jail for nearly three years, it will be just as though he suffered a ten-years penalty in all. Sentence was fixed for Friday next, at which time Judge Wallace will probably accept the suggestions of the parties interested and dispatch Mr. Becker to San Quentin for a period of seven years.

The arrangement was kept a profound secret. The jurors attended court as usual to-day. Becker took his place at the desk, with Peter F. Dunne on one side of him and Henry T. McPike on the other. Acting District Attorney Walter E. Hinkle was in the prosecuting attorney's chair. Henry Ach, special counsel employed by the Bankers' Association, sat beside him. The nine jurors already accepted to try the case occupied their places in the box.

Becker looked as usual, pale and restless. He pressed a handkerchief to his lips from time to time. He uttered no word, showed no sign. What occurred was a complete surprise to all present except those in the secret. Judge Wallace came into court and called the case up, whereupon Peter Dunne rose.

"May it please your Honor," he said, "the situation of the case is precisely this. Taking into consideration the circumstances that have lately arisen, it has been deemed advisable that Karl Becker, the [illegible] herein, should deny the prior conviction formerly admitted, with the full consent of the [illegible], and should plead guilty to the charge.

"He does so with the full consent of the State and all parties concerned in the prosecution."

Judge Wallace turned to Becker, who stood up. "You understand what your counsel says?" he inquired. "You now deny the prior conviction you formerly admitted and you plead guilty to the charge of forgery?"

"I do," replied Becker, in an almost inaudible voice. Then he resumed his seat.

Dunne rose again. "Now, with regard to the punishment to be inflicted, I would call your Honor's attention to the fact that the defendant Becker has been in jail for three years. He is an old man and his health is bad. I venture to suggest that if your Honor pass sentence of seven years that would be ten altogether with his three years' confinement credited. Justice will be satisfied.

"This matter has been discussed by all parties concerned, and they are satisfied with this arrangement. On his part Becker submits to save the State an immense amount of trouble and expense. This third trial would probably have resulted in another disagreement, after three or four weeks spent on it, and then the trouble of trial and retrial all through, to say nothing of an appeal to the Supreme Court in case of conviction. Becker is a man in bad health and the District Attorney will read your Honor a communication from the City Physician, who has been attending him."

Mr. Hinkle complied and read a letter from Dr. Hereford, setting forth that Becker had been very ill [illegible] late, that he [illegible]. He suffered from [illegible] and bronchitis and [illegible] growing worse in the long [illegible]

"I, too, wish to say a few words," put in Henry Ach. "I am the special prosecutor in this case, employed by the banks of San Francisco and the Bankers' Association of America. I represent the Nevada Bank, where the $22,000 check was passed, and the Crocker-Woolworth Bank, upon which it was drawn. This whole matter was fully discussed on Saturday last, and Chief Lees and myself visited several bankers. We visited Mr. Crocker of the Crocker-Woolworth Bank, Messrs. Alvord and Brown of the Bank of California, Mr. Hellman of the Nevada Bank and Mr. Steinhardt of the Anglo-California Bank.

"The result of our conference was that it was agreed that if Becker would plead guilty and save us further trouble and expense, we would be satisfied, taking into consideration the fact that he has passed thirty-two months in jail, with a sentence of seven years' imprisonment. He is an old man now, over 61 years of age, and the banks fear him no longer."

Judge Wallace listened patiently to all these remarks, and then announced that he would pass sentence on Friday morning. Court adjourned then and the incident was over. Becker rose calmly, put on his hat and followed a deputy sheriff down stairs.

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"Look at the [illegible]. That [illegible] at the [illegible] Hotel, in Oakland [illegible]

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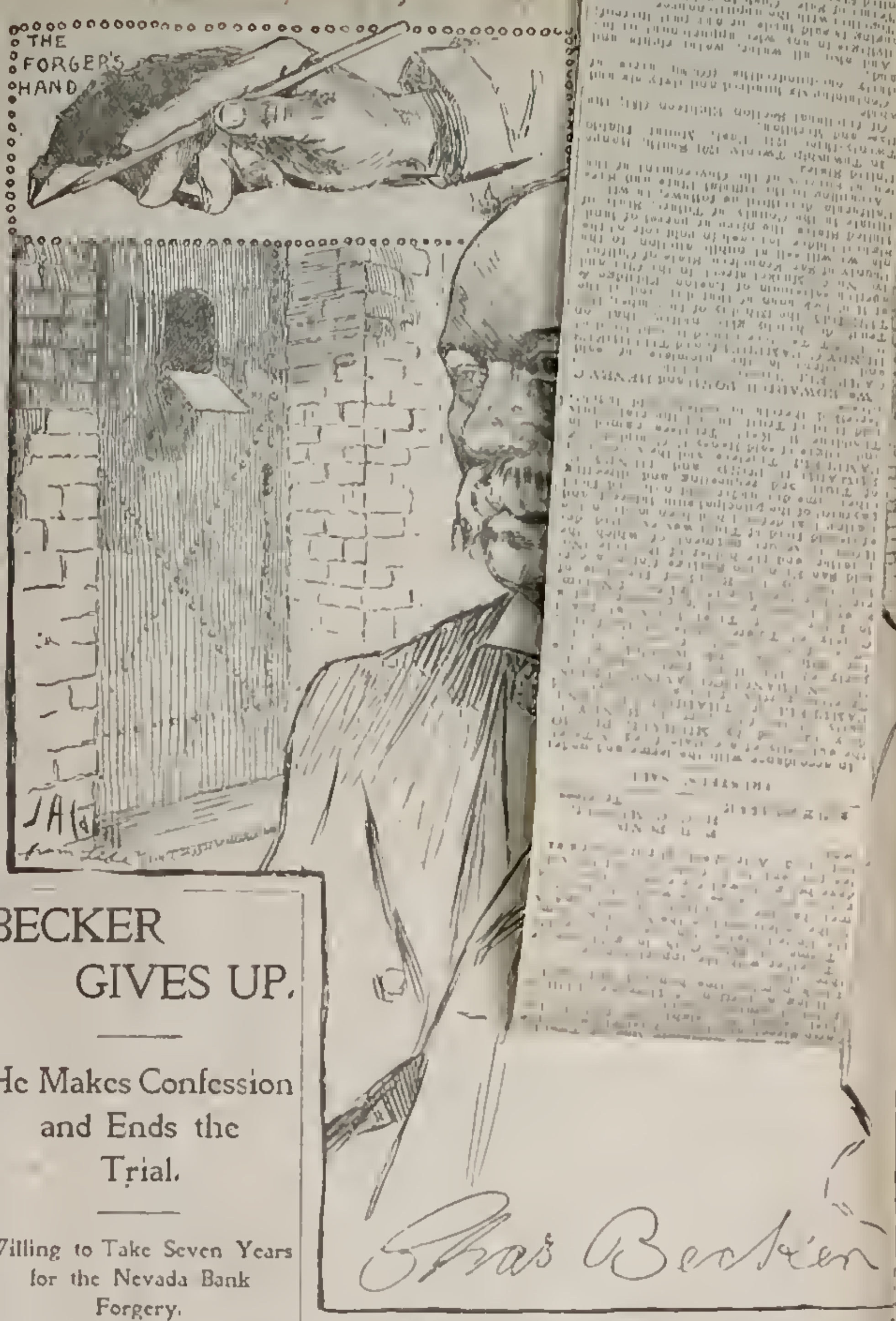
When court opened [illegible] the [illegible] veniremen summoned to complete the jury were called and the nine men already in the box had responded "present," when Peter F. Dunne, representing the defendant, addressed the Judge, saying: "With the consent of the State the defendant withdraws his previous plea of prior conviction and pleads guilty to the charge of forgery." Judge Wallace then asked the defendant if he understood the proposition of his counsel. The accused arose in his place beside his lawyers and said that the plea, as amended, was his. The old forger, apparently much broken both in health and spirits, resumed his seat and Dunne again addressed the Court, saying that Becker was an old man, being past 60 years of age. He had already been in custody for nearly three years on the charge for which he was on trial. Dunne said that he had consulted with attorneys for the State and they had agreed that a sentence of seven years, which with the three years already served would make a term of ten years, would be sufficient to meet the demands of justice.

A certificate from City Physician Hereford was read, in which he set forth that Becker during his imprisonment, had been reduced in weight from 195 to 155 pounds, his complexion was bad, his arteries were out of gear, his heart was not normal, he had malaria, his mind had been affected and from a joyous, buoyant, ??-pound forger, he had become a morose and irritable prisoner.

At the conclusion of the reading of this harrowing certificate Lawyer Ach, who is special prosecutor for the Bankers' Association and the Chief of Police, said that he had consulted with several members of the Bankers' Association and they had agreed that it would be better to have the prisoner plead guilty and receive a sentence of seven years.

Walter Hinkle of the District Attorney's office said that that department after consultation would favor the seven year sentence.

Judge Wallace accepted the amended plea, at which Becker appeared to be immediately relieved [illegible] from the [illegible] condition in which the [illegible] had placed him [illegible] found guilty under his original plea [illegible]



B[ECKER] [illegible] the picture in the [illegible] Jail yesterday [illegible] the [illegible] matters and took the greatest interest in what [illegible] the three [illegible] hairs on the top of this [illegible] portrait [illegible] very [illegible] countryman [illegible]

The [illegible] of forgers [illegible] been [illegible] he had not developed a [illegible] drawing [illegible] so I began to [illegible] that is why I am here.

Becker [illegible] as the picture progressed [illegible] Jane a little [illegible] are now [illegible] That [illegible] And [illegible] about the [illegible] the hands. They say that I have the [illegible] forger [illegible] Why a [illegible] himself [illegible] draw [illegible]

[illegible] San Quentin than I do after all, and [illegible] I have friends in the [illegible] who want to [illegible] him in the worst way. They will see him, too, if it takes ten years, and when they do [illegible] help him.

"If it hadn't been for his bungling [illegible] I wouldn't be here now. He worked this last [illegible] business wrong from start to finish. Do you think I would have run things the way he did if I had been engineering the affair? Do you think I would have had anything to do with that business on McCluskey? The agreement was that Creegan should work the thing himself, but he was too much of a cur to do it. The way the check was manipulated was a [illegible] bungle [illegible] anything about that man.

"I first met Creegan six years ago when I was keeping a saloon in [illegible] [illegible] well known [illegible] in the newspapers and one day this fellow came in to me and had a long talk. It was about a big deal to throw the Chemical National of New York for about a million dollars, but I wouldn't stand for it. There were weak points all through the scheme. Since then he has been mixed up with me several times, but the Nevada Bank business was the only one that he didn't take my advice about. I'm not [illegible] but some day Mr. Creegan will wish he had never been born.

"I don't believe that they are going to let Creegan get off without punishing him. It will be a pretty bad travesty of justice if they do.

"I've had all kinds of experts up against me in my time. Phrenologists, handwriting [illegible] and palmists have all had a turn. They are all in the business for the coin and will [illegible] anything that suits the part [illegible] employs them. This last trial [illegible] what [illegible] [illegible]

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Mr. Hinkle complied and read a letter from Dr. Hereford, setting forth that Becker had been very sick of late, [illegible] and weak. He suffered from [illegible] and [illegible] and was rapidly growing worse in the long confinement. A man of 60 years of age, he had entered prison weighing 178 pounds and the jail life had reduced it to 150 pounds [illegible].

"I wish to say," said Mr. Hinkle, after he had read the letter, "that this matter was gone over fully in the District Attorney's department, and the advice of Chief of Police Lees taken. The result is that the prosecution is satisfied with the arrangement as to plea and punishment proposed by Mr. Dunne."

"I, too, wish to say a few words," put in Henry Ach. "I am the special prosecutor in this case, employed by the banks of San Francisco and the Bankers' Association of America. I represent the Nevada Bank, where the $22,000 check was passed, and the Crocker-Woolworth Bank, upon which it was drawn. This whole matter was fully discussed on Saturday last, and Chief Lees and myself visited several bankers. We visited Mr. Crocker of the Crocker-Woolworth Bank, Messrs. Alvord and Brown of the Bank of California, Mr. Hellman of the Nevada Bank and Mr. Steinhart of the Anglo-Californian Bank.

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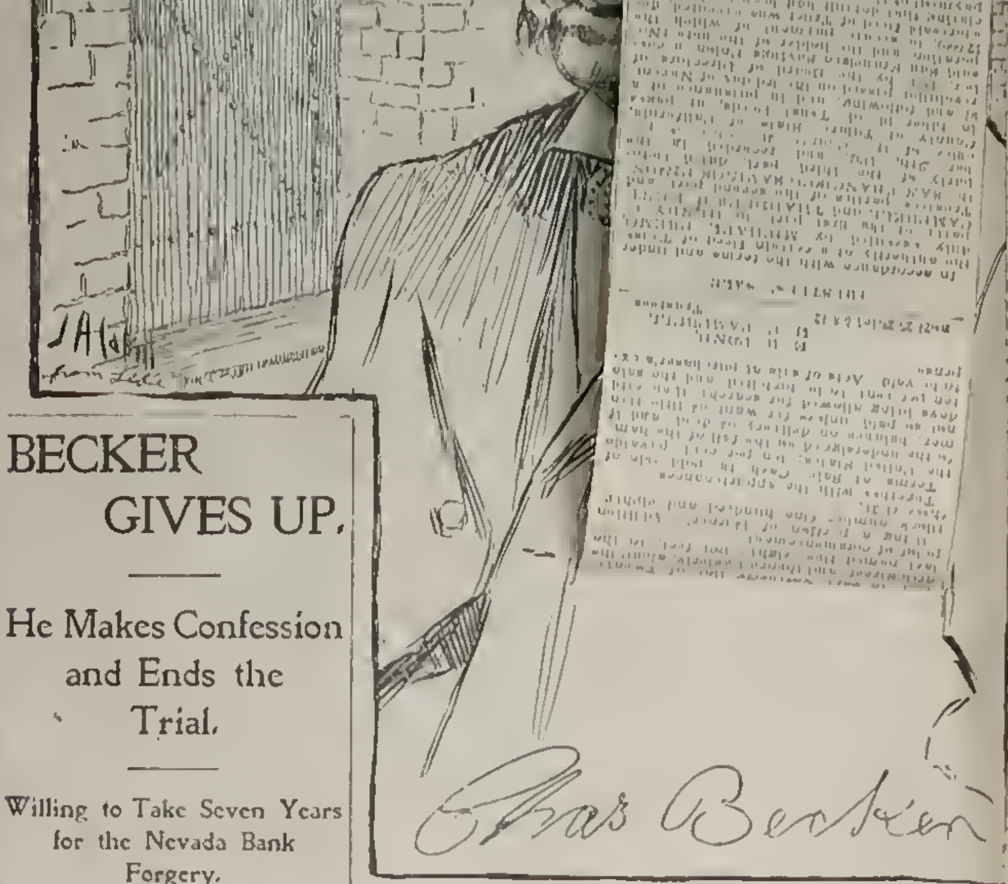
(Continued on Page Ten.)



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A certificate from City Physician Hereford was read in which he set forth that Becker, during his imprisonment, had been reduced in weight from 1[illegible] to [illegible] pounds; his [illegible], [illegible] had; his arteries were out of gear, his heart was not normal, he had [illegible]; his mind had been affected and from a joyous, buoyant [illegible] forger, he had become a [illegible] and irritable prisoner.

At the conclusion of the reading of this harrowing certificate Lawyer [illegible], who is special prosecutor for the Bankers' Association, [illegible] said that he had conferred with [illegible] members of the Bankers' Association and they had agreed that it would be better to have the prisoner plead guilty and receive a sentence of seven years.

Walter Hinkle of the District Attorney's office said that the department after consultation would favor the seven-year sentence.

Judge Wallace accepted the amended plea at which Becker [illegible] immediately [illegible] condition in which [illegible] had placed him. [illegible] been found guilty under [illegible] admitting his prior conviction [illegible] have been liable to a sentence to life imprisonment. [illegible] the limit of imprisonment would be fourteen years. Sentence will be pronounced next Friday.

The case of James Creegan, one of Becker's accomplices, who turned State's evidence, was called and the Judge announced that he would set the time for a new trial next Friday.

When Becker returned to the County Jail he recovered his spirits considerably and was quite equal to the task of receiving and chatting with anybody that came to visit him. If he is tottering on the verge of the grave, with his intellect gone and his body a refuge for all the ills in the category, as alleged by the City Physician, he conceals his condition remarkably well. The fact is that Becker is sound and well both mentally and physically and just as capable of indulging in his favorite pastime of raising checks as he was twenty years ago, the testimony of Dr. Hereford notwithstanding.

The "Dutchman" doesn't like Creegan any more and seems to gather a [illegible] able satisfaction from the present condition of affairs.

"That black-hearted traitor [illegible] has jumped from the frying pan into the fire. For three years I have put up every cent of bail expenses for both of us, and, because I have no money now, he [illegible]. Well, he may get more of San Quentin than I do after all, and even if he doesn't I have friends in the [illegible] who want [illegible] him in the worst way. They will see him, too, if it takes ten years, and when they do [illegible] help him.

"If it hadn't been for his bungling [illegible] I wouldn't be here now. He worked this last [illegible] from start to finish. Do you think I would have run things that way had I [illegible] the affair? Do you think I would have had anything to do with that [illegible] McCloskey? The agreement was that Creegan should [illegible] thing [illegible] was too much of a [illegible] way the check was transferred was a [illegible]

[illegible]

I [illegible] that they are [illegible] Creegan get [illegible] will [illegible] punishing [illegible] traitor [illegible] just as if they d[illegible]

[illegible] had all kinds of [illegible] a [illegible] willing [illegible] They are all [illegible] anything that [illegible] them. This [illegible] their [illegible] was [illegible] Mr. [illegible] really [illegible] by them. The [illegible] they Creegan [illegible] and was [illegible] take the chance [illegible] to take them for him. He has [illegible] through [illegible] the country.

I can't say anything much about my future plans. [illegible] seem to be pretty well provided for without my help and beyond that I don't want to look at present. In the [illegible] years of my life [illegible] wasted. I might have been a useful member of society all that time [illegible] they wouldn't let me."

The old man smiled at the thought of his lost opportunities. He is really proud of his phenomenal record, and hates to think that his career has been blighted by the strong arm of the law.

"A world of patience, a heap of time and good luck—that's the secret of my success in my profession," said Becker. He ought to know.

BOTKIN CASE WITNESSES ALL THE WAY FROM DOVER.

SOME TASTED THE POISON.

Father and Husbands of the Victims Are Here.

DUNNING DROPPED QUIETLY INTO TOWN.

HE DESIRED TO KEEP OUT OF SIGHT UNTIL THIS MORNING.

It Is Supposed He Has Matters to Communicate That Have Not Yet Been Made Public.

Fourteen people from Delaware, eleven of them anxious to help send Cordelia Botkin to the gallows, arrived yesterday afternoon on the belated Sunset limited. The train was twenty-seven hours late, and had had some hazardous experiences. It had been wrecked in Louisiana, and the Dover people felt that Providence was not with them, and they feared on the way that some other victims might be indirectly charged to the fatal box of candy in the poisoning case. In Contra Costa county they missed the Judson explosion by only a half hour, but such fast time was their train making that the heavy jar passed unnoticed. Had this explosion derailed the engine again, the Delaware people, already somewhat fearful of the long and tedious journey into the wild and woolly West, would surely have considered themselves fated.

In another party, all by himself, arrived probably the most important witness in the case, John P. Dunning. It had been publicly announced, and, indeed, Dunning had himself wired to the Chief of Police, that he would not arrive in San Francisco until this morning. It had been hinted that Dunning was not yet on sufficiently friendly terms with his father-in-law to care to travel on the same train with the Doverians. This was afterward denied, though it was admitted that the overland journey would necessarily be unpleasant to Dunning and would make him prefer to travel by himself. It was also given out that he was obliged to stop in Chicago to confer with the Associated Press people who are his employers. In spite of all the elaborate explanations, however, Dunning arrived in San Francisco before any of the other witnesses. He slipped quietly into town yesterday morning, and though he is personally known to a thousand persons, no one knew that he was in San Francisco until an old acquaintance met him as he was coming out from a well-known down-town hat [illegible]. The man who recognized him was as surprised as Dunning himself. Dunning explained that he did not wish to have his arrival announced until this morning, and said that he had no desire to see the Delaware people at present. He would, he said, call upon them Tuesday.

Dunning stated that he intended to make a clean breast of everything he knew in the case. He hinted that he had something up his sleeve—something that had not been printed and that was not yet known. Those who know him best say that the something to which he refers is probably threats made by Mrs. Botkin, with his wife as their object, in the old days when Mrs. Botkin and Dunning were so thick. It is also said that he may have letters in which some reference is made by Mrs. Botkin to an approaching tragedy.

Dunning said that nothing in his past life could be exposed and make him more trouble than the exposures so far made have already done, and that he had decided to hold back nothing, as nothing could be done to injure him that had not already been done. At [illegible] today, he said, he would have an interview with Chief Lees and would tell him all that he knew. After that he would go to the hotel and see the people from Delaware. Why Dunning arrived a day ahead of his schedule and his particular desire for secrecy as to the time of his arrival are not known.

Never has such a group of witnesses crossed the continent on such an errand. The party, headed by John P. Pennington, father of the murdered women, who is a good deal of a patriarch, was conveyed by Detectives [illegible] and McVey, who said that he felt as though he were coming home, having been in California for several weeks only a short time ago. Next to Mr. Pennington in interest is Joshua [illegible], [illegible] of the murdered women, and [illegible] Deane, his daughter, a [illegible] child, a fresh faced [illegible] [illegible] girl of 11. Both Mr. and Miss [illegible] in knickerbockers, who brought the candy from the Postoffice, and Thomas M. [illegible], the Postmaster, who received it. These witnesses, with John P. Dunning, the husband of one of the murdered women, complete the chain of direct testimony, so far as the sender and the receipt of the candy is concerned.

There are, besides, a number of auxiliary witnesses. Most important, though not a witness, is Attorney-General Robert White of Delaware, who hopes to be some sort of special counsel in the case. Mr. White is accompanied by his wife. There is also Dr. Theodore Wolfe, the State Chemist, who analyzed the candy and found the arsenic. Dr. Wolfe is also accompanied by his wife. The other doctors in the party are Dr. Lemuel A. H. Bishop, who attended the women after their seizure, and Dr. F. S. Downes, who was called in consultation.

Except for the accident near New Orleans the party had a pleasant journey, and, in spite of their sad errand, rather enjoyed the trip across the continent. The children especially had a pleasant time and were laden with gaily painted bows and arrows purchased of Indians. Mr. Pennington, father of the murdered women, is not nearly so old in appearance as his years would lead one to expect. He appeared to be in good health.

None of the witnesses from Delaware have any new light on the case. All that they know has been exploited over and over again. They are merely prepared to swear to what has already been published in the newspapers. The father of the murdered women will have important testimony to offer concerning the receipt of anonymous letters by Mrs. Dunning. He was for long years a farmer, later a lawyer, then a politician and Congressman. He expressed the hope that the case would not be tried in advance by the newspapers and that the testimony would only be discussed as it was brought out. He wished to know where Mrs. Botkin was confined.

Joshua D. Deane, husband of Mrs. Deane, who ate of the poisoned candy, is a pleasant-faced man with mild manners. He said that Mrs. Dunning was dazed while she lingered between life and death, and he did not think that she realized that she had been poisoned. He said that, while at first he had blamed Dunning for his part in the affair, he now considered that he was more to be pitied than blamed. Dunning had told him, he said, that he would tell all he knew in the case, and that [illegible] [illegible] upon the newspaper man as their star witness. Deane said that while Dunning had lost some useful letters and important papers on his way home from Cuba, these were not absolutely essential, and other letters in Dunning's possession would do as well. Deane said that as soon as the circumstances leading to the death of the women were made known to Dunning he mentioned Mrs. Botkin's name and said that the writing was hers.

The doctors who have come out to testify are very anxious to get back, as they are not compensated for loss of time, and their absence is fatal to their practice. Dr. Downes especially was horrified to hear that two or three weeks would probably be consumed before a jury was impaneled. Dr. Downes and Dr. Bishop, as well as the state chemist, will testify as to the symptoms of the women and the [illegible] [illegible] [illegible] found in the [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] and [illegible]. This [illegible]

Chief of Police Lees, Assistant District Attorney Hosmer, Attorney-General White and John P. Pennington held a conference at the hotel, going carefully over the testimony which might be expected from the Eastern witnesses. Lees and Hosmer will decide later upon the points they wish from each witness and the order of the testimony. There is a strong desire to have the District Attorney-elect, ex-Judge Murphy, who is a noted prosecutor, take charge of this case, and it is very possible that this may yet be done.

It was reported yesterday that George A. Knight had withdrawn from the defense, and it was stated that he had had a serious disagreement with Mrs. Botkin. These things Mr. Knight denied last night, saying that while he would not take the lead in the actual conduct of the trial, owing to other business engagements, he would be in the case all through, assisting in the securing of the jury and in such other matters as his client and associates might desire.

When the Botkin case was called yesterday morning in Judge Cook's court the announcement was made from the bench that out of respect to the memory of the late Judge Hunt the trial would go over till 10 o'clock this morning, but, in order to save her early time, the venire of jurymen should be called at once.

Mrs. Botkin, accompanied by her sister and Attorneys Wheeler and Mc-Gowan, came into court heavily veiled, and through the short session carried on an earnest conversation with her legal advisers.

Assistant District Attorney Hosmer appeared for the prosecution. Chief Lees and District Attorney-elect Murphy were seated with him and all the [illegible] [illegible] [illegible] in the city. Candy makers, [illegible] [illegible], the counter girls and all the rest, [illegible] in a row behind them.

The names of [illegible] veniremen were called. About sixty of these were excused for various reasons. William [illegible] Harrison was released from duty [illegible] [illegible] [illegible] [illegible]

They are needed. There is also given to-day the Admiral [illegible], which is one of the best means for a plain garment which is always welcome in any wardrobe. Get the pattern at the San Francisco office or at the Oakland branch, [illegible] Broadway, corner of Ninth street.

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Ethel Millington, another young girl and a companion of Lela Deane, is a daughter of a hotel-keeper at Dover, and was one of the porch party at the Pennington house the night the candy arrived. She also ate and was ill and on the stand she will tell of her experience.

Miss Josephine Bateman, the only woman witness of them all, is a school teacher in Dover and was made very ill from eating the candy—she also having been at the Penningtons' that night. Miss Bateman is an especially important witness because she afterward brushed her teeth and found several grains of arsenic, which, if swallowed, would have been sufficient to have caused death. All of these witnesses will testify to the sort of pains and [illegible] which followed the eating of the candy. The only theory upon which [illegible] could be based is that some of the candies were not poisoned, and they were fortunate in drawing some of these blanks. There are also in the party Harry Pennington, a lad in knickerbockers, who brought the candy from the Postoffice, and Thomas M. Booten, the Postmaster, who received it. These witnesses, with John P. Dunning, the husband of one of the murdered women, complete the chain of direct testimony, so far as Dover and the receipt of the candy is concerned.

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Attorney-General White of Delaware, who has worked up the Eastern end of the evidence, hopes to be admitted to the case in some capacity as special counsellor.

The visitors were escorted by quite a guard of honor. Detective Ed Gibson went up to Tracy to meet them. Even farther down the road they were met by an agent of the railroad, who came to smooth the wounded feelings of the wrecked ones who had not been injured in the smash-up and to assure them of the railroad's distinguished consideration. At the ferry Chief Lees, Captain Seymour of the harbor police and Acting District Attorney Hosmer met the visitors and they were escorted to the Grand Hotel, which they will make their headquarters. In the evening

Chief of Police Lees, Assistant District Attorney Hosmer, Attorney-General White and John D. Pennington held a conference at the hotel, going carefully over the testimony which might be expected from the Eastern witnesses. Lees and Hosmer will decide later upon the points they wish from each witness and the order of the testimony. There is a strong desire to have the District Attorney-elect, ex-Judge Murphy, who is a noted prosecutor, take charge of this case, and it is very possible that this may yet be done.

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Mrs. Botkin, accompanied by her sister and Attorneys Wheeler and McGowan, came into court heavily veiled, and through the short session carried on an earnest conversation with her legal advisers.

Assistant District Attorney Hosmer appeared for the prosecution. Chief Lees and District Attorney-elect Murphy were seated with him and all the witnesses from the city. Candymaker Haas, the counter girls and all the rest, were in a row behind them.

The names of 150 [illegible] men were called. About sixty of these were excused for various reasons. William [illegible] Harrison was excused from duty because he was not a citizen and Timothy Hopkins made a successful plea of non-residence. The balance of those excused either presented certificates of medical disability or gave evidence that they were national guardsmen or attorneys.

Judge Cook made a speech to those selected for jury duty and held out several [illegible] promises in the attempt to keep them from making excuses. He promised any juryman who would serve on the case exemption from jury duty till the balance of the year. As there are only twenty-five more days left in the present year and as the Botkin trial will last for fully two weeks his seductive offer did not attract the attention he thought it deserved.

New Patterns.

Many a waist of last season needs but the change of sleeve to make it exactly [illegible] for this year. It is not always easy to reduce their size and retain the proportions, but the newer modes may be an entirely different cut. There need not be any difficulty on this score, however, as the "Standard" publishes the very latest designs. Under the designation No. 521 will be found two designs in fitting these sleeves, and for the [illegible] blouse or the waist for either

they are modest. There is also given today the Admiral [illegible] which is one of the [illegible] for a plain garment which is [illegible] in a wardrobe. Get the patterns at the San Francisco office or at the Oakland branch, [illegible] Broadway, corner of Ninth street.

O'ER A CONTINENT'S WIDE EXPANSE THEY COME TO TELL OF CRIME.

Preparations for the Botkin Trial.

Relatives From the Scene of the Tragedy.

If money and social [illegible] stand for [illegible] Mrs. Cordelia Botkin is going to have the [illegible] kind of a trial. She [illegible] getting a [illegible] and [illegible] give the [illegible] of [illegible] one [illegible] or another.

For when [illegible] Judge [illegible] Cook's [illegible]

[illegible]

THE ACCUSED AND THE PRINCIPAL WITNESSES [illegible]

John Dunning Arrives in the City.

Notable Panel Drawn in Judge Cook's Court.

[illegible] Altogether she seemed like a woman in mourning. She had little to say to Attorneys McGowan and Charles Wheeler of Humboldt, who are to present her case. George S. Knight did not come to speak in [illegible] woman's behalf.

Mrs. Botkin did not remain long in the courtroom, and as she went her way back to jail a mob of the curious strung along after her, eager, inquisitive, impertinent. The work of securing a jury will begin to-day.

COME TO GIVE EVIDENCE.

Witnesses Against Mrs. Cordelia Botkin Arrive From Delaware.

All of the principal witnesses in the case against Cordelia Botkin are now in the [illegible]. They [illegible] the worse for their [illegible] when the train [illegible]. John Dunning came to the city [illegible] advance of the main party.

The party with Detective McVey and Detective [illegible], who was sent as far as Tracy to [illegible] the witnesses, numbered sixteen persons. But eleven of these will be witnesses, as two of the ladies, Mrs. Wolf and Mrs. White, came to the coast only to accompany their husbands.

Quite the most interesting member of the party is John B. Pennington, ex-Congressman, ex-Attorney-General and ex-member of the historic Charleston convention of 18[illegible]. He is a practicing lawyer of Dover, Del., and in three days will have completed the [illegible] year of his life. He is the father of the late Mrs. Deane and Mrs. Dunning, and his youngest son, Harry, accompanies him, also as a witness. The [illegible] carried the box of poisoned candy from the Dover postoffice to his home. The old gentleman is not enjoying very good health, and all the attendant circumstances of his trip West, the only one he has ever made, have had a depressing effect. As to his testimony, he said:

"I am opposed to the publication of evidence in advance of a trial. I believe the trial should develop the facts. This was my idea when I was Attorney-General of Delaware, and I hold to it still."

Dr. [illegible] S. Bowen attended Mrs. Dunning on the last day of her illness. T. R. Wolf, [illegible] State Chemist of Delaware, and his evidence will be [illegible] character. The three ladies, Miss Bateman, Miss Ethel Millington and Miss Deane, the last a daughter of one of the murdered women, all partook of the poisoned candy and suffered more or less on that account. [illegible]

...illiam Grier Harrison is not a citizen of the United States," announced Judge Cook when the name of the eminent critic, playwright, pedestrian and marine insurance agent was called. The announcement caused a buzz as Harrison has played so large a part in San Francisco's life that it was generally supposed he was every inch an American. He remains true to the Queen, however, and all the "era of good feeling" cannot make a British subject acceptable as an American juror.

Harry Babcock gave his residence as San Mateo and Rudolph Herold put his Harbor Commissionership as a bar against jury duty. Colonel Macdonald was excused because of his heroic service in the militia, and both Timothy and E. W. Hopkins set up a plea of non-residence. So the list of notables had been well weeded out before the names of the jurors were called.

But Adam Grant was on hand, and ex-United States Senator A. P. Williams, who

CORDELIA A. BOTKIN

THE ACCUSED AND THE PRINCIPAL WITNESSES WHO WILL TESTIFY AGAINST HER

looks like Ben Harrison; Alexander G. Hawes, who was with old John Brown at Osawattomie, loomed pallid and distinguished-looking in the throng. W. E. Brown, long the confidential man of the great railroad magnates, was there also, and so was "Sam" Bigelow, but W. E. Dean answered never a word as his name was called.

Among the others shouted for by the clerk were Rulla V. Watt, E. E. Eyre, W. S. Kittle, J. A. Donohue, C. H. Clinch, William Cluff, C. F. Bassett, D. N. Walter, Wendell Easton, N. K. Masten, H. N. Farnsworth, A. E. Castle, O. V. Baldwin, Vanlinge E. Buckingham, W. G. Deane, Harry N. Gray, B. M. Gunn, S. P. Buckbee, H. J. McAvoy, the undertaker, who seemed a bit gruesome in a murder trial, Vanderlynn Stow, Schaul [illegible], F. B. Sheldon, David Stern, Oliver Eldridge, S. F. Thorn, H. Shainwald, George Stone, Louis Glass, J. F. Meyers, Henry Boyle, M. Marcuse, Stewart Menzies, Max Goldman, James Elder, Thomas Magee, S. M. Hammond, Henry Meyer, George W. Beaver, H. N. Tilden, Henry S. Martin, soon to be Sheriff, Austin C. and Alfred J. Tubbs, George Newhall, I. G. Conrad, Alexander Hamilton, Arthur Moore and W. S. Goodfellow. And the others on the list seemed quite up to this general standard.

The proceedings in court were brief. "The witnesses in the case of The People vs. Botkin will be excused until Wednesday morning at 10 o'clock," announced the Judge. Then he declared that after the jury had been called the case would go over a day on account of the funeral of the late Judge Borden.

"Is there any objection in having the case stand over till to-morrow?" asked the Judge, formally.

"No objection," said Attorney Frank McGowan, rising from beside Mrs. Botkin with that sideways motion familiar to all who remember McGowan as the Senator from Humboldt.

"No objection," returned Deputy District Attorney Hosmer for the people.

Then the calling of the jurors went on, and at its close Judge Cook said persuasively:

"I will say to the jurors that, though they have been summoned as term jurors, if they are chosen in this case it will be the only service required of them. The case probably will only last a week or ten days. I am satisfied, from statements made to me by counsel for both sides that the trial certainly will not take over two weeks, and this service will excuse the accepted jurors from any further jury duty for a year. No excuses, except the statutory ones, will be accepted, and I certainly hope no juror will ask to be excused. Now, any of you who have legal excuses may step forward."

At once it seemed as if the entire crowd jumped to its feet. The jurors pushed forward in throngs. Many had procured doctors' certificates of bad health. Some had their certificates of service in the militia or as firemen, and some were represented by attorneys. There was a general struggle to get away, notwithstanding the Judge's honeyed bait. And of such is the average business man, who complains of the lax administration of the laws.

As for Mrs. Botkin, she appeared with her sister, Miss Dora Brown. Her dress was of sober black, relieved by a white shirt front and a white standing collar encircled by a black tie. A heavy black veil partly hid her features. Her black cloth hat was faced with black velvet and trimmed with black cock's feathers and black satin ribbons.

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All were met at the depot by Chief Lees and Captain Dunlevy and Prosecuting Attorney Hosmer. They went to the Grand Hotel.

WITNESSES AGAINST MRS. BOTKIN AND THEIR EVIDENCE.

JOHN B. PENNINGTON, father of the late Mrs. Deane and Mrs. Dunning, the victims of the poisoned candy, will testify to the receipt of the candy and of the eating of it by his daughters, granddaughter and others.

HARRY C. PENNINGTON, son of John B. Pennington, will testify as to the receipt at the postoffice in Dover, Del., of the box of candy and its subsequent delivery by him to Mrs. Dunning.

JOSHUA D. DEANE, husband of one of the murdered women, will testify to their condition as the result of eating the candy, and will prove their deaths.

THOMAS GOODING, ex-Postmaster of Dover, Del., will testify that, as Postmaster, he handed a package to Harry C. Pennington, and will identify the wrapper of the candy box as that of the package so delivered.

MISS JOSEPHINE BATEMAN, MISS ETHEL MILLINGTON and MISS LEILA DEANE, daughter of the late Mrs. Deane, will all testify to the receipt of the box of candy and to the effects on themselves of partaking of the candy which the box contained, as well as to seeing Mrs. Deane and Mrs. Dunning eat the candy.

DR. P. S. DOWNS, physician of Dover, Del., who attended Mrs. Deane, will testify as to her condition, treatment for arsenical poisoning, etc., and death.

DR. T. R. WOLF, State Chemist of Dover, Del., will testify as to being called in to attend to those who ate of the candy; to the treatment prescribed, the evidence of poisoning and the fatal results of eating the candy.

DR. T. R. WOLF, State Chemist of Dover, Delaware, will testify as to his examination of candy left in the box and give toxicological evidence in regard to his analysis of the contents of the stomachs of the dead women.

ROBERT WHITE, Attorney-General of Delaware, will testify to the legal points involved in the bringing of witnesses, his examination of the facts in Delaware and kindred matters.

JOHN P. DUNNING, husband of one of the victims, will testify as to his acquaintance with Mrs. Botkin and his knowledge of her handwriting.

ALL IS READY FOR THE BOTKIN TRIAL

A Number of Witnesses in the Case From Delaware Arrive With Detective McVey.

John P. Dunning Will Give the Prosecution All the Assistance in His Power—Defense Expects an Acquittal—Mrs. Botkin in Court.

After a futile effort to extradite Mrs. Cordelia Botkin, accused of sending a box of poisoned bonbons to Dover, Del., which caused the death of two women, the authorities of California and Delaware, in order that justice may be done, have united to prosecute the defendant under the statutes of this State. This case, which is without a parallel in criminal jurisprudence, has attracted world-wide attention, first because of the enormity of the crime and second because of the possibility that a person may commit a dastardly murder and escape punishment because of a defect in our criminal laws. The trial of the accused woman is about to begin, but if the jury finds for conviction the jurisdiction of California will be denied, and the question carried to the Supreme Court for determination. The defense, relying upon the weakness of the prosecution, has not seen fit to raise this point until all evidence against the defendant has been submitted and passed upon by the jury. Beyond the legal technicalities the public has a deeper and an anxious interest in this celebrated case. A murderer sent an agency of death through the mails from this city and it accomplished its fiendish errand, and if it be proved that Mrs. Botkin posted the package and yet can escape punishment, every person having a known or unknown enemy need feel alarmed.

THE selection of a jury which is to decide whether or not Mrs. Cordelia Botkin is a modern Borgia or an innocent woman will begin this morning in Judge Carroll Cook's court. The Delaware witnesses are here to testify against the woman accused of poisoning Mrs. J. P. Dunning and Mrs. J. D. Deane. The case was set for yesterday, but court adjourned until 10 a. m. to-day out of respect for the late Judge Borden, whose funeral was held in the afternoon. Mrs. Botkin will be tried first for the murder of Mrs. Dunning.

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Mr. Botkin was not present at the proceedings yesterday. All the witnesses were excused until to-morrow.

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Judge Cook and Attorneys Hosmer and Knight think the trial will not last over ten days.

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MAINTAINS STRICT SILENCE.

HIS BONDS FIXED AT TEN THOUSAND DOLLARS.

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"He is a perfect gentleman," he declared. "I'm sorry that he is mixed up in such an affair."

At Port Costa Phillips and the prisoner were met by Detectives Cody and Gibson. He cordially greeted them, but refrained from discussing the case. It is likely that several more charges of forgery will be preferred against him to-day.

John P. Dunning Will Give the Prosecution All the Assistance in His Power—Defense Expects an Acquittal—Mrs. Botkin in Court.

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Mrs. Botkin appeared in Judge Cook's court yesterday neatly attired in a close-fitting black suit with a new black hat and heavy veil. Her manner did not in any way indicate that she was nervous or apprehensive as to the result of the trial which may condemn her as a double murderess. She trusts to her attorneys' assurance that she will be acquitted. Immediately after court was called Judge Cook announced that an adjournment until this morning would be taken in respect to the late Judge Borden, whose funeral service was to be held in the afternoon. The attorneys made no objection to the adjournment, and his Honor then ordered a roll-call of the special venire of 150 talesmen from whom twelve jurors are to be drawn.

The court room was filled with citizens who had been summoned as jurors and a large number of curious individuals, who craned their necks to get a glimpse of the now famous prisoner. When Mrs. Botkin and her faithful sister, Dora Brown, passed through the corridors from the Sheriff's office to the court room they ran a gauntlet of inquisitive eyes, but neither was embarrassed or perturbed in the least. The defendant took a seat facing his Honor and beside her associate counsel, Messrs. McGowan and Wheeler. George Knight, chief counsel for the defense, was not in court, as he knew the adjournment was to occur.

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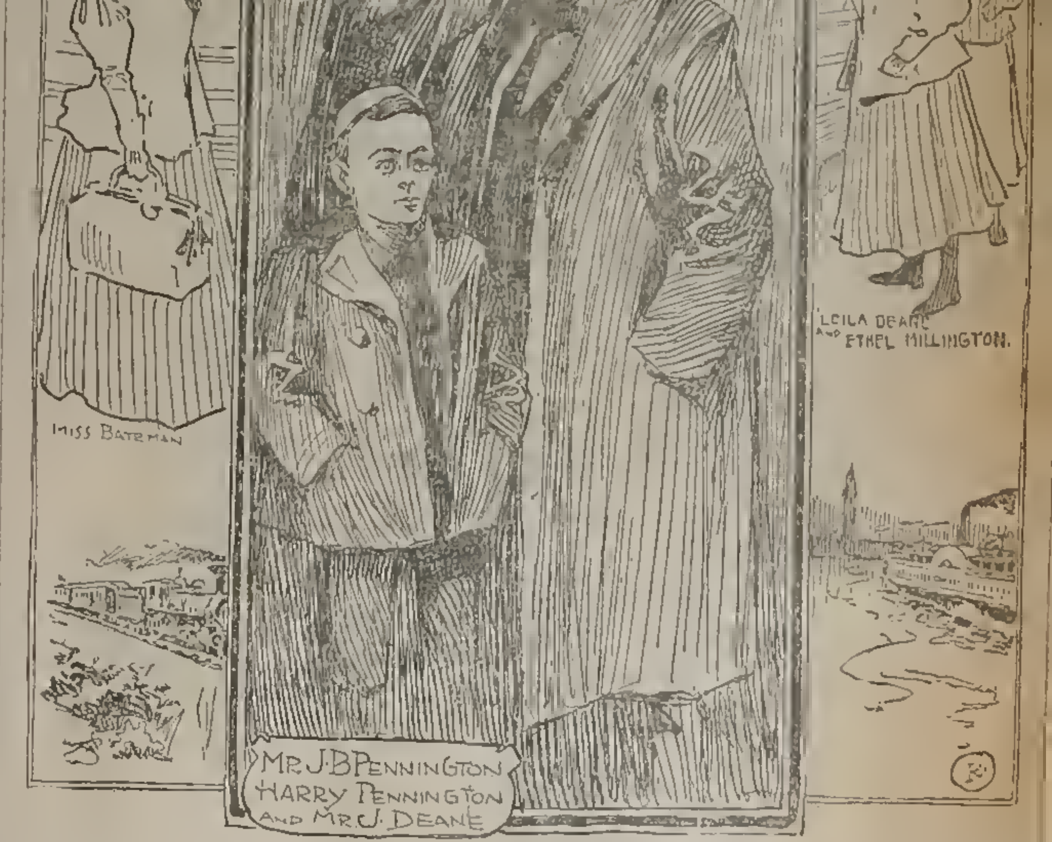

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NINE JURORS WHO WILL TRY MRS. BOTKIN.

The Famous Trial Opened With a Rush This Morning.

George Knight Impaneled Jurors With Lightning Speed Prior to Taking His Leave of the Defense.

The Botkin trial opened this morning without fuss, without preamble of any kind. Despite the fact that Attorney Frank McGowan of counsel for the defense was engaged in the United States Circuit Court, the expected motion for a continuance was not made.

To the general astonishment, and contrary to the expressed opinion of the experts, the task of jury-getting proved an easy affair. No less than nine citizens were accepted at this morning's session to pass upon the question of the guilt or innocence of the woman accused of poisoning Mrs. John P. Dunning. Without a doubt, to-morrow morning will see the opening of the trial in earnest.

George A. Knight will retire from the case as soon as the jury is impaneled. He openly stated so this morning. The attorney says that his hands are full of business which must be disposed of between now and the 1st of January, and he feels confident that Mrs. Botkin's interests will be sufficiently well protected in the hands of Frank McGowan and Charles Wheeler. Mr. Knight's advice, however, in the selection of a jury, was considered of so great importance that he was prevailed upon to undertake this arduous task on behalf of the defense.

"I cannot help it," explained Mr. Knight, when asked his motives for retiring. "I have much to do, and my presence here will not be needed."

The galleries of Judge Carroll Cook's courtroom were thrown open to the crowd which gathered at an early hour. The arrival of the sixteen witness from Delaware had been announced in all the morning papers, and the spectators were all agog to get a peep at them. They were, for the most part, disappointed, however, for with the exception of John P. Dunning, the murdered woman's husband, R. C. White, Attorney-General of Delaware; ex-Congressman Pennington, Mrs. Dunning's father, and Doctor P. S. Downs of Dover, Del., who attended the parties stricken after partaking of the poisoned candy, the party did not show up. Judge Cook had made an order yesterday excusing witnesses until to-morrow.

John P. Dunning arrived with Chief Lees. Mrs. Botkin had already arrived, and it was necessary for Dunning to pass her chair in order to reach his own. There was no mutual recognition, however. Mrs. Botkin, attired in the black gown, hat and veil of yesterday, stared steadily in front of her. Dunning cast his eyes down and quietly followed Chief Lees to his place.

The next arrival was that of ex-Congressman Pennington, the father, accompanied by Dr. Downs. They were ushered into court by Detective McVey, returned once more to rail at San Francisco injustice. Mr. Pennington took a modest seat in the third row of spectators. Being an ex-attorney-general himself, he was thoroughly familiar with courtrooms and their procedure. He sat down quietly, adjusted his spectacles and quietly watched the faces of the talesmen as they answered the questions put to them.

About 10 o'clock Judge Cook entered the courtroom. George Knight and Charles Wheeler sat down besides Mrs. Botkin and her faithful sister, and announced that they were ready to proceed. Mr. Hosmer begged a moment's continuance pending the arrival of Attorney-General White. It was granted. Presently the Delaware official, a slight man, wearing glasses, arrived and was introduced to the court as assistant prosecutor in the case.

Clerk Tolle called over the names of the citizens summoned as talesmen. Quite a number of prominent merchants were among the list, and the average showed up pretty well. E. W. Hopkins did not answer, nor did Stewart Menzies, nor did James V. Coleman, nor George Newhall. There were enough and plenty present, however, so the case proceeded without further delay.

Wm. S. Kittle, an insurance man, was the first talesman examined by Mr. Hosmer. He was asked:

"In a case of poisoning, would your scruples prevent your returning a verdict where the punishment would be death?"

"No, sir."

"The defendant being a woman, would you try her as you would a man?"

"I would."

"Could you give this case a fair and impartial trial?"

"I could not. For three reasons. In the first place, I am a classmate of Mr. Dunning. I knew his wife very well, and—"

"That will do," put in George Knight. "We consent that Mr. Kittle be excused."

Excused by consent.

D. Bloch, the well-known merchant, was the next examined. He satisfied the prosecution, and then Mr. Knight put the following questions:

"Have you read about this case?"

"From what you have read, have you formed any opinion?"

"Would that opinion require evidence to remove?"

This last question tripped up Mr. Bloch, and he was challenged by George Knight. Mr. Hosmer, however, denied the challenge, and extracted a confession from the talesman to the effect that he would not permit his opinion to interfere with his impartial trial of the case. He would discard his opinion and would not require Mrs. Botkin to put in any evidence on her own behalf, provided that the prosecution did not establish a sound case against her.

Knight came back at Hosmer by making the millionaire talesman confess that he still had an opinion. But still he insisted that he could try the case fairly. Judge Cook took a hand and after a few questions bearing on the same subject disallowed the challenge. Mr. Bloch looked disappointed.

T. H. Chandler, another capitalist, got through his examination with credit. He satisfied both sides, and also, in response to a question from Mr. Hosmer, said he would convict on circumstantial evidence, providing it were strong enough. Passed.

A. E. Buckingham [illegible]

Dunning Passed Close to Mrs. Botkin As He Entered the Courtroom, But There Was no Sign of Salutation Between Them.

opinion, and it proved insurmountable. Excused.

The first twelve having been put through their paces, it was the prosecution's turn to say whether those talesmen remaining in the box should be accepted as jurors. A long consultation between Chief Lees, Mr. Hosmer and Attorney-General White resulted in the excusing of Mr. Quadt. It was then George Knight's turn. He did not waste a second.

"Excuse Mr. Bloch," he sang out. And the millionaire merchant gladly accepted his freedom.

Another consultation and Mr. Hosmer excused Mr. Levy. Knight expressed himself satisfied. Another long consultation, in which Chief Lees and Mr. Hosmer appeared to disagree. Finally, however, Mr. Hosmer said he was satisfied, and the following five were sworn in as jurors to try the case:

T. H. Chandler, 128 Market street.
A. E. Buckingham, 26 Montgomery.
J. F. Kennedy, 408 Montgomery.
S. K. Overgard, Market and Second.
Sam H. Daniels, Bank of California.

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"Excuse Mr. Wilson and Mr. Russell," said Hosmer, "Satisfied with Mr. Myers." So J. F. Myers [illegible]

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son brought McGlade to this city last night from Deming, Arizona, where he was captured. The party went to Chief Lees' office and thence to a restaurant for dinner. McGlade will not talk about his operations in the office of the Superintendent of Streets.

Sheriff Phillips of Deming came to San Francisco in the company of the detectives and the prisoner. He told how he found McGlade.

The police of San Francisco had sent by telegraph a careful description of the man. As soon as the dispatch reached him Phillips went to the railroad station. As he reached an east-bound train was pulling out. The sheriff jumped aboard, intending to walk through the train. At the same moment a man who fitted the description of McGlade walked out of the depot and entered one of the cars.

Phillips went to him and said:

"Are you W. P. Russell?"

He had been told that the fugitive was traveling under that alias.

"I suppose I am under arrest," he said. "I assumed that name."

Captor and captured shook hands and left the train together. McGlade did not attempt to resist being returned to San Francisco. Detectives Gibson and Cody met Phillips and the prisoner at Port Costa.

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Lees. Mrs. Botkin had already arrived, and it was necessary for Dunning to pass her chair in order to reach his own. There was no mutual recognition, however. Mrs. Botkin, attired in the black gown, hat and veil of yesterday, stared steadily in front of her. Dunning cast his eyes down and quietly followed Chief Lees to his place.

The next arrival was that of ex-Congressman Pennington, the father, accompanied by Dr. Downs. They were ushered into court by Detective McVey, returned once more to rail at San Francisco injustice. Mr. Pennington took a modest seat in the third row of spectators. Being an ex-attorney-general himself, he was thoroughly familiar with courtrooms and their procedure. He sat down quietly, adjusted his spectacles and quietly watched the faces of the talesmen as they answered the questions put to them.

About 10 o'clock Judge Cook entered the courtroom. George Knight and Charles Wheeler sat down besides Mrs. Botkin and her faithful sister, and announced that they were ready to proceed. Mr. Hosmer begged a moment's continuance pending the arrival of Attorney-General White. It was granted. Presently the Delaware official, a slight man, wearing glasses, arrived and was introduced to the court as assistant prosecutor in the case.

Clerk Tolle called over the names of the citizens summoned as talesmen. Quite a number of prominent merchants were among the list, and the average showed up pretty well. E. W. Hopkins did not answer, nor did Stewart Menzies, nor did James V. Coleman, nor George Newhall. There were enough and plenty present, however, so the case proceeded without further delay.

Wm. S. Kittle, an insurance man, was the first talesman examined by Mr. Hosmer. He was asked:

"In a case of poisoning, would your scruples prevent your returning a verdict where the punishment would be death?"

"No, sir."

"The defendant being a woman, would you try her as you would a man?"

"I would."

"Could you give this case a fair and impartial trial?"

"I could not. For three reasons. In the first place, I am a classmate of Mr. Dunning. I knew his wife very well, and—"

"That will do," put in George Knight. "We consent that Mr. Kittle be excused."

Excused by consent.

D. Bloch, the well-known merchant, was the next examined. He satisfied the prosecution, and then Mr. Knight put the following questions:

"Have you read about this case?"

"From what you have read, have you formed any opinion?"

"Would that opinion require evidence to remove?"

This last question tripped up Mr. Bloch, and he was challenged by George Knight. Mr. Hosmer, however, denied the challenge, and extracted a confession from the talesman to the effect that he would not permit his opinion to interfere with his impartial trial of the case. He would discard his opinion and would not require Mrs. Botkin to put in any evidence on her own behalf, provided that the prosecution did not establish a sound case against her.

Knight came back at Hosmer by making the millionaire talesman confess that he still had an opinion. But still he insisted that he could try the case fairly. Judge Cook took a hand and after a few questions bearing on the same subject disallowed the challenge. Mr. Bloch looked disappointed.

T. H. Chandler, another capitalist, got through his examination with credit. He satisfied both sides, and also, in response to a question from Mr. Hosmer, said he would convict on circumstantial evidence, providing it were strong enough. Passed.

A. E. Buckingham, real estate man, satisfied both sides.

E. J. Dunn was all right, but he said that in a case which depended upon circumstantial evidence only he would require the evidence to be very strong indeed before he would convict. Furthermore, he held a very strong impression as to the guilt of the defendant. This impression he promised to try to put aside. In reply to Mr. Knight, he said he did not think he could make a fair juror in the case. Mr. Knight challenged.

"I deny the challenge," said Mr. Hosmer. But it was no use. The talesman was too far gone in his opinion to be of use, so he was excused.

In this way, quietly and without sensation, the examination proceeded. J. K. Pryor was excused for cause. John Quadt passed. S. K. Overgard was similarly successful. So were Samuel H. Daniels, C. M. Levy and J. F. Kennedy.

Charles Brown had conscientious opinions against capital punishment. But when a hypothetical case was put before him it was found that his opinions on this subject were elastic. But he had an opinion, and it proved unsurmountable. Excused.

The first twelve having been put through their paces, it was the prosecution's turn to say whether those talesmen remaining in the box should be accepted as jurors. A long consultation between Chief Lees, Mr. Hosmer and Attorney-General White resulted in the excusing of Mr. Quadt. It was then George Knight's turn. He did not waste a second.

"Excuse Mr. Bloch," he sang out. And the millionaire merchant gladly accepted his freedom.

Another consultation and Mr. Hosmer excused Mr. Levy. Knight expressed himself satisfied. Another long consultation, in which Chief Lees and Mr. Hosmer appeared to disagree. Finally, however, Mr. Hosmer said he was satisfied, and the following five were sworn in as jurors to try the case:

T. H. Chandler, 128 Market street.
A. E. Buckingham, 26 Montgomery.
J. F. Kennedy, 408 Montgomery.
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"We're satisfied," sang out George Knight when asked to challenge.

"Excuse Mr. Wilson and Mr. Bassett," said Hosmer. "Satisfied with Mr. Myers." So J. F. Myers of 1017 Market street was sworn in as the ninth juror to try the case. A recess was then taken till 2 P. M.

There was widespread astonishment at the way things went. The greatest suavity, the finest politeness existed between counsel on both sides. Jurors were accepted after the briefest examinations ever heard in so important a case.

Dunning Passed Close to Mrs. Botkin As He Entered the Courtroom, But There Was no Sign of Salutation Between Them.

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The courtroom seemed to contain none who were not well disposed toward the prisoner. The men who arrested and the men who guarded him were his most affable companions. All officers of the court shook hands with McGlade before they set in motion the judicial machinery that may send him to the penitentiary.

On account of the gravity of the crime of which he is accused—forgery—the amount of his bonds had been fixed at $10,000. For some reason McGlade could not obtain sureties in that amount among his many friends. At least, there would have been delay, and the prisoner is very anxious to be free. He spent last night at the City Prison.

Attorney Metson, who represented the prisoner, persuaded Judge Joachimsen to reduce the amount of bonds required to $5,000. Metson declared that he would procure sureties to-day. Meanwhile, McGlade awaits in durance the order of release.

Detectives Charles Cody and Tom Gib-

BECKER, PRINCE OF FORGERS, CONFESSES HE IS GUILTY.

COURT ASKED TO GIVE HIM SHORT TERM.

Considerations Which Brought the Trial to a Close.

Bankers' Association Will Assist Him When His Term Expires.

MAY GET SEVEN YEARS.

Creegan Expected to Plead Guilty When Called, and Serve Two Years.

Charles Becker has pleaded guilty to the charge of forgery for raising a $12 check to $22,000, and has thrown himself on the mercy of Judge Wallace, before whom the case has been on hearing for a week. He will be sentenced Friday morning and expects to get seven years. A part of the agreement to have a plea of guilty made was that all the attorneys unite in asking Judge Wallace not to make the term longer than this.

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Even before Mr. Ach had uttered these significant words there were rumors about the courthouse corridors that the members of the Bankers' Association were willing to help Becker in bringing his case to an end, provided he could be placed in such a position that they would be free from the danger of his facile pen. After the action in court, whereby he acknowledged his guilt, it was said that when his term is ended some arrangements will be made to enable him to live free from the temptations that so often beset a discharged convict. Besides, he is nearing that time in life when the skill and cunning of the human hand begin to wane, and after his liberation he would no longer be so dangerous to the commercial public by reason of any operations that he might be tempted to engage in.

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"You understand the statement made by your counsel," said the Court, "you now deny the prior conviction you formerly admitted and plead guilty to the charge of forgery."

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Then Attorney Dunne explained that this was with the free consent of the State, and suggested that as his client had already served three years in jail, a term of seven years in San Quentin might be considered adequate punishment, considering the age and the condition of his client's health.

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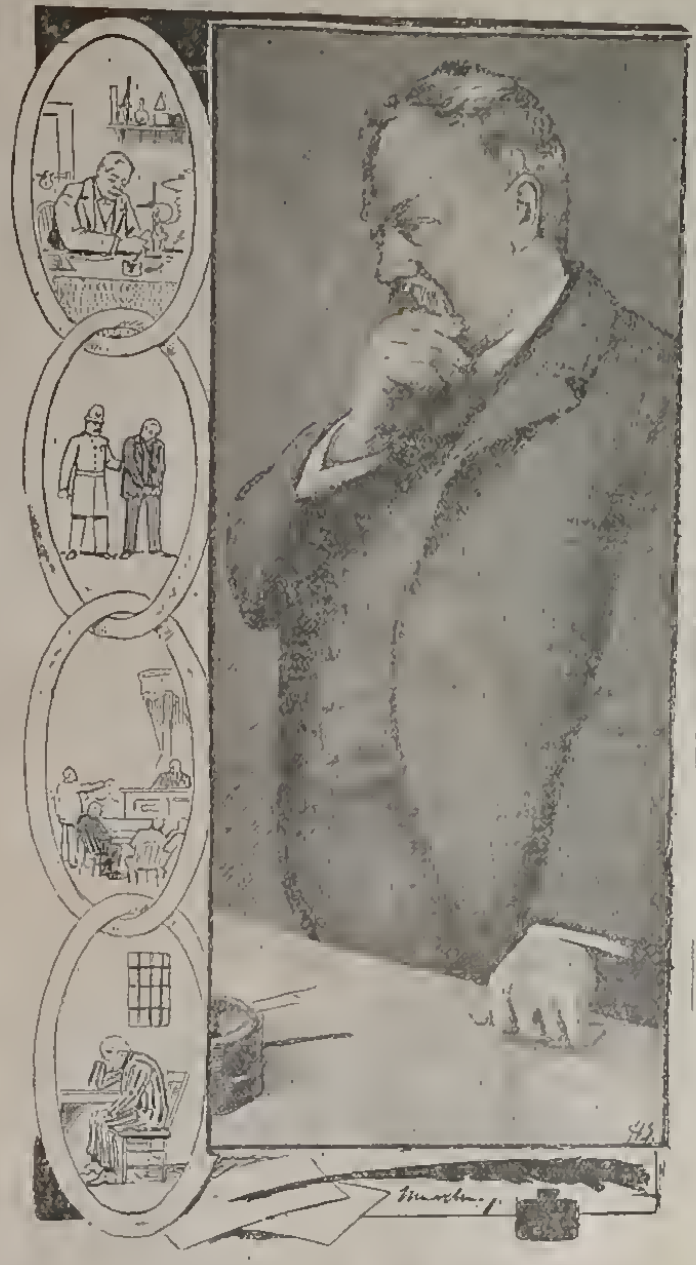

FORGER BECKER, WHO HAS ADMITTED HIS GUILT.

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When Becker was taken back to the County Jail he was in a most cheerful mood. He talked freely of his crime and the part taken by other people, but declined to state any terms on which he pleaded guilty, save that he was making the punishment shorter than by staying in a bad jail through so many trials and appeals. He was also saving expense and had reached the point where he had not a penny. His wife is to be brought here at once, and as he is very fond of her and she of him, this added to his cheerful mood. In fact, the jail officers declared that he was in better humor than at any time since he was first arrested. Instead of threatening to assault an artist who asked to sketch him, he [sat] for over an hour in one position and [offe]red suggestions and criticisms on the [re]sult.

"[A] great load is off my mind," he said. "[It] is all certainty now where there was [unc]ertainty before. I did not fear Creegan's testimony. That would amount to nothing. But I want to tell you what a skunk I think he is. I went in and paid all the expenses of our trials because he told me he had nothing. I broke myself doing it. Now I am without a penny, and he

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The Delaware authorities have washed their hands of the Botkin case. Extradition having been denied, Detective E. J. McVey had made ready to appeal yesterday morning to the Federal Court for a writ of habeas corpus. Peremptory orders reached him, however, from the Delaware authorities to drop the case and return home.

"I shall leave to-night at 6 o'clock for Delaware," said he yesterday. "I believe the Federal Court would have granted me a writ of habeas corpus and the Superior Court would have been compelled to yield. The crime was not committed here, but in Dover. The postal authorities hold that that candy was in the possession of Mrs. Botkin until it was delivered in Dover. She could have recalled it at any time up to its delivery."

PEOPLE AT THE BOTKIN TRIAL ARE WONDERING WHAT CARD THE DEFENSE HAS UP ITS SLEEVE.

THE TEN JURORS ALREADY SELECTED TO TRY MRS. BOTKIN FOR MURDER.

TEN jurors to try Mrs. Cordelia Botkin were secured yesterday, and when the court adjourned until this morning because there were no more names in the jury box, the general question running through the curious throng, was:

"What has Knight got up his sleeve?"

For the attorney had acted all through the day with an air of easy confidence. There was none of that fierce fighting over technicalities which generally accompanies the trial of a desperate cause. The selection of jurors was phenomenally rapid. Those who remembered the slow processes of the Durrant case marveled most at the celerity with which jurymen were accepted.

Knight was smiling, affable and chatty throughout the day. There was never a sharp word for Prosecuting Attorney Hosmer. The points presented to the court were not argued with persistence or vehemence. No law book, except the Penal Code, was referred to in the remotest way. Nine jurors were selected in the morning, and Knight had used but one peremptory challenge out of the twenty allowed him by law. When the ten jurors had been accepted he had used but five of his challenges.

There was not the slightest trace in the lawyer's manner of oppression under the thought that a human life might be hanging on his efforts in selecting that jury. In fact, he was jocular. His aim seemed to be to rob the proceedings of solemnity. Possibly there was method in all this, for Knight has his own peculiar way of trying cases. But, method or no method, his manner kept that question going from tongue to ear, "What has he got up his sleeve?"

"It's a bluff," said Detective Gibson. "Knight was saying downtown last night that he would submit the case to the first twelve men called into the box, but you see he hasn't done it."

"He hasn't anything up his sleeve," declared Chief Lees, positively. "It is Knight's way, that's all. You see, these people think they have a great point on which they are going to throw us out of court. Just as soon as we show that Mrs. Dunning died in Delaware they will raise the issue that we have not proved the corpus delicti—the foundation of the offense—and that because of the death in Delaware the California court has no jurisdiction.

"But that point has been thoroughly looked into. While it is true that I was very much in favor of extradition and of having the case tried in Delaware, the defense will find that when they raise their issue of no jurisdiction they will not be able to throw us out of court. There is really nothing in all this air of confidence they are assuming."

If it was all a bluff, however, it was a good one, and no man ever went more jauntily or nonchalantly into a celebrated case than did George A. Knight into the defense of Mrs. Botkin. His "aisy ways" certainly added much to the interest and prepared people for all manner of unexpected and unforeshadowed developments.

Then, too, Knight sprung a surprise when he told several of those in the courtroom during the forenoon that he intended to retire from the case just as soon as he had completed the impanelment of the jury, leaving ex-Senator Frank McGowan and Charles Wheeler of Eureka to fight out the battle in their own sweet way. When asked at the close of the day's session why he was going to get out Knight replied with a twinkling eye:

"Why, you know I'm going to be the next United States Senator from California, and I've got to be out doing politics. I'll have to see these legislators who are coming in from Colusa and Yolo and San Berdoon. Then, too, my other business is pressing me. But Frank McGowan is engaged in the trial of a case in the United States Circuit Court, and if he isn't through by the time the jury is secured I can't desert the case till he gets back. Then I'll go."

But later Knight reconsidered his determination to leave the case. After court had adjourned he had a talk with Mrs. Botkin in the Sheriff's office. She begged and pleaded with him not to desert her in her hour of stress. She cried some, and grew quite dramatic, and—well, Knight couldn't resist a woman's tears, the Senatorship might go to Colonel Burns and his business to the devil, but he'd see the case of Mrs. Botkin through if it took his all.

"It's a hanged sight easier to get into a murder trial than to get out of it," sighed Knight after his interview with his client. "If she had paid me a fee for my services to date, I might quit with a clear conscience. But, as there has been no fee, I suppose a man is gallantly bound to defend a woman in her time of trouble. So I'm going to stick to the case to the end."

There were tales fluttering about the corridors that Knight wanted to retire because Wheeler and McGowan didn't like to try the case in his way. The Colonel candidate has a theory that most lawyers so overtry their cases that they try their clients to death. Most jurors think in the same way, but it is mighty hard to get the minds of lawyers inclined in that direction. Consequently, it may be possible that some little friction prompted Knight to try to get away from a feeless cause. In any event, he is back again and in again, and his oratory will make the echoes dance.

As for the case itself, it was inclined to drone prosily. Hosmer asked juror after juror the same questions, and Knight retorted in kind. There were not over three objections during all the time of questioning and in not one of these was there the slightest ring of a challenge to oratorical or legal combat. Men of some mark in the community came, were duly catechised, and either went their way rejoicing, or remained in reluctant discontent to try the case. Many showed the customary stupidity in their answers, until the hangers-on wondered how men with such little natural sense could make such large success of business affairs. But there was nothing enlivening in it all.

There were two occurrences which caused some talk, and only two. One was the entrance of Dunning, the other was the appearance in the case of Attorney-General R. C. White of Delaware. Out of one it was hoped to make a dramatic situation, but it petered out. As to the other, it has set some of the lawyers to talking about the rights of attorneys and their limitations.

Dunning and Mrs. Botkin had not met since he was off to Cuba and the wars. She was seated between her sister and Attorney Wheeler when he entered and passed close behind her, his coat brushing her hair, but she did not see him. He went over to a seat beside Chief Lees and sat down, his back to the jury-box, his face toward Mrs. Botkin. Still she seemed unaware of his presence. After a time Attorney Knight leaned over to her and whispered, "Isn't that Dunning sitting over by Chief Lees? I never have seen him, but that man looks like the pictures of Dunning I have seen in the newspapers."

Mrs. Botkin glanced up, caught Dunning's eye, gave him one sharp look, lowered her eyes and said:

"Yes, that is Mr. Dunning."

After this she partly turned her back on Dunning, rested her cheek on her black fan and did not look at him again. She did not mention him further, even to her attorneys. There was no glaring, no shuddering, no demonstration. So those who had hoped for a sensation when Dunning and the prisoner met had to rely on their imagination of what might have been in order to work up anything like a thrill.

As to Attorney-General White, he is a tall, spare man who wears spectacles and carefully brushes some scant side-locks over the bald expanse of his upper brow. He is anything but the typical Southern Democrat, either in speech or manner. It may be that he is a product of the recent Republican upburst in the South. In any event, he was introduced to the Court by Mr. Hosmer just after the first twelve jurors had been called into the box, and before the trial was formally opened by the reading of the complaint.

"I ask that Hon. R. C. White, Attorney-General of Delaware, appear in this case," said Hosmer.

"There is no objection so far as the defense is concerned," replied Knight, suavely, and the Delaware official took his seat beside [illegible] for the prosecution.

When the court assembled after the noon recess, Hosmer was late. Judge Cook snappily said the Prosecuting Attorney knew very well what time the court would be in session, and insisted that the examination of jurors proceed without him. So Attorney-General White was forced to examine a juror.

This act caused some talk among attorneys as to the right of a lawyer from another State to practice in a criminal case before the courts of California without a formal motion and admission as an officer of the court. It was talked of up and down the street, and even in the environs of the Supreme Court. A lawyer gave this opinion on the question:

"Holders of licenses from the Supreme Court of other States are admitted by the Supreme Court of this State to practice law, in accordance with a statute. By an act of the Legislature of 1895 no admissions to practice can be made except by the Supreme Court. By an "act of courtesy" Judge White has been permitted to take part in the Botkin case before the Superior Court, and while courtesy frequently has been extended, there seems to be no law for the procedure, the matter never having been tested. When it is considered that the trial of Mrs. Botkin will cost this city and county many thousands of dollars, it seems that too great a risk is being taken in permitting Judge White to appear without having been admitted by the Supreme Court."

When spoken to about the matter, Frank McGowan, one of Mrs. Botkin's attorneys, said he certainly would raise the point in the Supreme Court in case of a conviction by the jury.

As to the case, as it proceeded, it was found that most of the millionaires and leading merchants summoned to the trial had, by hook or by crook, evaded jury duty as usual. There were enough notables left, however, to keep up the interest, and the ten jurors secured showed intelligence beyond the common, though their united bank accounts may not foot up as heavy a figure as the cash of one of those who sneaked out of doing duty as a citizen.

The first twelve men called into the box were W. S. Kittle, D. Block, T. H. Chandler, A. E. Buckingham, B. J. Gunn, J. K. Prior, John Quadt, J. F. Kennedy, S. K. Overgard, Samuel H. Daniels, C. M. Levy and Charles Brown. Then came the reading of the complaint charging Mrs. Botkin with sending to Dover, Del., the box of poisoned candy which caused the death of Mrs. Mary Elizabeth Dunning, wife of John P. Dunning. During the reading Mrs. Botkin looked nervously at the jurors for an instant, as if trying to catch the expression of their faces, and then sunk her eyes into her lap, where her fingers moved restlessly.

Hosmer outlined his course of questioning with W. S. Kittle, the first juror, and stuck to it during the entire day.

"Have you any conscientious scruples against capital punishment?"

"The defendant being a woman, would you try her the same as you would a man?"

"Have you any prejudice against circumstantial evidence?"

"Could you try this case impartially and fairly?"

To these interrogatories Knight merely opposed an inquiry as to whether the juryman had formed or expressed an opinion as to the guilt or innocence of Mrs. Botkin. It was notable that those who had a fixed opinion considered the prisoner guilty. There was no leaning the other way, and Knight got rid of most of the objectionable ones on that ground.

Kittle had been in school with Dunning and knew his wife, so he was excused without question. Chandler, Buckingham, Levy, Quadt, Kennedy, Daniels and Overgard were passed so easily that the lobby began to wonder. There was a bit of struggle over Block, but Judge Cook disallowed Knight's challenge, and here were eight jurors in the box out of the first twelve, when the time came for peremptory challenges. Knight let Block go, and Hosmer excused Quadt and Levy.

"The defense is satisfied!" almost shouted Knight in a tone of such confidence that a man in the lobby whispered, "There's somethin' doin' in this case."

The prosecution expressed satisfaction after much consultation, and so here were five sworn jurors out of the first twelve called. Then three more were had out of the next seven, and by recess time nine were in the box all ready to sit in the case.

Those who had come and gone for one reason and another were: W. S. Kittle, D. Block, B. J. Gunn, J. K. Pryor, John Quadt, C. M. Levy, Charles Brown, L. F. Fogg, Alex G. Hawes, G. Amerup, H. Shainwald, J. K. Wilson, Oliver Eldridge, and C. F. Bassett. Some would not hang a woman, some opposed the death penalty for anybody, and some had fixed opinions. But things were going swimmingly.

There was more trouble in the afternoon, and only one juror was added to the list of accepted ones by the time the clerk announced that his box was empty. Some twenty-five or thirty estimable citizens had failed to appear to answer their names. They will be yanked into court this morning, and from them, it is confidently asserted by Knight, the jury could be completed.

Those who failed to pass in the afternoon were: William Frank, Arthur W. Moore, G. G. Wickson, W. S. Duval, William M. Weil, J. M. Moran, D. L. Farnsworth, Charles Mathias, H. T. Bush, E. J. Schultz, Rolla V. Watt, Jacob Gordon, J. H. Grady, recently candidate for Auditor; F. W. Wright and J. D. Hammond, an ordained minister, who pleaded his exemption. Jacob Heyman was the only one accepted.

The case will go on at 10 o'clock this morning.

TEN JURORS WHO ARE TO TRY MRS. CORDELIA BOTKIN.

The following jurors were accepted and sworn in the Botkin case yesterday, and it is expected that the jury will be completed early this forenoon:

T. H. CHANDLER, tea and coffee, 128 Market street.
AURELIUS E. BUCKINGHAM, real estate, 26 Montgomery street.
J. F. KENNEDY, art dealer and lumber merchant, 405 Montgomery street.
S. K. OVERGAARD, clerk, Market and Second streets.
S. H. DANIELS, teller, Bank of California.
M. MARCUSE, importer fancy goods, 125 Sansome street.
ABE JACOBS, tailor, 1200 Market street.
W. B. HARRINGTON, President Merchants' Club, California and Sansome streets.
JOHN F. MYERS, stove merchant, 1047 Market street.
JACOB HEYMAN, real estate, 11 Montgomery street.

MRS. DUNNING'S FATHER SEEKS JUSTICE ONLY.

John B. Pennington, the father of Mrs. Dunning and Mrs. Deane, attended both the morning and afternoon sessions of court.

"What do I think of Mrs. Botkin?" he repeated, in response to a question. "Well, I hardly know. I cannot say that I have had a sufficiently close inspection of the woman to form any opinion.

"It is a mistake for people to think that I have any personal feeling against Mrs. Botkin. I have none. I naturally feel antagonistic toward the person responsible for the death of Mrs. Dunning and Mrs. Deane, but it remains to be seen who that person is. The evidence so far presented is directly against Mrs. Botkin, but I am a lawyer, and the ethics of my profession, as well as my personal experience, bid me withhold judgment until the accused has had a fair and impartial trial.

"Whoever committed that crime should suffer the penalty prescribed by the law. I make no exception in regard to sex. If a woman is the offender she should be subjected to the same punishment as would be inflicted on a man.

"I am here merely in the capacity of a witness. I shall not return East until after the termination of the trial. The impression has gone abroad that I am seeking vengeance. This is incorrect. I want justice—not vengeance. If a verdict of conviction is reached, it is not my wish to see the prisoner in irons or to attend the execution.

"I have no fear about the trial being conducted in a fair and impartial way. If Mrs. Botkin is the offending party she will, in my opinion, be convicted as readily here as in Delaware."

Chief Lees said last evening that the Delaware witnesses would be the first to take the stand. The idea of the prosecution, he said, is to begin at Dover and let the story of the crime develop from that point. The evidence will begin with the receipt of the box of candy in Dover by ex-Postmaster Thomas Gooding.

Attorneys Knight, McGowan and Wheeler are anxious that there shall be no delay in the trial of the case. They says they are in readiness to proceed and will put in their case as soon as the testimony of the prosecution is submitted.

Mrs. Botkin is well satisfied with the men selected to decide her fate.

"They all appear conscientious and honest," she said, "and I ask nothing more than that twelve reliable men shall occupy the jury box."

THE YOUNG WOMAN WHO IS ON TRIAL FOR HER LIFE AND THE MEN ON WHOSE WORD HER FATE DEPENDS.

MISS DORA BROWN. MRS. CORDELIA BOTKIN. ATTORNEY CHARLES WHEELER. ATTORNEY GEORGE A KNIGHT. ATTORNEY-GENERAL ROBERT WHITE OF DELAWARE. DISTRICT ATTORNEY JOHN A HOSMER. CHIEF LEES. JOHN P. DUNNING

SO SIT THE PRINCIPAL CHARACTERS IN THE TRIAL OF CORDELIA BOTKIN.

By Edward H. Hamilton.

MRS. CORDELIA BOTKIN, on trial for her life, is as demure, as proper and gentle as if she had never broken a commandment or indulged in a thought beyond a Sunday-school. Clothed on with black, her modest eyes given mostly to the contemplation of her hands, and affecting that soft repose which belongs to the caste of Vere de Vere, she seems the type of injured innocence, a Christian and a martyr.

She doesn't even resent the starings of the brazen eyes of other women. She passes through the craning crowds which wait upon her coming and going, contained, collected and serene. No flush comes upon her cheek when the man who has played so tragic a role in the drama of her life throws a neglectful glance her way. To a stranger, coming suddenly upon that crowded courtroom, she would be some tender widow, just past the stormy overflow of her grief, waiting in patient sorrow the legal disposition of the estate of the dear departed.

Yet this woman, so seemingly the theme for pity and for tears, is believed by most of those who look upon her to be a moral monster—a modern Borgia, who did to death by secret poison two innocent people of her own sex—two who had never done her the slightest harm. If innocent, she looks the part. If guilty she is an actress of rare gifts when assigned to a role requiring composure. Perhaps if put to the test of questioning she will burst the bounds and flame out malignant, passionate, vixenish. That is what the great crowd waits to see.

Yesterday morning Deane and Dunning, the husbands of the two murdered women, came into court with Chief Lees. Deane soon went away. Dunning pulled a chair from the table assigned to the forces of the prosecution and placed it behind the station of the reporters. If Mrs. Botkin noted the presence of the two bereaved men she made no sign. She was not ruffled, uneasy or disturbed. Like the black omen of the poet she "sat and nothing more."

Deane gave a passing glance at the back of her head, and hurried on. As for Dunning, having fixed his position where he could catch the woman's profile and not have to face her, as he had at the time of his first appearance, he occasionally permitted his eyes to wander in her direction. But there was no knitting of the brows, no clutching of the hands, no evidence of a desire for revenge. Perhaps such things belong only to the theatre. In any event Dunning was placid, even languid. He evinces small interest in the selection of the jury, smiles occasionally at the sallies of the lawyers, shifts his position rarely—and chews gum.

"That's him!" whisper the ungrammatical loungers.

"That's her!" retort those who point the finger.

But these two central figures in what promises to be a case of sensations are as unsensational as two hydrants or two dollars. Yet women stand tiptoe on benches for hours just to look at them. Men stretch and twist their ungraceful, inquisitive necks to get a nearer view. The throng seems waiting for an outburst, recriminations, a "scene." The hours drag on, empty of sensations, melancholy, slow, but the crowd remains alert, tense, expectant.

Yesterday there was little to record. Before the case was called, Knight gave promise of making it a lively day. He began protesting to Hosmer about the retention on the jury of S. H. Daniels, the Bank of California exchange teller.

"This man is altogether too friendly with Chief Lees," complained the prisoner's lawyer in his emphatic way. "Lees used to work for Daniels' father, and now Daniels is continually entertained at Lees' house."

Hosmer retorted in low tones, and Knight burst out, exploding like a firecracker:

"He shan't sit in this case."

Then Knight and Lees wrangled over the matter and there was no sweetness and light in the tone of either. Again Knight explosively declared, "He shan't sit in this case!" But Daniels is still sitting.

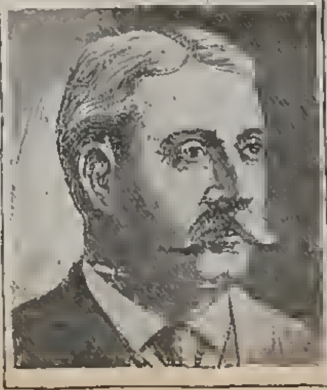
"The fact is," explained Lees, "that in 1850-53, when I was outside foreman in Donohue's old foundry, the father of Daniels was timekeeper there. Since then I have liked the son just as I liked the father, but, so far as I remember, he never has been at my house, and we are not at all intimate."

Knight was also inclined to be a bit testy with Hosmer at the start and Hosmer was only too ready to be crabbed in his turn. So ears pricked up in expectation of some hard hitting. But it was merely a flash i' th' pan; for the two attorneys soon got as cheery as the Cherrybel brothers, and though only one jury man passed the day's ordeal, there was no more querulousness.

When, on Tuesday night, ten jurors had been accepted and sworn it was supposed that the securing of the remaining two would be the matter of an hour or less. But the men of the original venire of 150 who answered to their names were either eager to get away or were not satisfactory to one side or the other, and a special venire of twenty-five had to be called for the afternoon. Of these, the one who was sworn was E. A. Kyle of Goldberg, Bowen & Co.

The morning heard the calling of some notable names and the making of many excuses. E. W. Hopkins was excused as a non-resident. Austin C. Tubbs and W. E. Deane for sickness, and James V. Coleman because he is an attorney as well as a professor, a capitalist and an author. H. E. Bothin did not answer at all, though his name was called Both-een, Both-in, Bo-thin, Both-un and Bothing. Stewart Menzies, the reformer, begged off on the ground that he is a Federal officeholder. He is Jury Commissioner for the Circuit Court. George Newhall, who drives four-in-hands, pleaded exemption on the ground that he is an active officer of a railroad. He has something to do with the Union-street cable line, which is nothing much to be proud of.

F. A. Hunter, a traveling insurance agent, and I. W. Hellman Jr., son of the great Nevada Bank capitalist, were the first two called to the box. But both had such opinions of Mrs. Knight's guilt that they were excused on Knight's challenges. George D. Clark passed muster, but Knight challenged him peremptorily. O. D. Baldwin had an opinion. Then when F. P. Sherman, the Sutter-street merchant, and Alexander Hamilton of Baker & Hamilton were announced as the last two names in the clerk's box, Knight offered to take them and let it go at that. But Hosmer would not have it so. It was found that under no circumstances would the gallant Hamilton vote to hang a woman on circumstantial evidence. So he went out on Hosmer's objection, and Sherman was peremptorily set down by the same side.



JUROR EDWARD KYLE.

Thus it became necessary to summon the twenty-five more jurymen on a special venire and to have them on hand for the afternoon. The crowd gathered long before the hour for opening court and fairly spewed itself through the door. One woman brought her little girl. All glued their eyes to Mrs. Botkin, and one stout, flabby female who sat near the prisoner stared at her piteously all the afternoon. The prisoners' dock, disagreeably suggestive as it is, filled with old men, bewhiskered like a Populist convention.

On the special venire appeared the names of William H. Mills and J. C. Stubbs of the Southern Pacific. Stubbs paid no attention whatever to the summons, but Mills sent out Attorney Lake of the railroad's law department to say that he was ill. Hotel men predominated. William B. Hooper of the Occidental, Colonel Young of the Russ and Manager Warren of the Palace all being on the list.

H. L. Dodge and Mr. Warren were the first called. Dodge didn't suit Knight, and Warren would not hang a woman. E. Fretwell, a banker, with a chrysanthemum, was peremptorily challenged by Knight, and Hosmer similarly let out Isaac Baer. Then Knight found that Fred Bowman was not on the assessment roll—the first time that point had been raised—and peremptorily challenged Brittsford P. Flint, the wool merchant, and C. T. Spader, a real estate broker.

Then came Thomas S. Williams, a tailor. He could hardly hear Hosmer, but Knight wanted him on the jury, and shouted so loud that a steam pipe could have heard him. Williams replied easily, but when Judge Cook asked, "Do you think you could hear the witnesses?" the tailor sat looking straight ahead, blank and empty. He hadn't caught a syllable, and so he had to go.

"Foote and I have had that old fellow on a number of juries, and he will not bring in a verdict of guilty on any kind of evidence," said Knight afterwards. "But he's got too deaf to be of use any more."

At last Colonel J. S. Young of the Russ House and E. A. Kyle were passed and accepted. It seemed that the agony of jury getting was over. But just as the relief sigh and the usual anticipatory shuffle went round, up jumped Young and said dramatically:

"I ought to say that the proper questions have not been asked me. I have read a great deal of this case and I have expressed an opinion about it."

"Have you talked with anyone who is to be a witness in the case?" asked Judge Cook, eager to retain the juror.

"I have," promptly replied Young.

It seems that Detective McVey of Delaware is at Young's hotel and has been talking to him about the evidence, so Young was excused and the trouble resumed. G. Lederer, Peter Schlegel, Louis S. Haas and Lemuel Wadham, the expert, were excused for one cause and another, and Samuel Bernstein was announced as the last [illegible] on the venire free.

"Are you opposed to the death penalty?" asked Hosmer.

"I am."

"I don't think he [illegible]," interjected Knight. "Now, Mr. Bernstein, do you not believe in hanging people for murder? When a cruel, desperate, deliberate murder has been proven, do you believe in hanging the murderer?"

"No."

"I think he did understand you," was Knight's apologetic comment.

The Court ordered the summoning of ten more jurymen and the case went over until this morning.

One Witness Cannot Come.

WILMINGTON (Dela.), December 7.—United States District Attorney Vandegrift to-night decided that Walter Morris, who was summoned to San Francisco to testify in the Botkin case, cannot go. He is subpenaed to testify in the case of United States Senator Kenney, who is now being tried for conspiring with William N. Boggs to misapply the funds of the First National Bank of Dover. Attorney-General White, who is now in San Francisco, to-day telegraphed for Morris to come on. Mr. White will be notified of the action of Mr. Vandegrift.

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HOSMER DEMANDS THE LIFE OF MRS. CORDELIA BOTKIN AND FORESHADOWS THE PROOF OF THE WOMAN'S GUILT.

LAWYER HOSMER'S ARRAIGNMENT OF MRS. BOTKIN.

The Pitiless Opening Statement of the Prosecution.

By Edward H. Hamilton.

"THIS thing is a farce, and I'm not going to hang around here any longer!"

Joshua D. Deane left this declaration sizzling in a trail behind him as he stormed out of Judge Cook's courtroom yesterday morning. Deane was the husband of one of the women killed by the poisoned candy. His anger was aroused by the postponing of Mrs. Botkin's trial until Monday next.

Deane had entered the courtroom late, accompanied by little Harry Pennington, the boy who carried the box of poisoned candy from the Dover postoffice to the home of the Penningtons, where Mrs. Deane and Mrs. Dunning ate and died. Taking a seat beside Dunning, Deane frequently leaned over to comment on the statement of the prosecution's case, which the assistant and dramatic, clear and logical, Hosmer was making to the jury.

The necessary twelfth juror was secured at the fourth attempt. He is H. J. Burns, an elderly capitalist, who resides at 3345 Seventeenth street. Then Clerk Tolle, who has a sort of bitch-and-kick declamation, went through the long indictment by file and page, and Assistant District Attorney Hosmer took his station before the jury to make his opening statement.

The Oblong Package in the Mail.

If the Court please, and gentlemen of the jury: In support of the indictment which you have just heard read, we expect to show you a state of facts about as follows:

In the evening mail which arrived at Dover, in the county of ..., in the State of Delaware, on the ninth of August, 1898—the mail arriving from the ... and west about six o'clock in the evening—was contained a package, which will be ... in this case, oblong in shape, with postage prepaid upon it, and bearing the ...

...ting and retching pains in the stomach, and that Mrs. Dunning was also taken sick during the night, and that in the morning a doctor was summoned to attend them. We expect to show that Leila Deane was sick also in the morning, as was Harry Pennington, both of whom had eaten of the candies the night before.

As Hosmer reached this point those who watched Dunning saw an agony catch and rend him. Some have insisted that his manner indicated heartless unconcern; but none could criticise on that score when the ...

HOSMER'S STATEMENT DID NOT SURPRISE MRS. BOTKIN.

Mrs. Cordelia Botkin heard nothing new yesterday in the statement for the prosecution made by Assistant District Attorney Hosmer to the jury. In speaking of the matter at the conclusion of the court session, she said:

"Mr. Hosmer's statement was very much what I expected it would be. There was nothing startling or new in what he said, for it has been said over and over and printed so many times. I have for weeks been familiar with the so-called evidence against me, and I was not worried in the least at hearing a recitation of it in court.

"I find going to court an extremely trying ordeal, but would it not be for any woman similarly unfortunately situated? I am glad to get away from all these curious people and to go back to the place where I am now staying. It is heavenly in comparison to the City Prison."

The question was then asked by Mrs. Botkin whether Mr. Dunning would get a divorce, and Mrs. Botkin replied that if it were not for the child he would.

Those who faced Mrs. Botkin declared that at this time a look of great weariness came into her eyes. The slight wrinkles under them seemed to deepen. Otherwise there was no change in her posture or expression. Then came the story of the purchase of the candy.

How She Bought Chocolates at The Haas Store.

We expect to show that Mrs. Botkin returned to San Francisco on the 20th of July and went to the Victoria Hotel. That the next day she told the landlady she was sick and had her meals sent to her room; that the next day she complained of the same thing.

We will prove that the same day a woman, believed to be Mrs. Botkin, went to the candy store of George Haas & Son on Market street, in the Phelan Block; that the cars running along Hyde street pass the Victoria Hotel, then down to Pine to Jones, then to O'Farrell and run on O'Farrell to Market street, near the Haas store. We will show that this person who went to the candy store seemed to be in a hurry, and on several occasions asked the young lady waiting on her to hurry up; that she asked for chocolates; that she did not want a box bearing the name of Haas & Son, but wanted the fancy kind; that the young lady went to the other side of the store and took out a box exactly similar in character to the one received by Mrs. Dunning; that she returned to the other part of the store and partly filled it with candy; that the request was made that the box should not be filled, as the customer wanted to put something else in it; that the box was only partially filled, and that instead of charging the regular price of 50 cents, the young lady charged but ... cents, and fearing that she may have done wrong took the precaution to ask another clerk if she would have done the same thing under the same circumstances.

Hosmer began looking into a small memorandum-book and getting a fact here and a date there from that, as he said:

How Mrs. Botkin Purchased the Handkerchief.

We expect to prove that about the same time of the year Mrs. Botkin was in the City of Paris dry-goods store, and there spoke about certain handkerchiefs. We expect to show that handkerchiefs of that character were sold to Mrs. Botkin, and that the cost mark was the same as that on the handkerchief received by Mrs. Dunning in Delaware.

We expect to show that there was mailed on the 4th of August at the ferry postoffice a package similar in shape to that delivered to Mrs. Dunning in Delaware. We will show that the postmark on the package delivered to Mrs. Dunning was that which was placed on fourth-class matter, and was mailed at the ferry postoffice station, D, in this city.

We will show by the clerk, Dunnigan, that the package was placed in the pouch that left that day for the East. The clerk noticed the package because of the similarity of the name, Dunning, to his own. We expect to show that a package, to reach Dover on the 9th, would leave San Francisco on the 4th.

Next came the interview held with Mrs. Botkin by an "Examiner" correspondent shortly after she had learned of the death of Mrs. Dunning and Mrs. Deane. When it came to her declaration about letting the man die and sparing the mother for her child, the courtroom almost gasped, but Mrs. Botkin did not flinch. This is how the tale ran on:

Her Confessions Made to "The Examiner."

We will prove that Mrs. Botkin went to Healdsburg, that while there the death of these two ladies was reported through the press, that, at the time, she was called upon by a reporter of "The Examiner" and questioned in regard to her connection with Dunning. We expect to show that she was greatly agitated, that she told of her intimacy with Dunning, and that she made a statement to Miss Livernash, the reporter, something to the effect:

"Why did I not let the man die and spare the mother to her child?"

We expect to show that she said some one might have forged her handwriting, that she also said to Miss Livernash that poison was said to permeate in candy, that she left Healdsburg and went to Stockton, that she spoke of her correspondence with Dunning, that she spoke of Dunning as being her affinity. That then, when something was said about Dunning having had a wife living, that she said: "Well, I would say I never intended to marry him." She said that after a while, if they should come together, that then people might have a suspicion that she had something to do with the death of his wife. She also said that Dunning, the candy having come from California, would suspect her of being the person who sent it.

From this the statement of the prosecution's case worked argumentfully to its close. There was the statement of the drunken son, the comparison of the handwriting of Mrs. Botkin with the writing on the wrapper of the fated candy box, the analysis of the candy made here by Professor Price—and then the dramatic demand for death; a life for a life.

"Jack Dunning Loves My Mother."

At Stockton she met Mr. Botkin and demanded that he make a statement to the papers that they had lived apart at his instance and not at her own. Her son then came in under the influence of liquor and in the discussion of the case said: "Jack Dunning loves my mother," and also said something to the effect that he would marry her if he would. She said her life had been one of pleasure and that she would not let anything stand in the way of getting anything she wanted, though she would hesitate at murder.

We expect to show by Mr. Dunning, who had received a number of letters from her, that the anonymous letters that were sent to Delaware to Mrs. Dunning were in the handwriting of Mrs. Botkin. We expect also to show that the note in the candy box and the name on the outside of the package were in the handwriting of Mrs. Botkin, no attempt being made to disguise the writing.

We expect to show that after the candy reached here from Delaware that an analysis was made by Professor Price, who, taking some eight pieces of candy and subjecting them to a test found in six of them traces of arsenic, that in some pieces he found as much as five to seven grains, that the lethal dose of the poison is from two to three grains.

Gentlemen of the jury, if we prove these facts to you, we shall expect at your hands a verdict of murder in the first degree.

There was just one brief touch of thrill in the closing sentence, though Hosmer did not attempt to make it specially impressive. Then, by general consent of counsel, but much to the angry disgust of Joshua Deane, the case was postponed until Monday.

When asked whether there were any surprises in the prosecution's opening statement, Mr. Knight replied:

"No, there was nothing new. It is the same old story. We have known just what they would try to prove all along."

... by the handwriting and it was satisfied— Mr. Knight—Now, if the Court please, I ob...

ONE POINT IN HER DEFENSE.

No Post-Mortem Examination in Case of Dover Victims.

Mrs. Botkin's Attorneys Will Probably Make Much of That Fact.

BOTH BODIES EMBALMED.

No Reference Was Made to This in the Opening Argument of the Prosecution.

One fact in connection with Assistant District Attorney Hosmer's opening argument in the Botkin case has given rise to some speculation as to a point the defense may probably attempt to make.

Lawyers who have watched this extraordinary case remarked yesterday that Mr. Hosmer said nothing in his opening argument about the result of any post-mortem examination that may have been held in the case of Mrs. Dunning or Mrs. Deane.

The question has been asked whether or not this was an oversight on the part of the prosecution.

Mr. Hosmer's reason for not mentioning anything about a post-mortem examination is probably not an oversight, for the reason that there was no post-mortem examination.

The bodies of the two victims of the poisoner—wherever that poisoner may have been—were embalmed very soon after death. It is understood that the embalming was by the usual process of injecting into the veins a solution containing arsenic. As the poison that is alleged to have caused death was arsenic, the embalming, prior to a post-mortem examination, of course destroyed the value of any evidence that might have hinged upon such an examination.

It is believed that the defense will endeavor to make capital out of the failure to hold a post-mortem examination. In any event, there will be a stubborn fight in regard to the kind of arsenic found in the candy and the kind alleged to have been purchased by Mrs. Botkin. To just what extent the neglect to hold post-mortem examinations may figure in this contention remains to be seen.

PROBLEM OF NATIONAL MOMENT INVOLVED IN THE BOTKIN CASE

State Supreme Court Receives Harper's Petition for a Writ of Prohibition.

Call — Dec-11-18[illegible]

The Issues Now Raised in the Great Case Discussed by Attorney General Fitzgerald and Judge Carroll Cook.

The effort made by W. L. Harper to secure from the Supreme Court of this State a decision that will determine whether or not Mrs. Cordelia Botkin can be tried in California for the crime of which she has been accused has excited general public interest. The questions that have been raised by Harper's petition to the State appellate court are of more than local or State interest. They possess a national importance.

In brief Harper has asked the Supreme Court of this State to decide whether or not a person can, under certain conditions, commit any crime and be free from punishment under the laws of the United States. In the momentous questions raised by Harper the personality of Mrs. Botkin plays no part. The fate of the woman and even the horrifying crime of which she is accused are matters of comparatively small concern.

If the woman, under the laws of this State and of the United States, is to escape an actual trial the people, not only of California, but of the nation, are vitally interested to know the fact. If it is possible for an assassin to operate under cover of State and national laws Harper and the public-spirited citizens who are supporting him wish to know the situation, in order that they may, through legislative action, seek a remedy.

This purpose is, in brief, the meaning of Harper's petition to the Supreme Court. There is, as a matter of course, another incidental interest in the action. The alleged trial of Mrs. Botkin will cost the people of this State many thousands of dollars. It is certainly a matter of unwise civic policy to expend this money uselessly, and Harper, supported by I. J. Truman, Treasurer-elect; Asa R. Wells, Auditor-elect, and many members of the Merchants' Association, seeks to have the Supreme Court of the State decide whether or not Mrs. Botkin is being prosecuted under a legal indictment.

While this point is not as important as that which questions the adequacy of American laws to punish any one for a grievous offense it is still of great moment. Both these questions have called forth a general expression of public interest and concern.

Harper's petition did not receive a hearing yesterday, for the simple reason that a quorum of the Supreme Court was not present to consider it. The application for a writ of prohibition was duly presented to the appellate court, and was read by Justices Beatty, Van Fleet and Harrison. Consideration of the matter was necessarily postponed, as the full court was not in attendance.

The trial of Mrs. Botkin before Superior Judge Cook and a jury will therefore proceed to-morrow morning. It is likely to be suspended, however, at any time during the day. As already indicated, the problems raised by Harper's petition have called forth the serious discussion, not only of lawyers, but of laymen. This discussion, which may result in the modification of State and Federal laws, is of exceptional interest. The first contention that was made yesterday was that since the indictment against Mrs. Botkin accused her of having committed murder in this city, the courts of this county necessarily have jurisdiction. The petition of Harper meets this contention with the assertion that no true indictment has been found, the allegation being made that nothing has been advanced to show that Mrs. Botkin actually committed a crime in this city or State.

This position is met by perhaps the most important assertion of those who are concerned in trying Mrs. Botkin for murder. The laws of this State provide that a person may be tried here for an offense part of which was committed in California. This is the entire basis of the assumption that Mrs. Botkin's trial is real. The point, however, in the opinion of prominent lawyers and business men should be judicially determined.

Attorney General Fitzgerald of this State believes that Mrs. Botkin is legally on trial, yet he also believes that the issues raised by her trial should, in the interests of public justice, be determined without delay. Judge Cook, the defendant in Harper's petition, considers that he has a right to proceed. Attorneys are divded in opinion, but all concede that the question is one of the greatest moment to the State and to the nation.

Louis P. Boardman, who has instituted the proceedings before the Supreme Court on behalf of Harper, outlined yesterday what he believed to be every issue raised by his client's petition. Mr. Boardman said:

"The questions that are presented to the Supreme Court in the petition I filed this afternoon were discussed by me with several prominent citizens, and the matter of the advisability and apparent necessity of raising the question of jurisdiction of the Superior Court was well considered before any action was taken.

"I have not been over-zealous in the matter. I was prompted, I may say, to a certain extent in what I have done, by the manifest exigencies of the case as expressed by these gentlemen. I did not file the petition for the purpose of gaining notoriety—I care nothing for that. I am solely interested in the important principles that are involved in the determination of the questions that arise in this case.

"It has come to my knowledge that certain assertions have been made that there has been collusion between myself, the persons I represent and the attorneys for Mrs. Cordelia Botkin.

"I suppose this has been prompted by the indifferent manner in which Mrs. Botkin's attorneys have conducted her defense, which has led the public to believe that there is some 'star' play to be made somewhere in the trial of the case that will demonstrate the ridiculous position of the Superior Court and the authorities in their endeavors to convict Mrs. Botkin of a murder said to have been committed in this State. There is absolutely no foundation for any statement that there has been any collusion or association between myself and the attorneys for the prisoner.

"I can state positively that they possessed no knowledge either by suggestion or insinuation that any such proceeding had been contemplated. The proceeding that was commenced yesterday has been made public and every element in its character is shown by the paper itself."

"A friend of mine this afternoon approached me in slight consternation, saying that he had heard that contempt proceedings might be instituted in the Superior Court to punish me for a manifest attempt to trifle or meddle unwarrantably with its exclusive jurisdiction. I cannot believe that these statements are anything but idle rumors. The question of being in contempt of the Superior Court for filing in the Supreme Court a document to contest legally the jurisdiction of a lower court is simply preposterous.

"The questions that are presented in this application for a writ of prohibition may be stated to be as follows:

"The first question that is presented for consideration is the right of a citizen and taxpayer to question the jurisdiction of a court in a public criminal prosecution where the people at large are plaintiffs and which will involve the expenditure of a large sum of public money. The proceeding by prohibition is as old as the common law, and the weight of judicial opinion is that where there is a serious question of jurisdiction the question of jurisdiction may be raised even by a stranger to the litigation ought to be restrained.

"The next question presented is as to the remedy of prohibition being a proper one. It has been held by the Supreme Court of this State that prohibition is the proper remedy to arrest the trial of a criminal action, where the indictment for any reason does not sustain the jurisdiction.

"With these preliminary propositions disposed of, we come then to the main [illegible] involved herein, and that

This proceeding simply seeks to have that matter settled and determined.

"In the points and authorities filed with the petition I have shown legal authority for the position sought to be maintained. It is plain to my mind there is ample authority in the books of text and judicial decision to sustain the intervention of the Supreme Court to determine at once this most important question.

"There is no reason why any one moved by his sense of public interest should be censured in any quarter for undertaking a proceeding which has for its object the subserving of the public good."

Judge Carroll Cook, who is trying the case of Mrs. Botkin on the murder charge, when seen last night at his home, was disinclined to talk about the petition made to stop the trial, as the matter had not yet come to him officially, and would not until the Supreme Court had passed upon it. From his remarks, however, it was gathered that he has no doubt of the jurisdiction of the Superior Court in the case, and that the higher court would so rule.

"The question of the jurisdiction of the State courts," said Judge Cook, "was practically settled at the time when Mrs. Botkin was before me on a writ of habeas corpus during the extradition proceedings. It will be remembered that Assistant District Attorney Hosmer went to Los Angeles while the Supreme Court was sitting in bank. He went before that body and set forth every question which could be raised as to the jurisdiction of the courts here. He applied for a writ of habeas corpus also, but did not claim that the courts had no jurisdiction. He simply stated the facts of the case, that Governor Budd had issued a warrant for Mrs. Botkin, who was held by the authorities on the charge of murder. He set forth in full the circumstances that part of the deed was committed here and part in Delaware. The declaration of the facts would have determined jurisdiction in advance of any trial. At 2 o'clock that afternoon the Supreme Court denied the writ. This was an admission that the Superior Court has jurisdiction.

"I am inclined to think that the petition to stop the trial will not be granted by the Supreme Court. That body would not issue a writ of prohibition in any case unless application was first made to the court which the applicant seeks to prohibit. The question of jurisdiction has not been raised on the indictment, and I do not see why it was brought up at this stage of the proceedings unless delay is the prime object.

"Section 27 of the Penal Code provides expressly for the case in point and reads: 'The following persons are liable to punishment under the laws of this State: All persons who commit in whole or in part any crime within this State.'

"The petition will not stop proceedings at all, and the case will go on until such a time as the Supreme Court issues a writ of prohibition, if it does so at all.

"As far as punishing the authors of the petition or rebuking them in any way, I do not think that I will follow such a course. The whole matter will be settled by the Supreme Court, which will decide the question of jurisdiction."

Charles Heggerty, one of the attorneys for Mrs. Botkin, discussed the application for a writ of prohibition at some length.

"I feel morally certain," he said, "that the Supreme Court will inform Attorney Boardman that there is nothing in the application whatever. I consider it a direct interference with the trial. It is a reflection on the trial Judge, the District Attorney, the Chief of Police and the attorneys for the defendant, and practically charges that they are by collusion taking part in a murder trial which is practically a farce. I believe it is trifling with the courts.

"The charge, expressed or implied, that the attorneys for the defense are in league with the applicants for the writ is preposterous. Nobody connected with the defense would ever be a party to such a proceeding. It is singular that the application was not made before Chief Lees spent the $3800 to bring the witnesses all the way from Delaware. The defense could not raise the question of jurisdiction unless evidence is put in to show that the women were never murdered in San Francisco but that the deed was committed in Delaware.

"If this application to stop the trial be granted by the Supreme Court, it will amount to a practical acquittal for Mrs. Botkin. You may be sure that had we, her attorneys, thought for a moment that there was anything in such a petition we would have made it long ago. Section 27 covers the point, and there is no possible ground to object to the trial of the case unless, as I say, the evidence shows conclusively that the crime was committed in Delaware and not in San Francisco, as the indictment states. To say that we were allowing the trial to proceed with the intention at the last moment of questioning the jurisdiction of the court would be unfair to our client, whom we have promised to serve to the best of our ability. It must be remembered that she is kept confined in jail, and the ethics of our profession would require us to raise the point if there were anything in it at the very commencement of the proceedings, but this we positively cannot do. We are perfectly satisfied that the Superior Court has jurisdiction."

Attorney General Fitzgerald has followed the case closely, but has not given it sufficient thought to be prepared to make a statement. He consented, however, to give a purely informal interview, but says it might be somewhat different should he make a careful study of the laws to the premises. His opinions are as follows:

"The Superior Court refused to issue the papers which would give Detective McVey the privilege of taking Mrs. Botkin back to Delaware and one of the Judges who sat in the council which [illegible]

should I be standing just across the State line and should a man in the opposite State shoot and kill me, there is a possibility that he would escape punishment, even if the crime were witnessed by a dozen persons. On the other hand, our law of 'any part of the crime' might cover it, but the United States laws offer absolutely no remedy."

M'GLADE STILL IN THE JAIL.

Used Friends' Names on Laborers' Bogus Demands.

Now He Cannot Get Bail and is Deserted.

SCANDALS ANTICIPATED

Grand Jury Will Investigate, as Various Persons Are Under Suspicion.

Peter McGlade, the former head bookkeeper of the Street Department, is still in the City Prison for the reason that he can not secure bail in the sum of $10,000. His friends refused yesterday to assist him in any way, and with the Mayor, Chief of Police and Grand Jury demanding a thorough investigation and a determined prosecution his hopes of freedom dwindled away.

Mayor Phelan sent the following communication to the Supervisors' Finance Committee, and as a result Expert Chris Newman was instructed to examine the Street Department books and report thereon:

December 8, 1898

To the Finance Committee of the Board of Supervisors—Gentlemen: I desire to call your attention to the fact that numerous demands for July and August, issued by the Street Department and audited by your committee, are fraudulent, and P. W. McGlade, Deputy in the Street Department, is under arrest, charged with the crime of forgery, in connection with these irregularities. I have already apprised the Grand Jury of the facts, but also suggest that your committee, having the power to send for persons and papers and administer oaths, investigate the affairs of the office of the Superintendent of Streets and employ your experts to that end. Respectfully submitted, JAMES D. PHELAN, Mayor

In the afternoon A. J. Rich, Chairman of the Grand Jury Committee on Street Department, conferred with the Mayor. Presiding Judge Belcher was present, and it was agreed that the Grand Jury take up the McGlade case for the purpose of indicting.

McGlade was arraigned in the Police Court, and at the request of his attorney the preliminary examination was continued till next Friday.

The last batch of bogus demands discovered Thursday was a shock to McGlade's friends. It transpired yesterday that he used their names to get the money, and not only the names, but addresses. In doing so he described his stepbrother, H. Swords; his companion, T. Dwyer, a clerk in the Tax Collector's office, C. Murphy, a friend, and William McGee, another friend, who is a chief clerk in Wells, Fargo & Co.'s express, and others as underground sewer men in the Street Department. Some of them felt it might be a reflection on themselves, as people might think they got the money or had a knowledge of McGlade's work. None of them, however, worked or drew a dollar from the Street Department, as far as is known. Then the name of Chas. Derham was forged and he was an intimate friend of McGlade. They all protested their ignorance of what was going on. So they have turned against him.

That McGlade had one or more accomplices now appears certain. McGlade left on a Saturday and something wrong was then suspected. Nothing was said about it till the following Wednesday, when the Mayor was notified. In the meantime it was thought that McGlade had got out of the country, and it was not known till Thursday morning that he had stopped at Los Angeles and spent his money. These facts are understood to have a bearing on the expert's and Grand Jury investigation of the Street Department's books.

Again it was discovered that the monthly demands, which should have been signed by the Superintendent of Streets, were stamped with his name and signed by a deputy. It is believed by some officials, too, that disputed signatures will be pronounced by experts to be genuine. A comparison of the forgeries and genuine signatures shows the forgeries to have been so cleverly done as to defy detection. The Treasurer stated he would pay again on the forged signatures, which puzzled the Auditor, financial experts, the Treasurer and Supervisors' clerks.

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While this point is not as important as that which questions the adequacy of American laws to punish any one for a grievous offense it is still of great moment. Both these questions have called forth a general expression of public interest and concern.

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"The next question presented is as to the remedy of prohibition being a proper one. It has been held by the Supreme Court of this State that prohibition is the proper remedy to arrest the trial of a criminal action, where the indictment for any reason does not sustain the jurisdiction.

"With these preliminary propositions disposed of, we come then to the main proposition involved herein, and that is, the question of the place of the legal and actual commission of the alleged crime of murder and the place of jurisdiction for trial. The question of whether or not the State of Delaware or the State of California has jurisdiction to try this case has never yet been considered or determined.

"The extradition proceeding which was taken and decided in the Superior Court previous to the filing of this indictment determined only one legal proposition and that was; that the authorities of both States having conceded that the crime was committed in the State of Delaware, and the accused person having been in the State of California at the time of the commission of the alleged murder; whether this condition of conceded facts was sufficient under the constitution and laws of the United States to sustain the interstate rendition of the accused person as a fugitive from justice.

"The one point decided by Judge Carroll Cook and his fellow-Judges sitting in bank was that the strict and inflexible provisions of the constitution and laws of the United States could not be construed to include such a case. In this decision the Superior Court followed the decisions of the Supreme Court of the United States.

"The ultimate relief sought by this proceeding of prohibition is to determine the actual jurisdiction of the Superior Court to try this case. The jurisdiction of trial is either in the State of California or in the State of Delaware. This point and question has not been decided or determined by any court.

case of Mrs. Botkin on the murder charge, when seen last night at his home, was disinclined to talk about the petition made to stop the trial, as the matter had not yet come to him officially, and would not until the Supreme Court had passed upon it. From his remarks, however, it was gathered that he has no doubt of the jurisdiction of the Superior Court in the case, and that the higher court would so rule.

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"As far as punishing the authors of the petition or rebuking them in any way, I do not think that I will follow such a course. The whole matter will be settled by the Supreme Court, which will decide the question of jurisdiction."

Charles Heggerly, one of the attorneys for Mrs. Botkin, discussed the application for a writ of prohibition at some length.

"I feel morally certain," he said, "that the Supreme Court will inform Attorney Boardman that there is nothing in the application whatever. I consider it a direct interference with the trial. It is a reflection on the trial Judge, the District Attorney, the Chief of Police and the attorneys for the defendant, and practically charges that they are by collusion taking part in a murder trial which is practically a farce. I believe it is trifling with the courts.

"The charge, expressed or implied, that the attorneys for the defense are in league with the applicants for the writ is preposterous. Nobody connected with the defense would ever be a party to such a proceeding. It is singular that the application was not made before Chief Lees spent the $3500 to bring the witnesses all the way from Delaware. The defense could not raise the question of jurisdiction unless evidence is put in to show that the women were never murdered in San Francisco but that the deed was committed in Delaware.

"If this application to stop the trial be granted by the Supreme Court, it will amount to a practical acquittal for Mrs. Botkin. You may be sure that had we, her attorneys, thought for a moment that there was anything in such a petition we would have made it long ago. Section 27 covers the point, and there is no possible ground to object to the trial of the case unless, as I say, the evidence shows conclusively that the crime was committed in Delaware and not in San Francisco, as the indictment states. To say that we were allowing the trial to proceed with the intention at the last moment of questioning the jurisdiction of the court would be unfair to our client, whom we have promised to serve to the best of our ability. It must be remembered that she is kept confined in jail, and the ethics of our profession would require us to raise the point if there were anything in it at the very commencement of the proceedings, but this we positively cannot do. We are perfectly satisfied that the Superior Court has jurisdiction."

Attorney General Fitzgerald has followed the case closely, but has not given it sufficient thought to be prepared to make a statement. He consented, however, to give a purely informal interview, but says it might be somewhat different should he make a careful study of the laws in the premises. His opinions are as follows:

"The Superior Court refused to issue the papers which would give Detective McVey the privilege of taking Mrs. Botkin back to Delaware and one of the Judges who sat in the council which made this decision has consented to try the case. So far as I can see the Superior Court of this State has a right to try this case after the indictment by the Grand Jury.

"The law provides that a person may be tried in this State for a crime any part of which is committed in this State. According to the evidence submitted two persons died in Delaware from poison, bought in this State, concealed in a package of candies in this State and mailed from this city. This is the case presented. So far no one has attempted to disprove this much of it and a layman can readily see that a portion of the alleged crime was committed in this State and the Superior Court accordingly has jurisdiction to try the case.

"Of course later developments may put everything in a different aspect, but so far there is apparently nothing which will prevent the Superior Court of this State from trying and passing judgment on the case.

"As far as the Federal laws are concerned, I will state positively that they offer no remedy, should the defense prove that this case is beyond the jurisdiction of the State courts. It is evidently something which has been forgotten and each State has been left practically to make its own laws for the punishment of criminals. Of course, should murder be committed in the District of Columbia or on any of the United States reservations, such as the Presidio here, for instance, the case would be tried in the Federal courts.

"As the laws are now, however,

on Laborers' Bogus Demands.

Now He Cannot Get Bail and Is Deserted.

SCANDALS ANTICIPATED

Grand Jury Will Investigate, as Various Persons Are Under Suspicion.

Peter McGlade, the former head bookkeeper of the Street Department, is still in the City Prison for the reason that he cannot secure bail in the sum of $10,000. His friends refused yesterday to assist him in any way, and with the Mayor, Chief of Police and Grand Jury demanding a thorough investigation and a determined prosecution his hopes of freedom dwindled away.

Mayor Phelan sent the following communication to the Supervisors' Finance Committee, and as a result Expert Chris Newman was instructed to examine the Street Department books and report thereon.

December 8, 1898.

To the Finance Committee of the Board of Supervisors—Gentlemen: I desire to call your attention to the fact that numerous demands for July and August, issued by the Street Department and audited by your committee, are fraudulent, and P. W. McGlade, deputy in the Street Department, is under arrest, charged with the crime of forgery, in connection with these irregularities. I have already apprised the Grand Jury of the facts, but also suggest that your committee, having the power to send for persons and papers and administer oaths, investigate the affairs of the office of the Superintendent of Streets and employ your experts to that end. Respectfully submitted, JAMES D. PHELAN, Mayor.

In the afternoon A. J. Rich, Chairman of the Grand Jury Committee on Street Department, conferred with the Mayor. Presiding Judge Belcher was present, and it was agreed that the Grand Jury take up the McGlade case for the purpose of indicting.

McGlade was arraigned in the Police Court, and at the request of his attorney the preliminary examination was continued till next Friday.

The last batch of bogus demands discovered Thursday was a shock to McGlade's friends. It transpired yesterday that he used their names to get the money, and not only the names, but addresses. In doing so he described his stepbrother, H. Swords, his companion, T. Dwyer, a clerk in the Tax Collector's office; C. Murphy, a friend, and William McGee, another friend, who is a chief clerk in Wells, Fargo & Co.'s express, and others as underground sewer men in the Street Department. Some of them felt it might be a reflection on themselves, as people might think they got the money or had a knowledge of McGlade's work. None of them, however, worked or drew a dollar from the Street Department, as far as is known. Then the name of Chas. Derham was forged and he was an intimate friend of McGlade. They all protested their ignorance of what was going on. So they have turned against him.

That McGlade had one or more accomplices now appears certain. McGlade left on a Saturday and something wrong was then suspected. Nothing was said about it till the following Wednesday, when the Mayor was notified. In the meantime it was thought that McGlade had got out of the country, and it was not known till Thursday morning that he had stopped at Los Angeles and spent his money. These facts are understood to have a bearing on the expert's and Grand Jury investigation of the Street Department's books.

Again it was discovered that the monthly demands, which should have been signed by the Superintendent of Streets, were stamped with his name and signed by a deputy. It is believed by some officials, too, that disputed signatures will be pronounced by experts to be genuine. A comparison of the forgeries and genuine signatures shows the forgeries to have been so cleverly done as to defy detection. The Treasurer stated he would pay again on the forged signatures, which puzzled the Auditor, financial experts, the Treasurer and Supervisors' clerks.

MRS. BOTKIN'S NEW DEFENSE.

She Will Deny That She Ever Purchased Poison.

ADMITTED THE FACT ONLY TO HER HUSBAND.

DRUG CLERK GREY'S TESTIMONY AND THE REGISTER ARE IN THE WAY.

The Prisoner's Story About Bleaching Hats Would Not Stand the Test of Evidence From Experts.

The defense in the Botkin case has decided to deny that Mrs. Botkin purchased two ounces of arsenic at the Owl drug store on June 1, 1898. Indeed, the defense will deny that Mrs. Botkin bought any arsenic at all, and Frank Grey's story will be disputed in toto. Just how his testimony is to be disproved the attorneys refuse to disclose, but an important part of the defense will be in the absolute denial that Mrs. Botkin was the woman who purchased the poison on June 1st, giving her name, according to the drug store register, as "Mrs. Bothin," and her residence as the corner of Hyde and California streets.

The discovery of the record of the poison sale and the subsequent admissions and denials form an interesting chapter in the Botkin case. It was on September 4th that the significant entry was found in the Owl drug store's "poison book." Previous to this time Mrs. Botkin had stoutly denied that she had ever purchased any poison. The day the discovery was made Mr. Botkin called upon his wife, and, after leaving her, was interviewed by a reporter. To the newspaper man he said that Mrs. Botkin admitted that she made the purchase of arsenic at the Owl drug store. The fact, she said, had entirely escaped her memory. She went on to say, according to her husband, that she bought the poison at that particular store, because she knew the clerk, Frank S. Grey, and had been accustomed to trade with him when he was at the Baldwin pharmacy. She further said that she hoped Mr. Grey would recollect that she was accompanied by a lady friend at the time. She reiterated the statement that she made to Clerk Grey at the time—that she wished the arsenic for the purpose of bleaching straw hats. Mrs. Botkin further said that she could produce two reputable witnesses to prove that she used the poison for the purpose mentioned. The names were withheld.

Though Chief Lees questioned Mrs. Botkin long and severely on the question of whether she had purchased any poison or not, she absolutely refused to make any admission on the subject. Mr. Botkin said, however, that his wife had admitted to him with the utmost frankness that she had purchased the arsenic. She expressed the deepest regret that she had not recalled it and had not mentioned it to Chief Lees at the time she made her statement to him. She said that she chatted with Grey while the poison was being weighed and wrapped up and that between remarks about other things she told him that she wanted the arsenic for bleaching straw hats, and though he recommended substitutes she replied that she had used arsenic before and was familiar with its properties. Upon that the clerk sold her the poison without further parley. She gave her true name and address and the clerk wrote both down. As soon as the package was tied up, Mrs. Botkin and her husband—she and her friend—went straight to her apartment at the Hotel Victoria and there she prepared a solution of the arsenic and proceeded to bleach her hats. She further stated that she was watched during the bleaching process by two friends, both of whom would testify or make affidavits to the fact.

The day after these remarks were made by Mrs. Botkin to her husband, Frank Grey, the drug clerk, went to the City Prison to identify the prisoner, whom he had already correctly described. Mrs. Botkin did not know that he was coming, and in spite of the fact that she said she knew him well she did not recognize him when he entered the room. She looked up inquiringly at Detective Gibson as though she expected an introduction to the visitor. The introduction was not forthcoming, and Grey identified Mrs. Botkin positively as the woman who had purchased the poison. He knew her because George Beck, another clerk in the store, knew her personally and once spent an evening with Dunning in Mrs. Botkin's apartments, and returned full of tales of the orgies in the Geary-street apartment. Although Mrs. Botkin had told her husband that it would not be necessary for Clerk Grey to come and identify her, as she did not deny having bought the poison, an interview with her attorneys changed all that, and the next day Grey called and identified her.

Mr. Botkin did not admit the purchase of the poison to any one except her husband, and since he cannot be forced to testify against her, her admissions concerning the purchase of the poison will not hurt her case particularly. After Clerk Grey's discovery one of Mrs. Botkin's attorneys said that the fact was not new to him, as he had known all along that poison had been purchased by her. It was not until yesterday that it was announced that Mrs. Botkin would deny the poison purchase, and would assert positively that the clerk must be mistaken, since she purchased no poison on that date or any other.

What has led to this change of heart and the utter disappearance of the story of the bleached straw hats is not known. To her husband, Mrs. Botkin said that she returned home immediately from the drug store, made a solution of the arsenic in the way to which she was accustomed and then cleaned her hats. Now the hats, the arsenic and the two witnesses have disappeared. Whether it was found that the process of preparing the arsenic solution is a very difficult one, or whether the witnesses who are supposed to have been present at the rejuvenation of the hats are not forthcoming, is not known. At any rate, the attorneys for Mrs. Botkin do not consider it safe for her to admit that she purchased the poison on that day, considering especially the fact that the arsenic purchased was powdered and the poison found in the candy was also pulverized or caked, but still amorphous and not in crystals.

It is not known what witnesses will be introduced by the defense to disprove the story of Clerk Grey. It is presumed that there will be an attempt to show that the poison was purchased by some one else, who gave a name similar to Mrs. Botkin's and an address identical with hers in order to throw suspicion upon Mrs. Botkin. It is argued by the defense that it is absurd to suppose that a woman contemplating murder would purchase the poison at a store at which she was known and in such a peculiarly open way. It is possible also that the defense found the bleaching theory impossible to maintain and so decided to abandon it early and brave out the matter on other lines.

Prominent chemists and manufacturers of straw goods in San Francisco say Mrs. Botkin's statement that she bought the arsenic to bleach a straw hat is an absurdity.

Thomas Price, analytical chemist, said: "If Mrs. Botkin can bleach a straw hat with arsenic she is in possession of a secret that no practical chemist on earth knows. Arsenic is not a bleacher; it is impossible, from the very nature of arsenic, to bleach a hat with it."

Dr. C. B. Teubner of G. Leipnitz & Co., chemists and druggists, said: "Mrs. Botkin's story is the veriest nonsense. Arsenic has only the feeblest bleaching properties, and it would be utterly impracticable to use it for bleaching straw. It might be employed by adding another acid, say sulphuric acid, or by applying extreme heat, but the conditions attending such employment would be absolutely beyond Mrs. Botkin's power to create. She might as well talk of bleaching her hat with wood as with arsenic. A bleaching agent acts by decomposing the pigment, and the active part of this agent is nascent oxygen. Sulphurous acid, oxalic acid and peroxide of hydrogen are the usual bleaching agents. Arsenic is sometimes used to clarify the complexion, but in that instance it is not a bleacher; it acts by destroying the red corpuscles in the blood."

Henry L. King, who has been in the business of manufacturing straw goods for forty years, said: "I never heard of arsenic as a bleacher, and if it had ever been employed for the purpose I would know it."

Mrs. King, who is associated with her husband in business, said: "When I read Mrs. Botkin's explanation of why she bought the arsenic I said it was absurd."

K. M. Sheridan, proprietor of the Pacific Straw Works, said: "I never heard of arsenic as a bleaching agent in the hat business. I use oxalic acid to bleach with. Some hatters use sugar of lead."

David C. Braid Jr., proprietor of the Atlantic Straw Works, said, "Arsenic is not used in bleaching straw hats. I use oxalic acid altogether, and ninety-nine druggists out of a hundred would tell a woman who wanted to buy arsenic to bleach a hat with that she didn't know what she was talking about."

At the office of the Excelsior Straw Works the statement was vouchsafed that arsenic was unknown as a bleaching agent.

HE DESIRES TO SAVE MONEY IN THE TRIAL OF MRS. BOTKIN.

The writ of prohibition sued out yesterday in the Supreme Court by W. L. Harper, a public-spirited citizen who is alarmed at the probable cost and possible futility of the trial of Mrs. Cordelia Botkin, has been productive of a broad grin, at least among the legal fraternity. Mr. Harper is a collector of bad debts and has an office in the "Call" Building—or rather a desk in the joint waiting-room of two or three attorneys, one of whom is Louis P. Boardman, the attorney in the prohibition "proceedings." Mr. Harper ingenuously remarked that he heard the attorneys discussing the probable cost of the Botkin trial and the extreme likelihood of the defense raising the question of jurisdiction after all the money had been expended, and he as a taxpayer had suffered to the extent of one-hundredth of 1 per cent by the expenditure. After reflecting upon the devious ways of the law he consulted I. J. Truman and Asa R. Wells, office-holders-elect. Both gentlemen shook their heads and declared it should not be; and then the call was made for some man, to step into the breach and stop the fearful waste of public moneys. The Arnold Winkelried was not wanting, and so Mr. Harper, with the aid of Louis P. Boardman, the astute young lawyer who made a trip to Washington, D. C., and obtained a modicum of fame in the Durrant case, and further helped by the counsels of a newspaper reporter, compiled the petition and the copy for the story which was published six-fold in two columns of a morning paper.

George Knight's only objection to the application for the writ of prohibition is based on the possibility that people may think he was interested in it and infer that he felt anxious for his client's chances on any but technical grounds.

"This writ is farcical," said he. "As well serve a writ on the Governor-elect to compel him to file a bill of particulars as to his actions in the coming four years of his term of office. I do not know whether the Supreme Court will put the document in the waste-paper basket or return it in an envelope to Mr. Harper. Mr. Boardman and his obliging citizen-debt-collector may perhaps break into the prosecution, but they shall not burglarize the defense."

The petition for the issuance of the writ recites the proceedings had in the case thus far, including the order of court for the expenditure of $3,000 to bring witnesses from Delaware, and alleges that before a conclusion can be reached something like $20,000 of public moneys will have been expended. The petitioner sets forth that he is a taxpayer of the city and county of San Francisco, and alleges that the crime with which Mrs. Botkin is charged was, if committed at all by her, committed in the State of Delaware and not in this State; hence he declares that the courts of no county in California can have jurisdiction of her case.

In the points and authorities presented by Attorney Louis P. Boardman there is a pricking of the claim on which the prosecution is said to rest its argument that the court has jurisdiction. Section 27 of the Penal Code in reciting who may be arrested says:

"Any person or persons who commit wholly or in part any crime in this State."

This, Mr. Boardman alleges, is being read by the attorneys for the prosecution and many others as though it were worded:

"Any person or persons who commit any crime wholly or in part in this city."

Mr. Boardman did not consult Mr. Knight "wholly or in part" in the case or in any other fashion. He believes the Supreme Court will grant the writ.

MRS. BOTKIN POSING IN THE COUNTY JAIL.

MERELY SEEKING NOTORIETY.

Attorney and Bill Collector Trying to Break Into the Botkin Case.

The attempt of a young attorney to get into the glare of notoriety caused a slight ripple yesterday on the surface of the Botkin case. The prosecution has no use for the services of the young man, the defense scorns his assistance and both sides confidently predict that the Supreme Court will frown on what they call his unwarranted interference in a case with which he has no concern. Louis P. Boardman, who broke into the Durrant case, is the attorney who seeks to participate in the big case now on trial, and his chosen mode of entry is through a writ of prohibition. The application for such a writ was drawn up by Boardman and presented to the Supreme Court in the name of W. L. Harper, a bill collector, whose office address is the same as that of his attorney.

Harper, in the role of a citizen and taxpayer, alleges that the city and county has no jurisdiction in the Botkin case, for the reason that the crime charged was committed in Kent county, Delaware. He asserts that the expenditure of $3000 for the transportation and maintenance of Delaware witnesses was illegal and that further proceedings will involve the wrongful expenditure of a large sum of money. It is contended that any judgment rendered would be null and void. Harper asks for an alternative writ of prohibition commanding the Superior Court and Judge Carroll Cook to desist from proceeding with the trial until further order from the Supreme Court, and that they show cause why they should not be absolutely restrained from going on with the trial.

It is contended by Harper that he is acting for a number of business men, who object to the city and county being put to a great expense before the question of jurisdiction has been decided. The petition is now in the hands of Chief Justice Beatty and will probably be passed upon Monday morning.

Assistant District Attorney Hosmer said yesterday: "The application for a writ of prohibition is causing the prosecution no alarm. I have no doubt that it will be denied. I cannot see how such a writ can come in at this time. The code says a writ of prohibition is to issue only when there is no plain, speedy and adequate remedy at law, and that it must be applied for by a party beneficially interested. If the parties seeking this writ desired to save expense, why did they not act when Mrs. Botkin was arraigned and it was known that witnesses were to be brought from Delaware? Why did they wait until the prosecution's case had been outlined in an opening statement?"

Chief of Police Lees expressed himself vigorously. "This is a job on the part of the defense," he said. "They seek to wear out the prosecution. If the writ were granted, the case might be tied up for several months. Our Delaware witnesses would grow weary and return home. Some of them, thinking we were a lot of fakers, might refuse to come here when the trial was resumed, and we could not compel their attendance. As to the expenditure of the city and county money, the utmost economy is being observed, and there is an understanding that the State is to reimburse the city and county. If the applicants for a writ of prohibition are acting for the people, why did they not consult with either the District Attorney or the Attorney-General? We tried to have the question of jurisdiction determined before proceeding to trial, and failed. The present application will meet with the same fate."

The prosecution called attention to the case of Fitch against the San Francisco Board of Supervisors, in which the Supreme Court declared that Fitch, acting as a ratepayer, was not an interested party. Under that ruling Harper is not an interested party and therefore can hardly hope to secure a writ of prohibition.

The defense talked even less kindly of the interveners.

"I never heard of such a thing," said George A. Knight, chief counsel for Mrs. Botkin. "It is absurd. There is no law for such a proceeding. It is an outrage, and an attorney who has a regard for his standing should not do such a thing. The defense has nothing whatever to do with the application. It is a useless procedure and I trust that the petition will be thrown out of court."

EXPERT TESTIMONY AGAINST BECKER.

Theodore Kytka Identifies Handwriting on the Raised Check as That of the Notorious Forger.

All the testimony has been presented in the Becker and Creegan case, and the prosecution is confident that the noted forgers will be convicted.

The important witness put on the stand yesterday was Theodore Kytka, the handwriting expert, who testified that the forged writing on the raised check was the work of Becker. He based this conclusion on a minute comparison with known writing of the forger. The defense made no effort to combat any testimony except that of Kytka, and then it was content with a brief attack on the value of expert testimony.

Judge Wallace set the argument for November 10th, with the understanding that only one attorney speak for each side and that the time be limited to two hours for each argument.

FINDLEY ROBBED HIS COUNTY.

Short in His Accounts for a Large Amount.

Stole Anywhere From Fifteen to Fifty Thousand.

HIS SAFE IS OPENED.

Five Hundred and Odd Dollars All It Contained.

OFFICERS IN THE DARK.

Have No Clew to His Whereabouts—Has Had a Week's Start.

Tax and License Collector Samuel M. Findley of San Luis Obispo, whose disappearance was exclusively chronicled in "The Examiner," is a defaulter and a fugitive from justice. The amount of his embezzlement is not definitely known. On forcing his safe it was ascertained that he was short at least eleven thousand dollars, but a hasty examination of the records by the County Clerk indicates that he may have stolen as much as $50,000. No clew as to the whereabouts of the missing official has been discovered. It is now nine days since he took his departure from the county seat.

SAN LUIS OBISPO, November 28.—Samuel M. Findley, the Tax and License Collector of San Luis Obispo county, is, upon the face of his own books, a defaulter in the sum of more than $11,000, and the amount may, and very likely will, reach a sum much larger, $50,000 being the extreme figure. That he is an absconder and a fugitive from justice there can now be no doubt. To-day's developments in the case are such as to leave no question of his guilt.

As stated in these dispatches yesterday, much depended upon the opening of the safe in Findley's office. If there should be found therein sufficient money to answer the demands of his receipt stubs, then there might be a possibility that Mr. Findley was an honest man. But the safe was empty.

At an early hour this morning, Chairman F. C. Mitchell of the Board of Supervisors, District Attorney F. A. Dorn and Harry Maxwell, special agent of the Fidelity and Deposit Company, undertook the difficult task of forcing the large safe in the Tax Collector's office. There was no way of getting into the safe except by cutting, and it took several hours. Finally the hinges were turned and the big door was pried open. In the cash box the searchers found the sum of $514.07. There was $400 in gold and the rest was in silver, checks and subsidiary coin.

Harry Maxwell, the special agent of the Fidelity and Deposit Company, spent the afternoon to-day checking over Findley's tax stubs in an endeavor to find the amount of the shortage. On November 10th, Findley deposited with the County Treasurer about $11,000. On the 15th he deposited $5,000, and on the day before his departure he placed $[illegible] in the Treasurer's vaults. This all amounted to about $19,5[illegible]. Deducting this amount from the sum total of the stubs on Findley's file he should have had in his safe the sum of $11,[illegible]. The amount actually found there was $514.07. This leaves a shortage on the face of Findley's own accounts of $11,3[illegible].

The full amount cannot be ascertained until the books have been thoroughly gone over and probably not then. In the Tax Collector's office three cash books were kept, one by Deputy Nellie Nesbitt, one by Deputy [illegible] Scott and the other by Mr. Findley. The two deputies kept the stubs for their collections on separate [illegible] and Mr. Findley [illegible] [illegible] the deputies [illegible] cash and [illegible] stubs which [illegible] [illegible] [illegible] Findley's file [illegible]

Mr. Maxwell says: "When I was here on November 1[illegible] Findley, in the presence of his deputies, [illegible] that he would [illegible] day, [illegible] County Treasurer the amount of his collections. To show how well he kept his agreement, he made only three deposits."

"The Examiner" correspondent to-day held by telephone an interview with Charles Palmer of San Miguel, who was reported to have rode with Findley to San Francisco. A new phase was brought out, and it may throw some further light on the absconder's movements. Palmer said:

"I cannot say that Findley went all the way to San Francisco. I talked with him on the train and asked him where he was going. He said that everything was very quiet with him, and as he had little to do he was going to San Francisco to spend a vacation of a few days. When the train arrived at Fourth-street station, San Jose, I alighted. Findley repeated that he was going to San Francisco. I did not see him get off the train, but he might have alighted at the central depot at San Jose and taken the Niles train to catch either a Sacramento train east-bound or a south-bound train on the Valley road."

When Findley purchased his valises here he also secured, beside underclothing, a suit of clothes, several white shirts, handkerchiefs and other apparel. He was asked by the merchant what he intended to do with the valises. He said he would put his license books in one and carry his collections in the other. As a matter of fact, he did not take the license books with him, but left them locked in his safe, and they were not discovered until it was opened to-day. This fact, together with his statement on the train that there was no work in his office, tends further to show the guilty intent in his departure.

The Board of Supervisors met in special session at 4 o'clock in this city to-day. The purpose of the meeting as set forth in the call, signed by Supervisors F. C. Mitchell, P. R. Willot, J. B. Kesler, F. Moore and F. H. Smith, was "to inquire into the official conduct of S. M. Findley, to investigate the business and affairs of his office, to appoint and employ experts, to provide ways and means of conducting the office and to appoint a Tax Collector to fill the vacancy caused by said Findley's ceasing to be an inhabitant of this county and State."

A lively session of the board was held, Deputy Nellie Nesbitt and Harry Maxwell being examined. Mr. Maxwell declared positively that Findley is a defaulter in the minimum amount, as shown by his own accounts, for more than $11,400.

Supervisor Willot said: "It has now come under my personal knowledge that, while out ostensibly collecting licenses, Findley has been collecting taxes, which I have no doubt he did not turn in."

Mr. Maxwell said that he would place the probable range of Findley's defalcations at from $15,000 to $50,000. The gentleman stated that Findley could easily while out license collecting, on the plea of accommodation, have taken out the tax bills of heavy and prompt taxpayers, collected the same, mailed the receipts and kept the money. Findley also attended to all the mail, and could have pocketed large amounts on mailed checks.

Miss Nesbitt said that experts could not work for three weeks, as the work is far behind.

The board was in a quandary as to an appointment and adjourned to look over Findley's books.

At the evening session of the Board more startling figures than those of the day were brought out by County Clerk Whicher, who, during the interim occurring between the two meetings, had been industriously at work in the Tax Collector's office. Mr. Whicher figures that Findley is fully $50,000 short in his accounts. A portion of his figures are comparative, but they seem conservative. After a careful examination he credits Findley with $80,000. Now the amount of the tax rolls charged last year was $231,807.88, and on the first half $166,590.39 was paid at a like date with this. Mr. Whicher says that at a most conservative estimate $130,000 should be paid on the first half this year. There being only $80,000 credits, leaves Findley, on these figures, $50,000 in arrears.

The Supervisors appointed an expert to thoroughly investigate Findley's accounts.

A REPROACH ON CALIFORNIA JUSTICE.

The trial of Mrs. Botkin will be one of the celebrated cases of the decade, and will turn the attention of the whole country to our methods of administering justice in California. The murder, by whomsoever committed, was one of the most extraordinary in the history of crime, and was entirely novel in conception; the wicked product of a depraved imagination. Under all circumstances, poisoning is the most hideous and treacherous of crimes, but in the present case the poisoner has discovered a means of immeasurably widening the sphere of danger.

We have no desire to condemn anybody in advance of trial, or forestall the verdict of the jury, but it is proper to say that California rests under the imputation that justice cannot be done where a woman is concerned, and that female murderers almost invariably go scot free. Now, if a woman is guilty—we do not say that Mrs. Botkin is guilty—she should be punished to the full measure of her crime. This reproach on California justice must not continue to be justified, and the efforts of the prosecution to find the criminal should be unremitting and thorough. If that course is followed, we feel certain that the jury will do its duty.

THE FAIR ESTATE.

Mrs Craven of Forged Pencil Deed Fame, Again Seeking to Get Money Out of the Estate. Effectually Squelched By Judge Slack, at this Late Day She Appears as the Bogus Widow. A Plot to Extort.

The time will come when justice will not be trifled with, and forgers and perjurers will get their just deserts in the State's Prison. It is becoming quite of frequent occurrence that when a wealthy man, widower or bachelor, dies for some female to bob up and declare herself to be the widow of deceased, yet in every case the striking fact is proved that no legal evidence of marriage existed as every legitimate married woman has. The honest, pure matron has her marriage license, can tell when and where she was married, and the record will prove it. The pure woman who loves honor and decency never is found after a rich man's death trying to extort money from his estate on the subterfuge that she is his widow by a forged contract or otherwise. Bold, bare-faced creatures care not for the feelings of the living or the memory of the dead so long as there is a chance to get money. Such vultures are always in evidence.

The latest attempt of Mrs. Craven to get $240,000 out of the Fair estate is a bold move and will not work. It will be remembered that Mrs. Craven, under the so called pencil deed, tried to obtain possession of the property of the estate at Sansome and Pine, which resulted in a lengthy trial in the superior court. The Judge, C. W. Slack, decided that the pencil deed was a rank forgery and that the notary had committed perjury. We believe the notary whose signature appeared on the acknowledgement of the deed was indicted by the grand jury some time previous to that trial. It is in evidence that during the trial of the former case Mrs. Craven advanced her claim as the widow of James G. Fair and produced an alleged marriage contract that purported to be acknowledged before a deaf notary, and Judge Slack took no stock in it. In his conclusions he saw forgery and perjury had been committed. A conspiracy existed to extort money from the estate. The case was a vile plot at best and the decision of the impartial and honorable judge was just. There was no appeal and her attorneys let the judgment stand. Now the audacity of Mrs. Craven to set herself up as the widow by contract and to ask for $5,000 per month from the estate, the order to date from Senator Fair's death, is without parallel. It's a fraud. Mrs. Craven seeks evidently to create complications by this suit, hoping that the heirs of the Fair estate will present her with a sum of money so as to enable an early distribution of the estate. But we are certain she reckons without her hosts. The heirs of the estate look upon her as a fraud. She is not the widow of the late James G. Fair, and has no claims whatever on the estate.

The grand jury should pay attention to this bogus widow and scrutinize that contract of marriage which Judge Slack threw out of court. The pencil deed forgery should not be lost sight of. If the pencil deed was a forgery the marriage contract is a forgery, for the late Senator Fair was far too shrewd a man in his life time to place such a weapon of danger, damage and destruction in the hands of any woman as a marriage contract with himself as one of the principals. Matrimony is honorable, hence if he had desired to have any woman bear his name he would have published it to the world and have it gone on record. The effrontery in which the ex-school principal glaringly takes a new tack to get money out of the estate is astounding.

KARL BECKER RECEIVES HIS SEVEN YEARS.

Judge Wallace Follows the Wishes of Counsel.

His Honor Gave the Old Forger a Momentary Scare.

Talked as Though He Would Pass a Heavier Sentence.

Defended His Policy of Severity as a Deterrent to Crime

Painter M. J. Gallagher Sent to San Quentin for Four Years for Grand Larceny

Karl Becker received his expected sentence of seven years from Judge Wallace this morning. The Prince of Forgers had an uncomfortable quarter of an hour before sentence was pronounced, for from the remarks made by the Court it looked as though his Honor would decline to follow the suggestion of the attorneys in respect to the punishment and would inflict the maximum penalty of fourteen years. In the end, however, Judge Wallace decided not to set up his individual opinion against that reached by both prosecution and defense, and so Becker received the light sentence held out to him as an inducement to plead guilty.

The old man is manifestly breaking up. As he sat beside his counsel in court this morning it was noticed that his once healthy countenance was devoid of even a vestige of color. Deep furrows lined his brows, his cheeks were hollow and his once clear, bright eyes were dull and drawn. He was palpably nervous, too. The horrors of solitary confinement had told upon him, indeed. So long as he had Creegan for a companion in the County Jail, just so long the aged forger held out in defiance of the enemy. But, on Monday week last, when Becker saw Creegan leave his side to share a comfortable abode with Dean, then the old man realized that he had been deserted, that he had been left to fight his weary battle alone. It was too much for him; the man's iron nerve gave way, and when he had suffered the tortures of solitude for one or two nights, with no companion save the thoughts of his wrecked life, he was ready and willing enough to listen to the overtures made him.

"I could not stand it," he explained. "I was going crazy."

He had nothing to say when asked by the Court to show cause why judgment should not be pronounced upon him. He stood in respectful attitude while Judge Wallace glided briefly over the history of his crime, and the proceedings in court from the time of the filing of the Grand Jury indictment in May, 1896.

"The prosecution and defense have come together in this case," said Judge Wallace, "and have suggested seven years as a fitting punishment. Of course I'm not bound by any such agreement. The Bankers' Association, too, represented by counsel here, has asked for this sentence. But I cannot regard the Bankers' Association as the prosecutor here. It is the State, and the State only, that prosecutes."

Judge Wallace spoke of the annoyance that it gave him to pass sentence upon his fellow man. Then came Becker's bad time. Judge Wallace said that he had always held the idea, and held it still, that when men of the [illegible] criminal class came up before him it was his duty to impose such a sentence as would insure the community against an early repetition of the offense.

"The object of a criminal [illegible] is to repress crime [illegible] [illegible] from its commission. [illegible] have been severe in [illegible] think justly so. There is no doubt a large list of men who have been sent [illegible]

[illegible]

Pages 13 to 24. — The [masthead partly covered] — Pages 13 to 24.

SAN FRANCISCO, [covered] DECEMBER 11, 1898.

HIS PEN MADE AN[covered] MADE HIS FORTUNE.

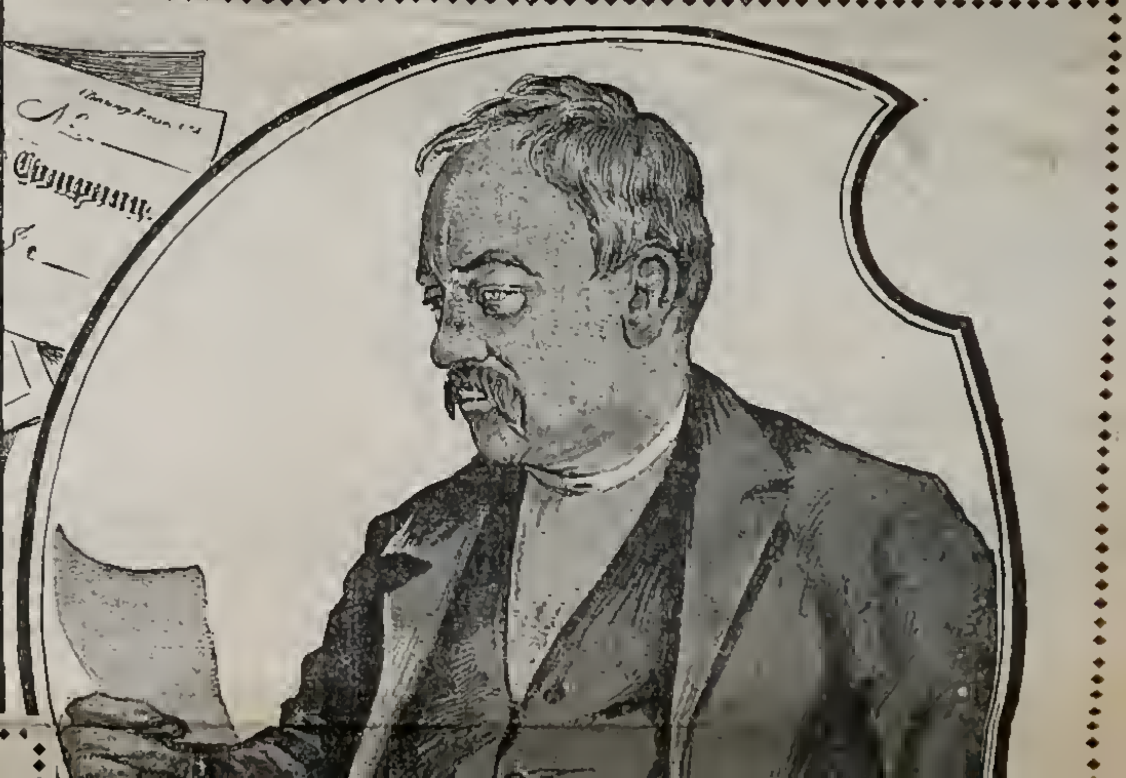
Canadian-Pacific Railway Co.'s Royal Mail Steamship Line.
JAPAN AND CHINA.
And Canadian-Australian Royal Mail Steamship Company's Line.
Compagnie Generale Transatlantique.

THE HAND AND MAGIC BRUSH

REVELATIONS BY CHARLES BECKER, PRINCE OF FORGERS.

Personal Story of Charles Becker, the Most Skillful Forger of the Century.

He Operated on Two Continents and the Cunning of His Hand Was Feared Everywhere.



Pages 13 to 24.— EDITORIAL SECTION —Pages 13 to 24.

SAN FRANCISCO DECEMBER 11, 1898.

HIS PEN MADE AN[redacted]MADE HIS FORTUNE.

[redacted]rles Becker, the [redacted]orger of [redacted]ry, [redacted]nents and the Cun- [redacted]Was Feared [redacted]re,

[redacted]

HIS PEN MADE AND UNMADE HIS FORTUNE.

(Continued From Page Thirteen.)

is shown in my penmanship; but no touch can be lighter than mine in engraving or painting in a signature. You see, a sable brush, or even a camel's-hair brush, is very different from a pen, and when I take up a brush I seem to feel that difference clear to my finger tips."

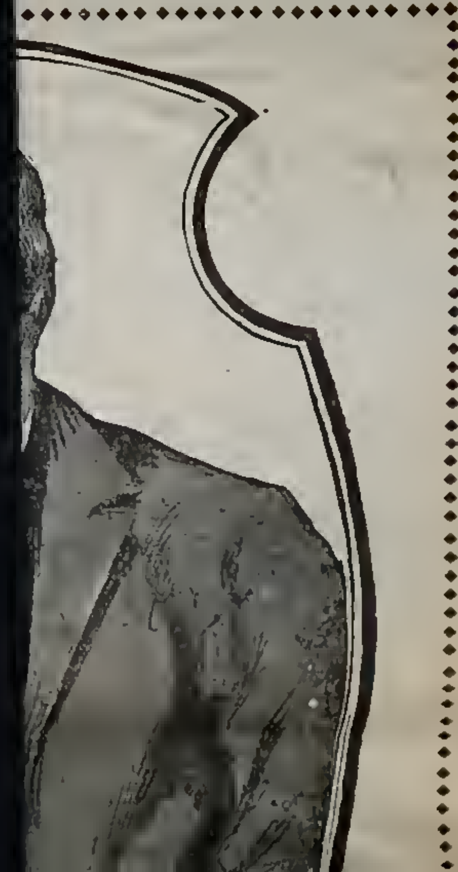
With a sneer Becker referred to a so-called safety device used by some bankers who stamp over the figures in a draft or check with a sort of file-like appliance, abrading the paper so that it would seem difficult to make a change. "All that is necessary for a good workman to do if he wishes to alter the figures is to press the notches down with his thumb nail, and then he can change things to suit himself," said Becker. "He wouldn't use a steel eraser or a pen, of course, but with a little acid and a soft brush he would touch the paper gently, using an ordinary magnifying glass in order to avoid the jagged lines cut by the die. After necessary changes have been made on the face of the paper those harmless little indentations may be restored by the use of an ordinary match cut with a jackknife so that the end would look like a little pyramid. That would be all that would be needed, for the paying teller, seeing the indentations all right, would usually take it for granted that the paper was genuine. If he tried to look at it through his microscope the person who laid it down would have to get out as soon as possible."

Not Troubled by Greed.

Excessive greed for gain has never seemed to be Becker's besetting sin. If the record of his doings has been correctly stated, for he has on occasion turned a trick merely to accommodate a friend, as he related yesterday. "One of my friends had been monkeying with a piece of paper of his own. He had obtained a certificate of deposit that represented more than he could afford to lose, yet he thought to make it double. By the clumsy use of acid while they were trying to raise it the paper was absolutely ruined. They had made a good copy, but had not inserted the amount or the signature when another drop of acid burned a hole in the upper corner of the copy near the date. Then they asked me for advice. It looked as if luck was against them, so I advised them to give up the plan to do anything further, but to be satisfied to get back the original amount. The rest was easy sailing, for I copied the cashier's name and painted in the same figures that appeared in the original; but that acid mark on the copy was still in the way, so I held the paper over a candle and burned that part of the date line right off. When they took the mutilated copy to the bank, pretending that it had met with an accident, and asked for a new certificate, the cashier laughed and said it was lucky his signature had not been obliterated, for in that event they might have been compelled to file a bond in order to get their money. He made out a new certified check and destroyed our copy. My friend thought it was rather clever to fool a man on his own signature. Well, there was nothing actually wrong in that, for only the amount honestly due was collected, and I was happy to think that I was able to serve my friend without injuring any one else. Such chances don't come every day."

Story of the Crime.

The forgery of which Becker stands self-convicted was a hazardous as well as an expensive undertaking. According to the story of the detectives, the capital for the job was supplied by James Creegan, who owns about $50,000 worth of real estate in New York city. A. H. Dean, alias Seavers, was in the scheme, and a man called McCosker, alias McClusky, had something to do with it. Dean came to San Francisco and opened an account with the Nevada Bank. He had offices in one of the big buildings in the business center of the city



REVEL[redacted]

Charles Becker's conf[redacted] all over the world. He has [redacted]

REVELATIONS BY C[redacted]

Charles Becker's confession to the crime of forgery w[redacted] all over the world. He has traveled much, and wherever he[redacted] from police authorities Becker is credited with having floated[redacted]

CHARLES BECKER, the guest of the American Bankers' Association, the ward of the associated capital of the United States, whose future welfare is to be guarded and insured by the commercial trusts and syndicates of the country, spent a quiet day at the County Jail yesterday. He was preparing for the journey to the State prison, which he is soon to take, but he is not without hope of gentle treatment, with a reasonable expectation of a pardon after serving a part of his term, since he has manifested his contrition and has pledged his word of honor to abandon the making and uttering of forged paper.

Becker is a remarkable man, for he is the most skillful forger of the age, and therefore has so completely commanded the consideration of the bankers that they are determined never again to let him be placed in such a position that he may be tempted to recur to the employment of his consummate skill in creating spurious checks and drafts.

Because of his success in terrorizing the commercial interests of the nation by his clever and all but undetectable ——, Becker has been assured of light punishment for the crime to which he has pleaded guilty. His wife has been sent for in order that she may comfort his days of imprisonment by dwelling near him, and her traveling expenses, as well as the cost of her support during his incarceration, will be provided for by some person other than Becker himself. The identity of this good Samaritan has not been disclosed, and Becker is too modest to make the revelation. A hint of where the funds came from may be found, however, in the suggestion that after Becker gets clear of the State prison he is to be placed in such a position that he will be sure of a comfortable livelihood for the remainder of his life, provided he keeps his agreement to give up his career as the premier forger of the century.

Bankers Will Help Him.

With many it is held to be a Christian duty to assist ex-convicts who manifest a disposition to lead a better life, and no one can censure the bankers if they extend a helping hand to one who proclaims his desire to reform and who promises to sin no more in this particular way. This is all the more praiseworthy, considering the intimate business relations that for years have existed between Becker and his new-found friends. Involuntary as those relations may have been on the part of the bankers, they were nevertheless of a substantial nature, for Becker declares that many of his cleverest products have so passed muster that he never heard of any complaints concerning them, and that neither he nor, so far as he knew, anybody else had been arrested for them. He likes to think that his work is so perfect that the victims give up in despair of discovering the real culprit.

No wonder that Becker's companions in jail look up to him as a superior being, and that he has the best that the prison can afford, for a man who is worthy of the confidence of so many eminent financiers and who is in a position to command a pension for merely agreeing not to ply his dangerous craft after he has served his term is not to be met with every day, out of jail or in.

The first intimation of any kind of agreement between Becker and his former prosecutors was given by Attorney Henry Ach the morning that Becker pleaded guilty to a charge of forgery. Mr. Ach said that as special counsel for the prosecution representing the American Bankers' Association, he was willing to have a light sentence imposed if Becker would consent to a withdrawal of the record of prior convictions, and that he and Chief of Police Lees

were satisfied that the[redacted] again have cause to[redacted] through any act on Be[redacted] believed he would kee[redacted] up the career that has[redacted] miliar to all whose dut[redacted] deception in commercia[redacted]

"It is true that I[redacted] give up my forme[redacted] former methods of[redacted] said Becker to an[redacted] porter. "My intent[redacted] my time in the Stat[redacted] go into some quie[redacted] and behave myself[redacted] should during the[redacted] that are allotted[redacted] business settles it[redacted] nothing in this ki[redacted] matter how succe[redacted] man may be, and[redacted] proves what I say,[redacted] what I have bee[redacted] seems to me, now[redacted] thinking over the[redacted] could have earne[redacted] more by devoting[redacted] gitimate business.[redacted] see that the man w[redacted] —that is, the one[redacted] paper—generally c[redacted] little end of the b[redacted] does the work do[redacted] per. I never laid[redacted] my life, and it co[redacted] get that part of[redacted] handled. For fu[redacted] $8,000 out of that[redacted] the New York Li[redacted] pany. I was entit[redacted] least, but I learne[redacted] over that the oth[redacted] up between them,[redacted] that it went for th[redacted] You would be surp[redacted] how little I got o[redacted] check that was pl[redacted] vada Bank. I'll no[redacted] some day I may fe[redacted] some particulars[redacted]

"I haven't made u[redacted] shall settle down af[redacted] but hard work will b[redacted] with me by that time[redacted] is to start a little sta[redacted] thing of that kind, and[redacted] that nobody shall ha[redacted] reason to doubt my c[redacted] My years of experience[redacted] to make checks that i[redacted] bring the money over[redacted] be strange if I hadn't a[redacted] ed how to prevent th[redacted] Now, I pretend to k[redacted] and my plan is so sim[redacted] bankers of this count[redacted] on to it long ago, but[redacted] I tell them about it I[redacted] be willing to do some[redacted] my intention to let the[redacted] about this plan for pr[redacted] of checks, without as[redacted] advance. They will so[redacted] them, and I suppose[redacted] kindly disposed to me[redacted] show a disposition to as[redacted] fully accept their help[redacted] for myself and wife."

Loves th[redacted]

At the mention of his[redacted] the great tenderness[redacted] woman who has stood[redacted] his trials. "She is a[redacted] faithful and true, and c[redacted] I can give her," said[redacted] here during my first i[redacted] remained if we had no[redacted] do better for both of us[redacted] former home in New Y[redacted] married twenty-seven y[redacted] very happy together[redacted] anniversary occurred w[redacted] Jail awaiting my case[redacted] ago. One night my w[redacted]

[redacted] owns about $50,000 worth of real estate in New York city. A. H. Dean, alias Seavers, was in the scheme, and a man called McCosker, alias McClusky, had something to do with it. Dean came to San Francisco and opened an account with the Nevada Bank. He had offices in one of the big buildings in the business center of the city and seemed to be a speculator of considerable means, his deposits fluctuating as he drew out or deposited money. One day he went to Woodland in this State and there bought a draft on the Crocker-Woolworth Bank for $12. Returning to this city he delivered the draft to Creegan, who handed it to Becker, and the latter did the work of raising the figures to $22,000.

When Dean again obtained possession of the check he went to the Nevada Bank and asked to have that amount placed to his credit. The draft was passed through the Clearing-house in the usual way, was honored by the Crocker-Woolworth, and Dean's account was credited with the sum called for. Nearly two weeks later Dean appeared in the bank and presented his check for $20,000, having in the mean time drawn out some small sums to keep his account looking as if it were "alive." There was no question about his identity, and as he apparently had more than enough on deposit to cover his demand the gold was counted out to him and he carried it away. Creegan and McCosker were waiting with a carriage near at hand and the three went to Oakland, where a partial distribution was made, Becker, it seems, receiving a very small dividend. They all got away, but Dean and McCosker were caught in Minnesota and brought back. Dean offered to turn State's evidence in order to avoid heavy punishment, and as Becker was considered the most dangerous of the quartet Dean's offer was accepted. McCosker was tried and the evidence was declared insufficient as to his connection with the crime.

The Game of Hide and Seek.

Then began a game of hide and seek with Becker and Creegan. They were apprehended just as they were about to start for Mexico, having actually purchased their tickets for that sunny clime. Because they were paying bills in $20 gold pieces minted at San Francisco while everybody around them used nothing but currency they fell under suspicion, and this actually was the clew that led to their arrest. On their return to this city Becker and Creegan were tried and convicted, but were granted a new trial because of a technical flaw in the proceedings. Before a jury could be selected for the second trial Creegan offered to join Dean in making a confession, Becker being still the main point of attack on the part of Attorney Henry Ach, who was the representative of the American Bankers' Association in the prosecution. Beleaguered thus on all sides by those who were his confederates in the crime, Becker still maintained a bold and defiant attitude, for he did not believe they could establish his guilt by the testimony of accomplices to the satisfaction of twelve jurors when he would make it appear that the one who got the least from the transaction was likely to be the most severely punished, and having received an intimation that a plea of guilty and a promise of reform on his part would bring a light sentence and an assurance of comfort hereafter, he readily decided to throw himself on the mercy of the court.

Becker, Dean and Creegan are still in jail. Becker has been sentenced by Judge Wallace to serve seven years in the State Prison, which by good conduct may be reduced to four years and nine months. Creegan is to be sentenced to two or three years next week, and Dean is to be released. McCosker was let go as soon as the jury failed to convict, but he has been available as a witness against his colleagues at both trials.

"The details of Becker's compact with the Bankers' Association have not been given to me, but I suppose they are satisfactory to both sides," said Detective Ben Bohen of the District Attorney's office. "But there is one thing I want to say for Karl Becker, and that is that I have implicit faith in his keeping his contract. Whatever he promises he will carry out. On that I am willing to stake whatever reputation I may have as a judge of human nature."

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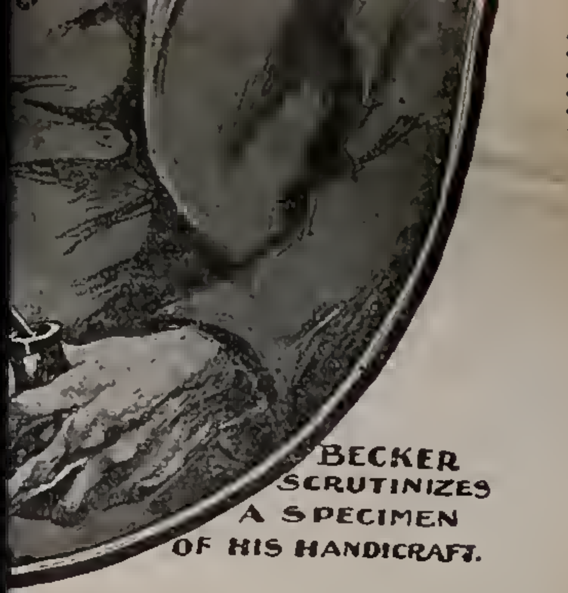

BECKER SCRUTINIZES A SPECIMEN OF HIS HANDICRAFT.

[redacted]sing a check the operator [redacted]peculiarities to crop out. [redacted] for it is like painting [redacted] [redacted]roduce some of your own [redacted]trait. But I haven't any- [redacted] experts, for they have a [redacted]g, I suppose, and they are [redacted]sidered by the average [redacted] all by the judges. I look [redacted]t as I do on spiritualists [redacted]eep themselves before the [redacted] their own horns."

[redacted]ised the Check.

[redacted] check was drawn in [redacted] the amount perforated in [redacted]12$," the dollar mark be- [redacted]h side of the figures [redacted]he original perforations [redacted]rforations, carefully put- [redacted]k at the end in the usual [redacted]forations were closed by [redacted] surfaces of these minute [redacted]ed to correspond with the [redacted]pe of the paper. So per- [redacted]pulation that it was not [redacted] half-dozen or more men [redacted]eck, and to-day the naked [redacted] the fabrication. It is only [redacted]ing glass that the changes

[redacted]that he has no idea how [redacted] "produced." Naturally [redacted] it incumbent on him to [redacted]ich might possibly have [redacted]oses of others more [redacted]he is not inclined to trust [redacted] regard to important his-

[redacted]of these cases are never [redacted] the banks where they oc- [redacted]cker. "You will under- [redacted] and tellers hate to have [redacted] they have been taken in, [redacted]but little about getting [redacted]think they can locate the [redacted] make plenty of noise, as [redacted] Just to illustrate, I may [redacted]bank that was caught for [redacted]ear never squealed about [redacted] The detectives were not [redacted] maker of the paper, and [redacted]ager considered it their [redacted]rs the rest of the com- [redacted]ing about it. Of course, [redacted]m a business standpoint [redacted] common sense view, for [redacted]e no good to raise a row. [redacted]e been laughed at if they [redacted] frequency with which [redacted]ed. I have sometimes [redacted]y arrange those things in

the banks, but that is one of their secrets that I could never find out."

His Conspicuous Position.

In the County Jail Becker feels his importance among his less conspicuous confreres. He dresses quietly, as becomes a man of his dignity, and betrays the habits of a man accustomed to studious work by discarding his necktie and collar. He wears a golf cap, which is usually pulled down on his forehead, and from time to time his dark brown eyes dart sharp glances at the person with whom he is in conversation. Never for a moment does he lose his self-poise, and no one has ever been able to catch him off his guard.

There is a touch of pride in Becker's make-up because of his personal resemblance to Bismarck, his great fellow-countryman. The size and shape of the head, the contour of his face, the droop of the mustache and the overhanging eyebrows are somewhat Bismarckian in appearance. But Becker goes further, for he has made a study of hands and he finds that the iron chancellor had digits almost identical with his own.

"That was one of the signs of Bismarck's great capacity for work," said Becker. "It is nothing new to say that work is another name for genius, but it is as true now as when first spoken. I have noticed that only men with heavy muscular, even stocky, fingers are successful in any undertaking where faithful and laborious attention to details is required. That is the secret of whatever success I have attained. I have tried to master every part of my business, and whatever I considered worth attempting I thought was worth doing well. That was why nobody ever complained that I botched my work.

"Speaking of hands, reminds me of a mistake so many artists make in pretending that skillful manipulators of spurious paper have delicate, slender hands. It shows that such artists have not studied their trade, or they would know that fine fingers never do fine work. Men with slender hands are more given to planning and laying out jobs for others.

"If you go into a jewelry factory you will find the general manager with fingers like a bird's claws, and the man who does the most delicate work will have a fist like a prize-fighter, and every finger will show vitality and strength. Just look at that paw of mine. It wouldn't be heavier if I were a blacksmith, and that characteristic

(Continued on Page Twenty-one.)

REVELATIONS BY CHARLES BECKER, PRINCE OF FORGERS.

Charles Becker's confession to the crime of forgery was a notable event in last week's criminal calendar, for Becker is known to detectives and banking officials all over the world. He has traveled much, and wherever he went left samples of his handiwork in the shape of spurious drafts and checks. According to accounts from police authorities Becker is credited with having floated over $1,000,000 worth of bogus paper.

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The first intimation of any kind of agreement between Becker and his former prosecutors was given by Attorney Henry Ach the morning that Becker pleaded guilty to a charge of forgery. Mr. Ach said that as special counsel for the persons [illegible] representing the American Bankers' Association, he was willing to have a light sentence imposed that [illegible] Becker's request to a withdrawal of the record of prior conviction, and that he and Chief of Police Lees were satisfied that the bankers would never again have cause to fear injury or loss through any act on Becker's part, that they believed he would keep his promise to give up the career that has made his name familiar to all whose duty is to guard against deception in commercial paper.

"It is true that I have resolved to give up my former course and my former methods of gaining a living," said Becker to an "Examiner" reporter. "My intention is to serve out my time in the State Prison and then go into some quiet little business and behave myself as an honest man should during the remaining years that are allotted to me. This jail business settles it with me. There's nothing in this kind of a life, no matter how successful or expert a man may be, and my experience proves what I say, for they all know what I have been able to do. It seems to me, now that I have been thinking over the matter, that I could have earned a great deal more by devoting myself to some legitimate business, for it is plain to see that the man who does the work—that is, the one who makes the paper—generally comes out of the little end of the horn. The man who does the work doesn't place the paper. I never laid down a check in my life, and it costs a great deal to get that part of the transaction handled. For instance, I got only $8,000 out of that $64,000 check on the New York Life Insurance Company. I was entitled to $16,000 at least, but I learned after it was all over that the other fellows split it up between them, pretending to me that it went for the 'get-away-fund.' You would be surprised if I told you how little I got out of this $22,000 check that was planted with the Nevada Bank. I'll not say just now, but some day I may feel inclined to give some particulars of that affair.

"I haven't made up my mind where I shall settle down after serving my term, but hard work will be out of the question with me by that time, and so my intention is to start a little stationery store or something of that kind, and I will live such a life that nobody shall have even a shadow of reason to doubt my complete reformation. My years of experience have taught me how to make checks that look all right and that bring the money every time, and it would be strange if I hadn't at the same time learned how to prevent the raising of checks. Now, I pretend to know this very thing, and my plan is so simple that I wonder the bankers of this country have not dropped on to it long ago, but they haven't, and if I tell them about it I think they ought to be willing to do something for me. It is my intention to let them and the world know about this plan for preventing the raising of checks, without asking any reward in advance. They will see the value of this to them, and I suppose they will feel more kindly disposed to me. If that is so and they show a disposition to assist me, I shall gratefully accept their help in making a living for myself and wife."

Loves His Wife.

At the mention of his wife, Becker showed the great tenderness that he feels for the woman who has stood by him through all his trials. "She is a dear, good woman, faithful and true, and deserves the best that I can give her," said Becker. "She was here during my first trial and would have remained if we had not thought she could do better for both of us by returning to our former home in New York. We have been married twenty-seven years and have been very happy together. Our silver wedding anniversary occurred while I was in the County Jail awaiting my examination, two years ago. One night my wife came to the jail with a big basket and the jailer asked her if she had brought something good to eat. She burst into tears and, uncovering the basket, showed him the lot of silver service that her relatives and mine had sent us in commemoration of the event. I felt sorry for her, but it couldn't be helped. We'll spend some happy years together yet, I hope."

In anticipation of the joy of the future, Becker seemed to grow cheerful, notwithstanding the fact that he is a self-confessed forger, with a term of years in the State Prison before him.

Like many men who have been connected with big criminal operations, Becker has his own ideas of the ethics that ought to control an aristocrat of the fraternity. He holds small operators in contempt, and would be ashamed to have anything to do with a $1,000 or $5,000 deal, as that would not yield sufficient to go around among his confederates and leave any dividend for himself. He is vigorous in his denunciation of those who manufacture spurious currency for general circulation and gives his reasons in a forcible manner.

"Counterfeiting is low and mean, of course, and nobody will try to defend it, for it is a sneaking kind of business, and I have always despised it," he said. "You see it is too much like petty larceny or picking pockets. That's how I feel, and anybody who thinks on the subject will have the same opinion, for the poor people are the ones who suffer from the work of the counterfeiter, while the man who goes and lays down a check for $20,000 or so is sure to be dealing with bankers or some other rich persons who can stand it without feeling that it hurts them, just as the banks that took the Woodland check wouldn't suffer any serious inconvenience if they had to pay that much ten times over. They're are able to stand it, as I say; but the counterfeiter catches some poor devils who can't really afford to lose the money.

"The other day I was reading that somebody was trying to float a counterfeit $100 note, but I doubt it, and investigation will show that the particular note in dispute was printed from an old plate, or that it has been marred by too much handling. That is my way of figuring out the proposition, for so far as my knowledge goes there have never been any large notes counterfeited. There are several reasons why this is so. In the first place, the danger of detection would be greater, for any one who is offered a big note is sure to carefully scrutinize it, and once the bogus nature of the product was known the whole plate would be worthless, as people would be on their guard and the paper couldn't pass any more. But it is different with bills of the $5 or $10 denomination, for you might publish in the papers every day full descriptions of the counterfeits and yet they would continue to circulate, because merchants and their clerks are so busy that they do not take the time to examine every bit of paper that is handed to them in the course of trade.

"This is more the case back East than on the Pacific Coast, where coin is so generally in use. In the Eastern States you don't often see anything except currency, and it takes a detective to tell the bad bills from the good. Of course there are thousands of spurious national bank notes in circulation and so long as they are not detected they pass from hand to hand and serve the purpose of money just as well as the genuine, but at last the wear and tear on the inferior paper or defective ink will begin to show and then it is that the poor man gets stuck with it."

Counterfeiting Affects the Poor.

Becker was asked to explain why he thought the loss in counterfeit money is apt to fall on poor than on rich men.

"Oh, that's easy enough," he replied; "for you see the rich man has plenty of chances to get rid of the flimsy. If he or one of his clerks should discover a bad bill in the till do you suppose he would nail it to the counter? Not much. The merchant would put it in the middle of a fat roll of notes and it would go out to some customer in the regular course of business. If it should be detected at the time the merchant would quickly hand over a good bill in place of the bogus one and the counterfeit would go into the middle of another big roll, and this would be kept until it would find its way into the possession of some unfortunate wretch who was not able to protect himself, and he would be lucky if he escaped prosecution for having tried to pass a counterfeit, when as a matter of fact he couldn't tell the difference between good and bad money if both kinds were placed on the counter in front of him. That's why I despise counterfeiters and their dishonorable methods. But you see it's different with the other way of doing business, where the value of the paper is raised and where it is never intended to be put in general circulation so that poor people might be victimized. The only persons concerned in such a transaction are the capitalists, and they have enough money to meet the loss without inconvenience."

Becker seemed to avoid using the word "forgery" and employed other expressions to convey his meaning. He spoke of "laying down a check," or "raising the value," or the like, plainly manifesting a pride in his ability to perform feats in penmanship which seemed impossible to ordinary individuals. He said that it would be a simple thing for him to simulate the boasted bills of the Bank of England or the United States treasury notes, but declared that he had always been deterred from such a course by the conscientious scruples already mentioned.

"How about that Bank of France note for 10,000 francs that you were caught making and which the French officers in New York declared to be perfect, so far as the work had progressed?" was asked.

A Dummy Counterfeit.

Quickly Becker replied: "Oh, that was not intended to be a counterfeit in the ordinary sense of the word. That bill was never to have been circulated. It was simply to have been a dummy that would not have not gone out of the safe of the man for whom I was making it. You see, he was a rich man and he wanted to show it to another rich man when the usual time for inspection of funds came round. That's all there is to that transaction. To be sure, that 10,000-franc affair had a strange history, but I have forgotten most of the particulars, all, in fact, except what I have just told you. But even that was an unlucky piece of business, for it was the only case in which I had to do time, except the present one."

"Then it may be inferred that many of your efforts in this line have been successful and have caused no serious inconvenience to yourself?"

"Oh, dozens; yes, dozens," was the quiet answer, with a significant and sweeping gesture.

Becker added that the raising of checks was not exactly in his line, but that he had usually operated with original paper. "When I wanted something my plan was to make the check suit the circumstances, and I seldom took anything drawn by another. That was how I turned out that $64,000 check in New York. I could have used any of a hundred old checks that were at my disposal, but for a job like that I preferred clean paper. In that case I engraved the body of the check and then filled in the rest to fit the requirements of the transaction. You see, in raising a check, it would be hard to get the exact form that would be necessary at that particular moment."

Becker has been a great traveler and has left samples of his handiwork wherever he has gone, for all banks and all checks looked alike to him when the question of forgery was under consideration. He was accused of having put out $800,000 in spurious paper in Florence, Italy, and was arrested in Turkey for an extensive venture in the funds of the Sultan, but he escaped from prison and made his way to England, where he favored the Britishers with his most exquisite productions, for he was impartial in his dealings. France and Spain also paid tribute to his genius, and most of all his adopted country yielded liberally to his demands. He was born in Germany sixty years ago and that is the only field that he seems to have neglected.

Recurring to the forgery in this city by which a Woodland Bank check was raised from $12 to $22,000, Becker was asked how he had managed to write in the amount so that it passed through the Nevada Bank, the Crocker-Woolworth Bank and the Clearing House without detection.

Something of an Artist.

"Oh, that amount was never written in; it was painted," said the forger, with a touch of conscious power in his tone. "Nobody could have written on that paper, for it is made by the so-called Safety Paper Company, and I think, by the way, that I am entitled to that prize of $1,000 that they have been advertising they would give to anybody who could raise a check that was made out on their paper. They were correct in the statement that nobody could make an alteration with a pen on their paper but I didn't want to use a pen, I preferred a camel's-hair brush," and Becker, smiling grimly at the recollection of his victory over mechanical difficulties, added: "Did you ever notice that when a check is laid down that way it is always a complicated and safe-guarded piece of paper, as the bankers think? Well, that's so, anyhow. The more safeguards a check is supposed to have the easier it is to pass it. Nobody would think of accepting a plain piece of paper for a large amount of money without subjecting it to a close scrutiny, but if it has a pretty tint, is on 'safety' paper, with an engraved vignette, and above all, if the figures are stamped or perforated, the banker takes only a glance at it and lets it go through. They seem to forget that it is as easy to fill up holes in a piece of paper as to make them.

"My experience is that to make a check 'go,' about all that is necessary is to make it look like money. This takes some knowledge of commercial usage and the habits of business men in general. For instance, in making the row of ciphers on that $22,000 check, I let the figures decrease in size slightly as they went. That is a natural tendency in manuscript, and it gave the check the 'look' I was trying to produce. If the figures had been stiff and precise, nobody would have accepted the paper.

"There were many other points to be considered, of course, but these will show the general outline of a successful operation. The raising of this check did not occupy much of my time, and I didn't use any acids or crow-quill pens, as some of those wiseacre experts seemed to think. With my heavy hand, a pen would have gone right through the paper, but when I take a brush my touch is lighter than a feather. Those experts try to make people think they know a great deal about the 'characteristics' of a man, and pretend that in raising a check the operator allows his own peculiarities to crop out. That is ridiculous, for it is like painting a picture of another man and suggesting that you would introduce some of your own features in the portrait. But I haven't anything against the experts, for they have a right to get a living, I suppose, and they are not seriously considered by the average jurors, and not at all by the judges. I look on them somewhat as I do on spiritualists and the like, who keep themselves before the public by blowing their own horns."

How He Raised the Check.

When the raised check was drawn in Woodland it had the amount perforated in the paper thus, "12," the dollar mark being placed on each side of the figures. Becker filled in the original perforations and made new perforations, carefully putting the dollar mark at the end in the usual manner. The perforations were closed by paper pulp and the surfaces of these minute "plugs" were painted to correspond with the general color or tone of the paper. So perfect was the manipulation that it was not discovered by the half-dozen or more men who handled the check, and to-day the naked eye cannot detect the fabrication. It is only under the magnifying glass that the changes may be seen.

Becker admits that he has no idea how many checks he has "produced." Naturally he never deemed it incumbent on him to keep a record, which might possibly have served the purposes of others more than his own, and he is not inclined to trust to his memory in regard to important historical data.

"The majority of these cases are never known outside of the banks where they occur," explained Becker. "You will understand that cashiers and tellers hate to have anybody know that they have been taken in, and so they say but little about getting stuck unless they think they can locate the culprit. Then they make plenty of noise, as is quite natural. Just to illustrate, I may mention that one bank that was caught for twelve checks in a year never squealed about it to the public. The detectives were not able to turn up the maker of the paper, and as the bank's manager considered it their own private business, the rest of the community heard nothing about it. Of course they were right from a business standpoint as well as from the common sense view, for it would have done no good to raise a row, and they would have been laughed at if they had confessed the frequency with which they had been duped. I have sometimes wondered how they arrange those things in the banks, but that is one of their secrets that I could never find out."

His Conspicuous Position.

In the County Jail Becker feels his importance among his less conspicuous confreres. He dresses quietly, as becomes a man of his dignity, and betrays the habits of a man accustomed to studious work by discarding his necktie and collar. He wears a golf cap, which is usually pulled down on his forehead, and from time to time his dark brown eyes dart sharp glances at the person with whom he is in conversation. Never for a moment does he lose his self-poise, and no one has ever been able to catch him off his guard.

There is a touch of pride in Becker's make-up because of his personal resemblance to Bismarck, his great fellow-countryman. The size and shape of the head, the contour of his face, the droop of the mustache and the overhanging eyebrows are somewhat Bismarckian in appearance. But Becker goes further, for he has made a study of hands and he finds that the iron chancellor had digits almost identical with his own.

"That was one of the signs of Bismarck's great capacity for work," said Becker. "It is nothing new to say that work is another name for genius, but it is as true now as when first spoken. I have noticed that only men with heavy muscular, even stocky, fingers are successful in any undertaking, where faithful and laborious attention to details is required. That is the secret of whatever success I have attained. I have tried to master every part of my business, and whatever I considered worth attempting I thought was worth doing well. That was why nobody ever complained that I botched my work.

"Speaking of hands, reminds me of a mistake so many artists make in pretending that skillful manipulators of spurious paper have delicate, slender hands. It shows that such artists have not studied their trade, or they would know that fine fingers never do fine work. Men with slender hands are more given to planning and laying out jobs for others.

"If you go into a jewelry factory you will find the general manager with fingers like a bird's claws and the man who does the most delicate work will have a fist like a prize-fighter and every finger will show vitality and strength. Just look at that paw of mine. It wouldn't be heavier if I were a blacksmith, and that characteristic

(Continued on Page Twenty-one.)

BECKER SCRUTINIZES A SPECIMEN OF HIS HANDICRAFT.

MAY BE THAT AN AUTOPSY HAS BEEN HELD.

Reported That a Surprise Will Be Sprung in Botkin Case.

DECEMBER 12, 1898.

Spot in the Prosecution Which Defense Has Claimed Is Weak.

FIRST OF THE WITNESSES

He Will Be Harry C. Pennington, Who Was an Employee in the Dover Postoffice.

Everybody who is watching the Botkin case is expecting surprises, and it was reported yesterday that the newest surprise would be sprung upon the defense.

The story is that under the direction of Chief Lees the bodies of the persons whose deaths are charged to Mrs. Botkin have been exhumed and autopsies held. Chief Lees says no such thing has been done and nothing of the sort is anticipated, since the embalming fluid which was used after death would make an autopsy valueless.

The first witness will be Harry C. Pennington. He is a brother to Mrs. Deane and Mrs. Dunning, the two women who died from eating poisoned candy. Pennington will take the stand at the opening of court this morning and will be asked to testify to the receipt of the package of candy at the postoffice in Dover, Del., and its subsequent delivery by him to Mrs. Dunning.

Following this will be the story of John P. Pennington, the father of the two dead women. He will describe how, after the delivery of the candy, it was eaten by Mrs. Dunning, Mrs. Deane, his granddaughter and others, and how their sickness and death followed.

Joshua H. Deane will describe the effect of the candy upon his wife and others and tell of their subsequent death. It is probable that the direct and cross examination of these three witnesses will consume the first day of the trial, and that the entire trial of the case will be concluded inside of two weeks. The attorneys on each side make this estimate of time, and the verdict of the jury is expected before Saturday of next week.

While advantage has not yet been taken of any technicalities it is known that Attorneys Knight and McGowan, representing Mrs. Botkin, are relying more on the neglect to perform an autopsy than on any other single point. It is maintained by her counsel that there is no evidence that a court can accept that any persons died from the effects of eating poisoned candy.

On the other hand, Assistant District Attorney Hosmer will maintain, as outlined in his opening address, that he will establish beyond any doubt that Mrs. Botkin purchased the candy and poison; that the [illegible] package was received at the Dover postoffice; that it was delivered to Mrs. Dunning; that Mrs. Dunning, Mrs. Deane and several others all in good health—ate of the contents of the box; that they all became sick with symptoms of poisoning; that death followed these symptoms; that afterwards an analysis of the candy showed it to be filled with arsenic. With all this Attorney Hosmer wonders why a demand should be made for technical proof of death.

The question of the jurisdiction of the court to try the case will not be raised unless Mrs. Botkin should be found guilty by the jury. The defense would not wish to go into the case with an adverse ruling on this question, as it can be raised at any time, either when motion is made for a new trial or in a proceeding before the Supreme Court on appeal. It is not necessary that this plea be made during the course of the trial.

"We do not expect the necessity to arise," say Attorneys Knight and McGowan, "for our questioning the court's jurisdiction. We have no idea or thought at this time of relying upon technicalities. We consider that the lack of facts in the testimony which the prosecution will offer will be in itself sufficient to acquit."

All the Delaware witnesses spent yesterday car-riding or calling upon San Francisco acquaintances. In the afternoon [illegible] of them visited the Park or Cliff House. In the evening some attended the Howard-street Church. Dr. Wilson, pastor of the church, came to California from Delaware, having been a resident of Dover for a number of years while he was Presiding Elder of that district.

WILL SHIELD NO CULPRITS.

Superintendents of Streets Ambrose Insists on Justice.

Superintendent of Streets W. F. Ambrose called on Mayor Phelan yesterday to notify him that he was doing all in his power to unearth and prosecute the author of the forgeries in his office.

"I am tired of being misrepresented in [illegible] matter," he [illegible] "It seems to be the general impression that I am not taking an active interest in clearing up the mystery of these forgeries, but I want to say right here that I will not [illegible] until I have brought the culprit to justice, no matter who he is. If Mr. McGlade is guilty he must pay the penalty to the fullest extent of the law. I am in earnest in this matter, and under no circumstances will I stand for any trifling.

"The first I heard of McGlade's shortage was on the Monday before his arrest, when the brokerage firm of Hier & Hergenberger notified me that he had drawn $1,100 from them on bogus tags. He did not report for work that morning, so I put another bookkeeper in his place. The next day, while my bookkeeper was going over the accounts with the Auditor the forgeries were discovered. I then notified the Mayor. McGlade's arrest followed.

"There were times when it was impossible for me personally to inspect the warrants. While my arm was hurt as the result of an accident, some months ago, Mr. Charles Derham, in whom I have implicit confidence, was empowered to affix my signature to demands. To-morrow night Mr. Derham and myself will tell the Grand Jury all we know about the case so far as the genuineness of signatures is concerned."

The Grand Jury will to-night begin its investigation of the McGlade shortage. Detectives Gibson and Eagly, who have been collecting material for the prosecution, were busy yesterday serving subpenas on the employes at the City Hall, members of the Finance Committee of the Board of Supervisors and others who were in any manner connected with the handling of the forged warrants and bogus demands.

If the Grand Jury indicts McGlade there will be no need of the preliminary police court examination scheduled for Friday morning, as an indictment would bring the case into the Superior Court without further delay.

In case the forgery charges fall through, there is another matter in which McGlade will be held in custody. Hier & Hergenberger, the brokers at 1150 Market street, have an affair to settle with him to the extent of $1,100.

A BARON WORKED AS A LABORER.

DECEMBER 12, 1898.

Moving a Safe, W. F. Falkenberg Was Injured.

Impossible to State Whether He Will Recover or Not.

Was Once the Manager of the Late Senator Fair's Farms.

Had Also Held Other Good Positions of Trust and Responsibility.

Of Late Met With Many Reverses and Was Forced to Accept What Was Offered.

At about noon to-day W. F. Falkenberg, the claimant to the title of baron, and who was severely injured last evening while employed in moving an office safe on Bush street, underwent an operation at the French Hospital, whither he had been removed.

In so far as present indications may be taken it is believed the injured man will recover, though until the critical period has passed no definite conclusion can be reached in this respect.

Falkenberg's story is an interesting one and romance fills an important part throughout it all. Born and reared in affluence, of noble blood and entitled to bear a title, he has met with many reverses, and finally had reached such a stage as to be employed merely as a common laborer. For many years he had been connected with the late Senator Fair and held many important positions. He was the manager of the Fair farms near Knights Landing and at one time was the manager of the San Diego Water and Light Company. It was noticed that at frequent intervals he left the State, and upon his return accepted various positions. Since the death of Senator Fair he has fared poorly indeed. Last evening he formed one of a party of six men who were engaged in removing a safe from the building at 325 Bush street. The safe was being lowered from the third story of the building by sliding it down on scantlings. While some of the men retarded the descent of the vault by means of a rope the Baron was placed in front with a crowbar. The safe got beyond the control of the men and as a result Falkenberg was crushed. He was taken to the City Front Receiving Hospital, where it was ascertained that his arm had been badly crushed and his right leg fractured. At the hospital he refused to permit the surgeons to amputate his arm, but asked that Messrs. [illegible] and Charles Fair and Dr. T[illegible] be summoned. When they arrived instructions were given to remove [illegible] to the French Hospital, where his arm was amputated.

Falkenberg was born in Quebec and is [illegible] years of age. He is the son of Baron Falkenberg, who for twenty-six years was Consul for Sweden and Norway at Quebec and was also interested in trading. He states that his mother was born in New York of well-to-do parents. Two sisters in London and a brother, whose whereabouts are unknown to the injured man, constitute the rest of the family.

M'GLADE TO BE INDICTED FOR FORGERY.

Grand Jury Agree That He Is the Guilty One.

The Indictment to Be Returned in Court on Friday.

THAT SCHOOL DEFICIT

A Striking Statement of the Department's Demoralized Finances Is Presented.

The Grand Jury agreed last night that Peter McGlade, former bookkeeper in the office of the Superintendent of Streets, should be indicted, and an adjournment was taken until Friday afternoon, when unless something unforeseen happens an indictment will be presented to Presiding Judge Belcher.

Numerous witnesses were examined, including Supervisors, clerks in the Supervisors' office, employes of the Street Department and Superintendent of Streets Ambrose. The charges submitted were for nineteen forgeries for sums aggregating $1,650. Expert Kytka testified that the body of all demands was in McGlade's handwriting, and also his signatures. As there was no record of the bogus demands in the books of the Street Department, it was shown that Ambrose could not have detected the swindles, and consequently he was not held responsible.

M'GLADE IS INDICTED.

The Grand Jury Charges Him With Committing Forgery.

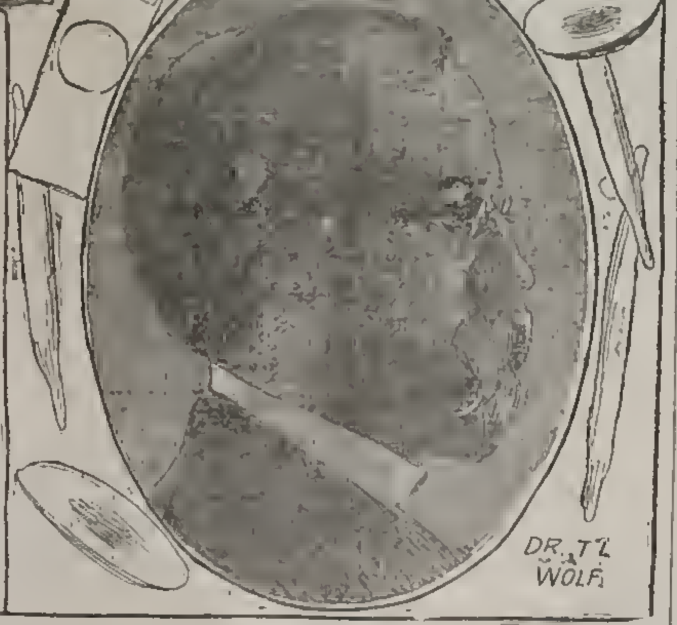
Peter McGlade, the former bookkeeper of Street Superintendent Ambrose, must stand trial in the Superior Court on a charge of forgery. An indictment was found against him by the Grand Jury last night after examining a number of witnesses, the principal ones being Expert Kytka, Supervisor Haskins, Deputy Street Superintendent Charles Derham, Detective Thomas Gibson and Deputy Auditor D. J. Leary. Twenty-three witnesses were subpenaed, all of whom were connected with the offices of the Board of Supervisors, the Superintendent of Streets and the Auditor, but after sufficient evidence had been presented to show the routine through which warrants must pass before reaching the Treasurer the remaining witnesses were excused.

The most important testimony was that given by Kytka, the handwriting expert connected with the Police Department, who informed the Grand Jury that there were five forged signatures on each demand, the name of the fictitious laborer being forged twice. He exonerated the deputies in the office of the Superintendent of Streets from all connection with the swindle, and stated that those employes in that department whose names appeared on the dummy demands had conclusively proved to his satisfaction that their purported signatures were forgeries.

The Grand Jury found itself powerless to carry out its desire to indict the members of the School Board on a felony charge. City Attorney Lane, who was instructed on Monday night to examine the law governing the sins of omission and commission of the Board of Education, reported last night that the offense of violating the one-twelfth act was not a felony, and that, although it constituted malfeasance in office this offense was only a plain misdemeanor. In view of this advice the Grand Jury was prevented from taking the action that it desired.

THEODOR F. KYTKA,
The handwriting expert who testified in the Botkin case.

HOW A POISONER'S VICTIMS SUFFERED AND EXPIRED.



DOCTORS AND THE CHEMIST TESTIFY.

No Longer Cool and Unconcerned, Mrs. Botkin Listens — Dunning's Story To-Day.

MRS. BOTKIN is sad. She looks old and weary and troubled. In spite of all that has been written into her face in the past few weeks, most of which existed merely in the minds of the writers, she was unconcerned enough until the Delaware testimony began to disturb the calm of her mind. Yesterday she looked as though the previous night had been a sleepless one. Under her eyes were deep circles and new wrinkles. For once Mrs. Botkin looked her age. Often when the testimony came home with especial force, particularly when the pathetic death scenes about the beds of Mrs. Dunning and Mrs. Deane were being painted by physicians who were also friends, Mrs. Botkin's eyelids, which are heavy and thick and white, fell and curtained her eyes.

The papers no longer hold Mrs. Botkin's attention. And all this in spite of the fact that since the trial proper began Mrs. Botkin's name has not once been mentioned. For all that the witnesses have said, Mrs. Botkin might be a mere spectator at the trial. This is a peculiar case in that it runs backward. The facts of the deaths, the scenes of the deathbeds, the immediate causes that led up to the Dover end of the tragedy, have all been shown. Yesterday was spent in a close scrutiny of the symptoms of the women who died, in an investigation of the chemical analysis of the candy and in tracing the fatal box of sweets on its second transcontinental journey. The connection of Mrs. Botkin with the tragedy is yet to come. All this requires time and patience. It seems as though every step so far had been taken in regular sequence and every minor detail carefully proved. If the prosecution has a vulnerable heel it would seem to be in the matter of proving the cause of death. The medical testimony on that particular point leaves something to be desired. Dr. Bishop, who was the family physician of the Penningtons, never suspected arsenic until it was too late for his suspicions to bear any fruit. Even to the Coroner's jury he talked of ptomaines, and when asked yesterday what cause of death he assigned in the death certificate, which even the law of peaceful Delaware is said to require, he could not remember. There was no examination of the stomachs, so far as has been shown by the testimony, and no autopsy. The point is whether these legal technicalities are absolutely necessary to show the cause of death in a case where the victims exhibited all the symptoms of a poison which was afterward found in food of which they had partaken. The defense bent all its efforts to proving that it was only after Dr. Wolf's analysis that the doctors suspected arsenic [illegible] Dr. Bishop, though [illegible] Dr. Downes. The former contradicted himself several times and [illegible] edge that he [illegible] correctly [illegible] [illegible]

Professor Wolf is a pedantic man, with a high, shiny forehead—a man fond of his profession and used to lecturing. He embroidered the opportunity and reveled in technical details which were Greek to most of his hearers. In anticipation of these sonorous words and unfamiliar phrases, the regular shorthand reporter had an opportune indisposition and an unhappy recruit was sworn in to take his place. This man struggled with arsenious oxide and five-syllabled acids until the perspiration stood out on his forehead. No one could have convinced him that it was the coldest day of the season.

The scene had shifted from the almost pastoral Dover home, with its colored servants, its corn fritters and its colored inmates. This time the testimony was of death-bed scenes and dying struggles, and of a suspicion, at first scarcely credited, that made its way into a community where the stocks and the whipping post keep offenders in meek awe of the law, and where all the murders and crimes of the State do not afford constant employment for a detective force which consists of two men. Delaware may be behind the times, but there are certain compensations. And doctors who measure the day from "sun time to that time" proved that they could be tender nurses even if they did graduate before the day of the microscope and knew less of the cultivation of bacteria than many a layman.

The day was enlivened by a few passages-at-arms between opposing attorneys. Knight was particularly insistent as to the sort of arsenic found in the candy, and the difference between crystallized and amorphous arsenic.

"The witness has answered that once," said Hosmer, crustily.

"He has not answered it!" yelled Knight, fiercely; "and you know he hasn't. What is more, you don't want him to answer it."

Hosmer's angry expostulations were lost in Judge Cook's censure.

At another time Dr. Bishop's irritation, he had been pestered beyond belief by a cross-examination which was particularly galling, showed itself in a tart remark, which was aimed at Knight, and which that gentleman promptly resented. Dr. Bishop said that when arsenic had been used in embalming an autopsy could give no satisfaction to anyone and would only afford hope for the ingenuity of the opposing counsel. Knight was on his feet in a moment and the doctor hurriedly said that he did not intend his remark to apply to any particular attorney.

At another time Knight said sententiously, "We are on trial for the murder of Mrs. Dunning," making himself particeps criminis and at the same time seeking unsuccessfully to exclude testimony in regard to the condition of Mrs. Deane. Unlike the Durrant case, the testimony concerning this double crime comes in together, for the stories of the double death are inextricably mingled. A great deal of attention was given to the cross-examination of Dr. Wolf [illegible] to make him [illegible] that he found [illegible] crystals in the candy [illegible] [illegible]

a flushed and anxious face, cold extremities and a cold perspiration on her body. He remained with her until her death, which occurred the afternoon of that day. The lips were livid and afterward purple, and after death there was a puffiness about the face. He was asked what, in his opinion, was the cause of death, and he answered the question indirectly by saying that all these symptoms were indicative of arsenical poisoning.

Dr. Bishop also attended Mrs. Dunning, but, as she was not so ill, he thought she would recover, and so devoted all his attention to Mrs. Deane. Just before Mrs. Deane died Mrs. Dunning came into the room to see her, but Mrs. Dunning was so weak that she had to lie down and be carried back to her room and put to bed. The doctor then went to his home, next door. About midnight he was called by Mrs. Dunning's nurse, who informed him that her feet were cold. Mrs. Dunning was sleeping lightly, but awoke and wanted to know what he was doing there. He told her he had just come in to see how she was. He remained all night and gave her stimulants at intervals, but the heart action steadily diminished. The pulse was not irregular, but was very weak. At 8 o'clock, at the suggestion of Mr. Pennington, Dr. Downes was called in. The pulse then ranged from 96 to 100. There was a cold perspiration on the forehead and all the symptoms that Mrs. Deane had exhibited. These symptoms increased, and Mrs. Dunning died at 5 o'clock that evening. The body had the same swollen appearance at the extremities and also about the abdomen. The treatment of the morning was continued after the consultation.

"With your knowledge, what would you say caused the death of Mrs. Dunning?" asked Hosmer.

"The symptoms were those of arsenical poisoning [illegible]."

"Did they cause her death?"

"I believe it did."

"Have you any doubt about it?"

"I have not."

The box of candy then became the object of inquiry and [illegible] of taking five chocolates [illegible] Dr. Wolf, the State chemist, for analysis. He went to Newark, where Wolf is professor of chemistry in Delaware College, and [illegible] He was accompanied by [illegible] of the college and [illegible] The witness [illegible] Wilmington [illegible] evening [illegible] Dr. Wolf [illegible] [illegible]

Knight [illegible] [illegible]

neutralize the poison, and then mucilaginous drinks to allay further absorption. He did not discover that the patients were suffering from arsenical poisoning until the morning of the day on which Mrs. Deane died. The day before Mrs. Deane had told him she had eaten candy, and he had asked if any of it was colored green.

"Why did you not ask for the chocolate creams, then?" asked Knight.

"I don't know," said the witness, doggedly. "None of us is perfect."

"Did you not testify on Monday, August 15th, before the Coroner's jury that if the candy had been subjected to heat ptomaine might have developed and you did not know what had caused death?"

"I did."

"Why do you say now that it was arsenical poisoning?"

"I trust the chemist."

"If he were out of the way and of the reports you could not know positively what had caused death?"

"I would still believe from the symptoms that it was arsenical poisoning."

Knight again asked as to what cause had been given in the death certificate, and the witness said he could not remember whether or not he had given death certificates in the cases of Mrs. Deane and Mrs. Dunning.

"Did you suggest to Dr. Downes that the patients were dying of arsenical poisoning?"

"I advanced that theory."

"Why did you not act on it?"

"We were in the dark. We were not as wise as some people might have been," answered the witness, sarcastically.

"As you and Dr. Downes stood by Mrs. Dunning's deathbed you were still in the dark?"

"We saw considerable light before she died."

"Was it luminous enough to see arsenic?"

"Not quite then. I was nearly convinced, but not quite sure."

The witness said he advanced the theory of arsenical poisoning at the inquest. He was positive that arsenic had caused the deaths of the women.

"When you found that out why did you not use remedies for that poison?" asked Knight.

"It was too late then," answered the witness.

Dr. Bishop said it was he who urged Mr. Pennington to have an inquest. They did not want it as Mrs. Pennington was ill. The doctor, however, insisted and the defense wished to know why the physician insisted on an inquest if he was sure of the cause of death.

The witness did not know why a postmortem had not been held, and said that [illegible] of the [illegible]

[illegible] examination the witness [illegible] bottles had been [illegible] them would have [illegible] The defense amused itself by asking some questions as to the [illegible] Dr. Bishop [illegible] of the internal organs [illegible] were affected [illegible] Asked as to [illegible] said that a [illegible] called him. He [illegible] to have [illegible] knowledge [illegible] as he did not know that [illegible]

Dr. Downes testified further that when he was called in it was too late to give any antidote.

Dr. T. R. Wolf, a graduate of Heidelberg and Leipsic, and now State chemist of Delaware, then went on the stand and [illegible] had examined candies from the box sent to Mrs. Dunning. He examined three pieces, making several tests with each one. On opening the candies he found hard white lumps, some large and some small. In the three candies there were twelve grains of arsenic, eleven and a half grains in the amorphous form and one-half grain in the powdered form. The witness [illegible] to all [illegible] there [illegible] powder [illegible] [illegible] the inquest and found lumps [illegible] found when the analysis was made.

A bottle containing broken pieces of candy, showing lumps of arsenic, was admitted in evidence over the objections of the defense. There were [illegible] showing the results of the several analysis at different stages.

In the cross-examination Knight was as hopelessly out of his depth as the other had been. He asked how many [illegible] These gentlemen remembered little of their work with the [illegible] ever did any and the cross-examination was confined strictly to the layman's side of the analysis and left Marsh's test and charcoal reduction strictly alone. The defense asked if the chemist found any evidence that the candies had been opened, and he replied that he found no evidence of a break, though there were some cracks and the chocolates were slightly crushed. The witness did not discover any crystallized arsenic, though he testified that moisture was sufficient to change crystallized arsenic to the amorphous form. He was sure, however, that the arsenic used in this case was in lump form and powdered. The largest lump found was about the size of a pea. Knight was curious to know how large arsenic lumps came.

"Sometimes as large as your head," replied the witness, dropping the technicalities calculated to impress the unlearned.

"You don't know how big my head is sometimes," was the retort. In response to a question Dr. Wolf stated that arsenic had no taste.

Attorney-General White of Delaware identified the box, candy, wrapper, handkerchief and note. By way of cross-examination Knight said:

"Feeling well, are you, General, today?"

"Very well, thank you," responded the surprised witness, stiffly.

"No further questions," said Knight.

Bernard J. McVey, State Detective of Delaware, told of receiving articles of evidence from John D. Pennington, bringing them across the continent and turning them over to Chief Lees. On cross-examination McVey stated that no one had been allowed to see the articles while he was bringing them from Delaware.

Chief of Police I. W. Lees testified that he had received the articles consigned to the care of Detective McVey by Pennington. Afterward he had the various exhibits in the case photographed. He gave eight pieces of the candy to Professor Thomas Price for purposes of analysis. Later Professor Price and Dr. Wolf were allowed to break open two pieces of the candy, part of which they carried away for further analysis. The witness identified the wrapper, box and other articles, including the envelopes containing the anonymous letters. On cross-examination he said that his handwriting experts were Eisenschimmel, Ames and Kytka. He had been present when they examined the writings.

The box of candy was then offered in evidence. Knight objected, but the Court admitted it, saying that if it was not connected with the defense he would entertain a motion to strike it out.

At the conclusion of the testimony of Chief Lees an adjournment was taken until 10 o'clock this morning.

THE DEATH CERTIFICATE.

Arsenical Poisoning Given in Dover as the Cause.

A telegram was sent to Delaware last night to ascertain the cause of death as given in the certificate. The answer was as follows:

WILMINGTON (Del.), December 13.—The cause of death was arsenical poison, according to the certificate and verdict of the Coroner's jury.

TWO WORDS ENOUGH.

Collector Harper's Foolish Petition Is Speedily Denied.

Two words from the Supreme Court, written yesterday, put the end that was expected to a stupid attempt to break into the Botkin case. The attempt was made last week by L. P. Boardman, an attorney, and W. L. Harper, a bill collector, and took the form of a petition for a writ of prohibition directed to Superior Judge Cook. The avowed purpose was to have the Supreme Court pass upon the matter of jurisdiction, and, possibly, save the State further expense. Harper's interest was alleged to be that of a taxpayer. The Supreme Court did not deem the matter worthy of an opinion. Justice McFarland, for the court sitting in bank, tersely indorsed the request, "Petition denied."

DOCTORS AND THE CHEMIST TESTIFY.

No Longer Cool and Unconcerned, Mrs. Botkin Listens — Dunning's Story To-Day.

MRS. BOTKIN is sad. She looks old and weary and troubled. In spite of all that has been written into her face in the past few weeks—most of which existed merely in the minds of the writers—she was unconcerned enough until the Delaware testimony began to disturb the calm of her mind. Yesterday she looked as though the previous night had been a sleepless one. Under her eyes were deep circles and new wrinkles. For once Mrs. Botkin looked her age. Often when the testimony came home with especial force, particularly when the pathetic death scenes about the beds of Mrs. Dunning and Mrs. Deane were being painted by physicians who were also friends, Mrs. Botkin's eyelids, which are heavy and thick and white, fell and curtained her eyes.

The papers no longer hold Mrs. Botkin's attention. And all this in spite of the fact that since the trial proper began Mrs. Botkin's name has not once been mentioned. For all that the witnesses have said, Mrs. Botkin might be a mere spectator at the trial. This is a peculiar case in that it runs backward. The facts of the deaths, the scenes at the deathbeds, the immediate [illegible] that led up to the Dover end of the tragedy, have all been shown. Yesterday was spent in a close scrutiny of the symptoms of the women who died, in an investigation of the chemical analysis of the candy and in tracing the fatal box of sweets on its second transcontinental journey. The connection of Mrs. Botkin with the tragedy is yet to come. All this requires time and patience. It seems as though every step so far had been taken in regular sequence and every minor detail carefully proved. If the prosecution has a vulnerable heel it would seem to be in the matter of proving the cause of death. The medical testimony on that particular point leaves something to be desired. Dr. Bishop, who was the family physician of the Penningtons, never suspected arsenic until it was too late for his suspicions to bear any fruit. Even to the Coroner's jury he talked of ptomaines, and when asked yesterday what cause of death he assigned in the death certificate, which even the law of peaceful Delaware is said to require, he could not remember. There was no examination of the stomachs, so far as has been shown by the testimony, and no autopsy. The point is whether these legal technicalities are absolutely necessary to show the cause of death in a case where the victims exhibited all the symptoms of a poison which was afterward found in food of which they had partaken. The defense bent all its efforts to proving that it was only after Dr. Wolf's analysis that the doctors suspected arsenic, and it succeeded fairly in showing it in the case of Dr. Bishop, though not with Dr. Downes. The former contradicted himself several times and seemed to have no knowledge that he had diagnosed the cases incorrectly, though his treatment showed plainly that he had had a wrong idea of the case all along. [illegible] We are none of us perfect." The little country doctor was [illegible] uncomfortable. It is hard enough to admit errors in private, let alone confess them in public. [illegible] nothing [illegible] was the trouble, Dr. Bishop tried to make up in testiness what [illegible] [illegible]

[illegible]

Professor Wolf is a pedantic man, with a high, shiny forehead—a man fond of his profession and used to lecturing. He embraced the opportunity and reveled in technical details which were Greek to most of his hearers. In anticipation of these sonorous words and unfamiliar phrases, the regular shorthand reporter had an opportune indisposition and an unhappy recruit was sworn in to take his place. This man struggled with arsenious oxide and five-syllabled words until the perspiration stood out on his forehead. No one could have convinced him that it was the coldest day of the season.

The scene had shifted from the almost pastoral Dover home, with its colored servants, its corn fritters and its soft-voiced inmates. This time the testimony was of deathbed scenes and dying struggles, and of a suspicion, at first scarcely credited, that made its way into a community where the stocks and the whipping post keep offenders in check and of the law, and where all the murders and crimes of the State do not afford constant employment for a detective force which consists of two men. Delaware may be behind the times, but there are certain compensations. And doctors who measure the day from "tea time to bed time" proved that they could be tender nurses even if they did graduate before the days of the microscope and knew less of the cultivation of bacteria than many a layman.

The day was enlivened by a few passages at arms between opposing attorneys. Knight was particularly insistent as to the sort of arsenic found in the candy, and the difference between crystallized and amorphous arsenic.

"The witness has answered that once," said Hosmer, crustily.

"He has not answered it!" yelled Knight, fiercely, "and you know it hasn't. What is more, you don't want him to answer it."

Hosmer's angry expostulations were lost in Judge Cook's censure.

At another time Dr. Bishop's irritation—he had been pestered beyond belief by a cross-examination which was particularly galling—showed itself in a tart remark, which was aimed at Knight, and which that gentleman promptly resented. Dr. Bishop said that when arsenic had been used in embalming an autopsy could give no satisfaction to anyone and would only afford scope for the ingenuity of the opposing counsel. Knight was on his feet in a moment and the doctor hurriedly said that he did not intend his remark to apply to any particular attorney.

At another time Knight said sententiously, "We are on trial for the murder of Mrs. Dunning," making himself particeps criminis, and at the same time seeking unsuccessfully to exclude testimony in regard to the condition of Mrs. Deane. Unlike the Durrant case, the testimony concerning this double crime comes in together, for the stories of the double death are inextricably mingled. A great deal of attention was given in the cross-examination of Dr. Wolf, in an attempt to make him say that he found arsenic crystals in the candy, but these attempts came to nothing. The only point proved was that arsenic in lumps and in pulverized form was found, both being forms of amorphous arsenic. As the poison was bought at the Owl Drug Company [illegible] amorphous [illegible] the skirmishing over [illegible] came to nothing.

The morning opened with John H. Pennington still on the stand undergoing cross-examination. He said that he did not touch the contents. After he took charge of the box of candy it was out of his possession only once, to the time when it was turned over to McVay [illegible] to San Francisco [illegible]

[illegible]

a flushed and anxious face, cold extremities and a cold perspiration on her body. He remained with her until her death, which occurred the afternoon of that day. The lips were livid and afterward purple, and after death there was a puffiness about the face. He was asked what, in his opinion, was the cause of death, and he answered the question indirectly by saying that all these symptoms were indicative of arsenical poisoning.

Dr. Bishop also attended Mrs. Dunning, but, as she was not so ill, he thought she would recover, and so devoted all his attention to Mrs. Deane. Just before Mrs. Deane died Mrs. Dunning came into the room to see her, but Mrs. Dunning was so weak that she had to lie down and be carried back to her room and put to bed. The doctor then went to his home, next door. About midnight he was called by Mrs. Dunning's nurse, who informed him that her feet were cold. Mrs. Dunning was sleeping lightly, but awoke and wanted to know what he was doing there. He told her he had just come in to see how she was. He remained all night and gave her stimulants at intervals, but the heart action steadily diminished. The pulse was not irregular, but was very weak. At 8 o'clock, at the suggestion of Mr. Pennington, Dr. Downes was called in. The pulse then ranged from 96 to 100. There was a cold perspiration on the forehead and all the symptoms that Mrs. Deane had exhibited. These symptoms increased, and Mrs. Dunning died at 8:45 o'clock that evening. The body had the same swollen appearance at the extremities and also about the abdomen. The treatment of the morning was continued after the consultation.

"With your knowledge what would you say caused the death of Mrs. Dunning?" asked Hosmer.

"The symptoms were those of arsenical poisoning," answered the witness.

"Did that cause her death?"

"I believe it did."

"Have you any doubt about it?"

"I have not."

The box of candy then became the subject of inquiry and the witness told of taking the chocolate creams to Dr. Wolf, the State chemist, for analysis. He went to Newark, where Wolf is professor of chemistry in Delaware College, and left the candies with the chemist. He was accompanied by a [illegible] of the college and Dr. [illegible] never off the box. The witness went on to Wilmington. When he was returning to Dover on the evening of the same day Dr. Wolf got aboard the same train and said to the witness: "You were right, doctor. There is any quantity of arsenic. I examined three pieces of the candy." The arsenic [illegible] in hard [illegible]

Knight began his cross-examination by asking if the death certificate [illegible] required in Delaware. On receiving an affirmative reply he asked:

[illegible]

neutralize the poison, and then mucilaginous drinks to allay further absorption. He did not discover that the patients were suffering from arsenical poisoning until the morning of the day on which Mrs. Deane died. The day before Mrs. Deane had told him she had eaten candy and he had asked if any of it was colored green.

"Why did you not ask for the chocolate creams then?" asked Knight.

"I don't know," said the witness doggedly. "None of us is perfect."

"Did you not testify on Monday, August 15th, before the Coroner's jury that if the candy had been subjected to heat ptomaines might have developed, and you did not know what had caused death?"

"I did."

"Why do you say now that it was arsenical poisoning?"

"I read the chemist."

"If he were [illegible] and all [illegible] you could not know positively what had caused death?"

"I would still believe from the symptoms that it was arsenical poisoning."

Knight again asked as to what cause had been given in the death certificate, and the witness said he could not remember whether or not he had given death certificates in the cases of Mrs. Deane and Mrs. Dunning.

"Did you suggest to Dr. Downes that the patients were dying of arsenical poisoning?"

"I advanced that theory."

"Why did you not act on it?"

"We were in the dark. We were not as wise as some people might have been," answered the witness, sarcastically.

"As you and Dr. Downes stood by Mrs. Dunning's deathbed you were still in the dark?"

"We saw considerable light before she died."

"Was it luminous enough to see arsenic?"

"Not quite then. I was nearly convinced but not quite sure."

The witness said he advanced the theory of arsenical poisoning at the inquest. He was positive that arsenic had caused the deaths of the women.

"When you found that out why did you not use remedies for that poison?" asked Knight.

"It was too late then," answered the witness.

Dr. Bishop said it was he who urged the Penningtons to have an inquest. They did not want it as Mrs. Pennington was ill. The doctor, however, insisted and the defense wished to know why the physician insisted on an inquest if he was sure of the cause of death.

The witness did not know why a postmortem had not been held, and said that was the duty of the Coroner, not of the doctor.

On redirect examination the witness [illegible] that [illegible] bodies had been embalmed a postmortem would have little weight as the embalming fluid contained arsenic. The defense annoyed [illegible] by asking some questions as to the [illegible] affected by arsenic. Dr. Bishop [illegible] that all the internal organs [illegible] the [illegible] were affected [illegible] the [illegible] question as to what organs [illegible] Asked as to [illegible] he said that a [illegible] him. He [illegible] his knowledge [illegible] he did not know that [illegible] affected the [illegible]

[illegible] was a much better [illegible] He testified that he was called [illegible] for consultation over [illegible] Mrs. Dunning. From her [illegible] that she had [illegible] At the inquest [illegible] the candy open [illegible]

[illegible]

[illegible] evidence that the candy had been [illegible] and he [illegible] that [illegible] there were [illegible] and the [illegible] were [illegible] [illegible] crystals [illegible] there was sufficient to change crystallized arsenic [illegible] He was [illegible] however [illegible] the arsenic used in the [illegible] The largest [illegible] was about the size of a pea [illegible] was [illegible] as [illegible] arsenic lumps [illegible]

[illegible] as large as your head," replied the witness, dropping his technicalities [illegible] the [illegible] learned.

"You don't know how big my head is sometimes," was the retort. In response to a question Dr. Wolf stated that arsenic had no taste.

Attorney-General White of Delaware identified the box, candy wrapper, handkerchief and note. By way of cross-examination Knight said:

"Feeling well, are you, General, to-day?"

"Very well, thank you," responded the surprised witness, stiffly.

"No further questions," said Knight.

Bernard J. McVay, State Detective of Delaware, told of receiving articles of evidence from John P. Pennington, bringing them across the continent and turning them over to Chief Lees. On cross-examination McVay stated that no one had been allowed to see the articles while he was bringing them from Delaware.

Chief of Police I. W. Lees testified that he had received the articles consigned to the care of Detective McVay by Pennington. Afterward he had the various exhibits in the case photographed. He gave eight pieces of the candy to Professor Thomas Price for purposes of analysis. Later Professor Price and Dr. Wolf were allowed to break open ten pieces of the candy, part of which they carried away for further analysis. The witness identified the wrapper, box and other articles, including the envelopes containing the anonymous letters. On cross-examination he said that his handwriting experts were Eisenschimmel, Ames and Kytka. It had been proved when they examined the writings.

The box of candy was then offered in evidence. Knight objected, but the Court admitted it, saying that if it was not connected with the defense he would entertain a motion to strike it out.

At the conclusion of the testimony of Chief Lees an adjournment was taken until 10 o'clock this morning.

THE DEATH CERTIFICATE.

Arsenical Poisoning Given in Delaware as the Cause.

A telegram was sent to Delaware last night to ascertain the cause of death as given in the certificate. The answer was as follows:

WILMINGTON (Del.), December 14.—The cause of death was arsenical poison according to the certificate and verdict of the Coroner's jury.

TWO WORDS ENOUGH.

Collector Harper's Foolish Petition Is Speedily Denied.

Two words from the Supreme Court, written yesterday, put the end that was expected to a stupid attempt to break into the Botkin case. The attempt was made last week by L. P. Boardman, an attorney, and W. L. Harper, a bill collector, and took the form of a petition for a writ of prohibition directed to Superior Judge Cook. The avowed purpose was to have the Supreme Court pass upon the matter of jurisdiction, and possibly, save the State further expense. Harper's interest was alleged to be that of a taxpayer. The Supreme Court did not deem the matter worthy of an opinion. Justice McFarland, for the court sitting in bank, merely indorsed the request, "Petition denied."

NO DELAY MARS THE COURSE OF EVENTS IN THE BOTKIN CASE.

JOSHUA D. DEANE.

JOHN P. PENNINGTON.

MISS LEILA DEANE

MISS JOSEPHINE BATEMAN

DOVER PEOPLE ON THE STAND.

Several Who Partook of the Poisoned Candy Tell of After Effects.

SOMETHING of Eastern dispatch, instead of the accustomed delays of California murder cases, appears in the progress of the Botkin case. A third of the Delaware testimony is in already, and at the present rate the case should be finished before the end of the year at the worst. Knight's cross-examination, though

come as a witness, though urged to do so by the prosecution.

Other questions showed the drift of the defense. For one thing, Knight asked every witness at length as to his or her symptoms after eating the candy. Some of them had burning pains and some of them had no pains at all. Harry Pennington testified that he had a great desire for water to quench his internal fever. Mr. Deane testified that

believe it came from the Pennington garden."

"Did you experience any feeling of sickness after partaking of the supper?"

"I did not."

Mr. Deane said that his wife had spells of vomiting and retching all day Wednesday and all Wednesday night. Thursday morning these spells almost ceased. She was perfectly conscious, but taking no interest in what was going on about her, although she answered questions. Her body was like ice, but she seemed to be in a great deal of pain. She kept saying, "Fan me, I am burning up. There is a perfect fire inside of me." This kept up until just a few moments before her death. Her features showed great pain and suffering.

The witness did not know of Mrs. Dunning's illness until the morning of August 10th. He was in her room several times, and found her suffering in the way his wife was suffering. His daughter was also ill, and he attended her himself during her illness. Deane did not see the candy until after the death of his wife and Mrs. Dunning.

On cross-examination Deane said that Dr. Bishop, the family physician of the Penningtons, was first called in at 7 o'clock on the morning after his wife was taken ill.

"Did the physician examine the bottles and phials about the room?" asked Knight.

Hosmer objected, and Knight said, "Supposing strychnine was found?"

"Supposing it wasn't found," retorted Hosmer. "The question is not proper cross-examination."

The question was allowed, and Deane answered that there had been no such examination.

"What did the doctor say was the matter with Mrs. Deane?" asked Knight.

"He said she was suffering from cholera morbus."

"Did he say it was from eating corn fritters?"

"He did not."

The witness testified that the doctor had also diagnosed the cases of Mrs. Dunning and Leila Deane as cholera morbus.

John B. Pennington was the next witness. He said that on August 9th, after supper, he had lain down a little while and then went out on the porch, where there was a family gathering. Mrs. Dunning had the box containing candy in her hand. The witness was out during the early part of the evening. Shortly after he returned the family retired. About 12 o'clock he heard Mrs. Deane retching and vomiting. The next morning Mrs. Deane was still sick, and Mrs. Dunning was also sick. The witness told briefly the story of the illness and death of the two women. The morning of the day on which Mrs. Deane died Pennington said he went into Mrs. Dunning's room and asked her where she had put the box of candy which she had received. He found the box, incased loosely in the wrapper, lying on top of a secretary. The witness identified the wrapper, box and handkerchief. The handkerchief was offered in evidence, but, Knight objecting, it was temporarily withdrawn.

The witness told of comparing the address on the wrapper with that on an envelope in his possession. He told of anonymous letters received by Mrs. Dunning from San Francisco. The contents of the letters were not gone into, but two of the envelopes were introduced for purposes of identification. One was addressed to "Mrs. John Dunning," and was postmarked June 13, 1897. The other was to "Mrs. John P. Dunning," and bore date of July 3, 1897. The witness said there was another letter, received a few weeks before the one addressed to "Mrs. John Dunning," but that it had been lost or destroyed. When the second letter came Mrs. Dunning gave it to the witness and asked him to intercept such communications in the future.

[illegible] the case should be finished [illegible] the end of the [illegible] close and omitting no point that might cloud the issue, is not galling. The Dover people make good witnesses. The only one who was not up to specifications yesterday was Thomas M. Gooden, ex-Postmaster of Dover. He was one of those witnesses who are perfectly certain of a particular thing, but whose memories, when tested, prove weak on every point save the one desired to be emphasized. Gooden could identify the Dunning package without looking at it, but he could remember nothing about the other mail for the Pennington family that passed through his hands upon that night or any other night, nor could he remember what other packages, if any, came to Dover people in that evening mail in August.

Otherwise the witnesses held out very well, telling plain, unvarnished tales, and agreeing on all main particulars. The defense paid much attention to finding out whether the women who died might not have eaten something besides the candy on the evening of August 9th which might have caused the sickness from which they subsequently died. There was close questioning about the fish, the corn fritters, the scrambled eggs, the coffee and the bread which composed the meal in the Dover home, but it was difficult to trace any particular article, as each of the Pennington family seemed to have hupped on a different thing. Several of the members of the [illegible] of the fish and had have [illegible] of that dish. Others had [illegible] the corn fritters. Mr. Deane seemed to be the only person who ate heartily of all the viands and was not ill.

Finding that the cook was a colored woman named Rosie the defense sounded all the witnesses to see whether or not there had been some trouble between Rosie and Mr. Pennington. Mr. Deane became somewhat indignant at this line of questioning. He replied with dignity that they had always been fortunate in having good cooks. Mr. Pennington, the father of the women who died, made a particularly good witness, being careful and deliberate in spite of the fact that he is a lawyer and lawyers do not generally make good witnesses. As long as he lives the events of that terrible day will live in Mr. Pennington's memory, and he is able to give a clear and succinct account of them. Had it not been for him, it might yet have been believed that the two women died of cholera morbus. He it was who thought of the candy, sent it to be analyzed and discovered that a poisoner had been at work. Although an old man Mr. Pennington's memory is as good as ever it was. Asked if he had had the water, the pipes or the cooking utensils in his house examined he said that he had not, unless subsequent, continuous use of the same articles, without any bad results, might be taken to prove their cleanliness. Mr. Pennington considers that he owes his life to a lifelong habit of chewing tobacco. If he had not had his mouth full of the weed he would probably have accepted Mrs. Dunning's invitation to share the candy.

In the light of what happened afterward Mr. Pennington's account of what Mrs. Dunning said to him as he came out on the porch that balmy August night was pathetic. "See, papa," she said, "what a nice box of candy I have and I don't know who sent it. Won't you have a piece?"

One important bit of evidence from the standpoint of the defense was the fact, dropped by Miss Ethel Millington, and hitherto unmentioned, that there was another person on the porch that night—one who ate candy but was not made ill. Little Elizabeth Dunning ate candy from the ill-fated box and never felt a qualm, but it is said that she nibbled at the hard chocolates which, happily, were innocuous. The other young girl was Miss Clark of Trenton. Her name was caught up eagerly by the defense and inquiry into her physical condition will doubtless be made by the supporters of Mrs. Botkin. Detective McVey says that he understood that Miss Clark was [illegible] but that he refused to

and some of them had no pains at all [illegible] toward fever. Mr. Deane testified that his wife seemed to be burning up inside and asked continuously to be fanned, though her body was like ice to the touch. Leila Deane and Ethel Millington testified that they had no pain at all, only languor, accompanied by headache and nausea. Ethel Millington testified that she did not vomit, though she was nauseated. From this diversity of symptoms Knight will probably attempt to prove, by means of expert medical testimony, that the candy eaters were not poisoned by arsenic at all, since they did not all exhibit the well-known symptoms of arsenical poisoning.

The defense was jubilant over the testimony of Miss Bateman, who testified that she picked arsenic crystals from her teeth, and that in the candy she ate was a gritty substance which did not dissolve in water. From this will be drawn several deductions favorable to Mrs. Botkin.

In brief, the witnesses so far called told of the arrival of the box in Delaware, the eating of the candy, the illness that followed, the deaths of two of those who ate, the subsequent investigation of the ingredients of the candy, and the comparing of the address with the anonymous letters.

When court adjourned Mr. Pennington was still on the stand. Most of the Delaware testimony is in, except the medical and chemical showing, and, most important of all, Dunning's story of the woman and the crime.

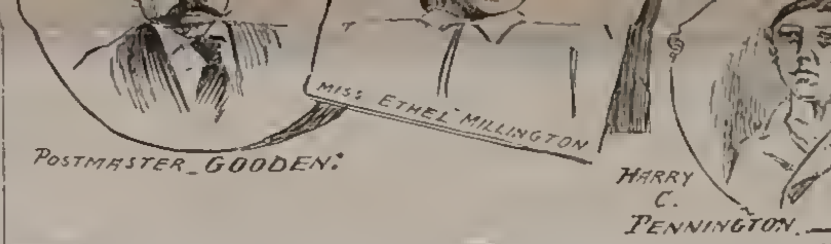
There is nothing particularly exciting in this murder trial. Only the testimony of Dunning and Mrs. Botkin offer even a chance for a sensation.

Meanwhile, devoid of any sensation, with testimony that is but a repetition of what has already been published, and sometimes a little short of that, the trial drags along sleepily. People come from curiosity, merely, and crowd the courtroom until there is not a particle of air that has not been used three, four, five times. They might as well stare at a graven image as Mrs. Botkin, for she never smiles nor frowns, nor exhibits the slightest emotion. The only time when she even bends her head is when she consults with her attorneys, Messrs. McGowan, Wheeler and Knight. At other times she is perfectly passive, quiet and immobile. She never varies her black raiment, though yesterday a tiny knot of purple violets from the prison yard was fastened to the waist of her tailor gown. Occasionally she casts her eyes up at the poor little bait of the cheap cotton handkerchief, or idly eyes the faded pink box of candy—that candy that no one ever desires to taste. It would take a good deal of a sweet tooth to make any one nibble at that fatal box. It stands around, passing from the hands of Detective Ed. M. Gibson to that of the witnesses, and its contents are quite safe from larceny.

Mrs. Botkin was supported by two of her sisters. Miss Dora Brown had indulged in some new millinery and a becoming lawn tie about her neck. Mrs. S. C. McClure of Healdsburg, evidently an older sister, was quietly dressed in black and was accompanied by her husband.

Not the slightest hint of the interference of a person named Boardman came yesterday to ruffle the serenity of the courtroom. It was as though that young person had never existed. The first motion made by Knight was that all the witnesses should be excluded from the courtroom. This was granted, the Judge making the order apply to witnesses on both sides. That the statement freely made in some papers that Mrs. Botkin will be the defense's only witness is untrue was shown by the flutter which the Judge's order caused among people not known to be witnesses. Exceptions to the rule were made in the cases of Attorney-General White of Delaware, Chief Lees and Miss Brown, Mrs. Botkin's sister. The Delaware witnesses were led in their exile by Dunning, who thereafter paced the hall impatiently, smoking long and black cigars. Thereafter the witnesses were admitted one by one, coming in with the sheepish air of students up for examination and walking in before the crowded courtroom as though the ordeal was not exactly pleasant.

The first witness was Thomas M.



Gooden, Postmaster of Dover, Del., at the time when the package arrived. He said that on August 9th the 5.55 mail brought an oblong package addressed to Mrs. John P. Dunning. One of the distributors called Gooden's attention to the package, which he placed in the Pennington box. At this point the wrapper of the box was produced by Mr. Hosmer, and the witness, scarcely glancing at the wrapper, identified it. The wrapper went into evidence as the people's first exhibit.

On cross-examination Knight devoted himself to testing the witness' memory.

"How is it that you remember this package so well?" asked the attorney.

"Because I handled it three times," was the answer.

The witness said Pennington only received an ordinary amount of mail, and that the package for Mrs. Dunning was the only one placed in his postoffice box on that day.

"Could you not be mistaken?" queried Knight.

"No," answered Gooden, "I remember the package well."

The witness went on to say that Dover was a place of between 3500 and 4000 inhabitants and that there were about 250 lock boxes in the Postoffice.

"Just state one other package that came that day or the day before," urged Knight.

"I can't, sir," replied the witness.

The Postmaster could not remember whether he handled other packages that night or not. He could not remember any one else who had any mail, though he thought that Samuel W. Hall probably had some. He did not see the package taken from the pouch which came out of the West, but he presumed that it must have come out of the pouch, because all the mail on the distributing table must have come out of that pouch, there being no other place for it to come from. As the Postmaster left the stand he did not seem to be altogether pleased with himself.

Harry Pennington, a grandson of John P. Pennington, says he is 16 years of age, but looks three years younger. He spoke so low that it was all the Jury, let alone the eager auditors in the back of the room, could do to hear him. The boy, who is a half orphan, lives in Wilmington, but was spending the summer with his grandfather. It was his duty to go after the mail every evening after supper. On this particular night he went to the Postoffice between 6.30 and 7 o'clock. He found a small package in the box, addressed to Mrs. Dunning, and carried it home to her. The family was on the porch, and Mrs. Dunning immediately opened the box and passed the candy about. The boy identified the box, the wrapper, the poor, cheap rag of a handkerchief and the note of pretended affection. He testified that the little Dunning girl took some of the hard chocolates. He, himself, took some chocolate peppermints and a chocolate cream. Miss Millington and Miss Bateman came, and they also were offered candy, and accepted it. They remained on the front porch until about 8.15 o'clock, when Miss Millington and Miss Bateman went away. Mrs. Deane and Leila went out to make a call, and Mrs. Dunning, her little girl and her nephew went for an evening stroll. They returned about 9 o'clock, the boy going up stairs almost immediately. The candy was not passed around again that night. The witness was not sick until the next morning at breakfast time, when he had a dull headache and a great desire for water. These symptoms, with vomiting and purging, continued for a day and a half. The boy was attended by Dr. Bishop, and thought his medicine was in the form of a pill.

Leila Deane was the next witness. She also had had her doubts about the fish and had made her supper off scrambled eggs and corn fritters. She identified the box and said that when it arrived she tried to make out the postmark, but could only decipher "Francis." She identified the note and thought the handkerchief was similar to the one in Mrs. Dunning's box. She ate one soft piece of chocolate and two or three hard pieces of chocolate caramel. With her mother she went out to spend the evening, returning about 10 o'clock. They went into the parlor and played a game of parchesi. No one ate any more candy that night, so far as the girl saw. The witness was taken sick on Wednesday morning. When she got up she felt too ill to dress and went back to bed again. On Thursday morning she managed to get down stairs, but was not able to sit up. She vomited a great deal and had a blinding headache.

"My mother was taken sick," said the witness, "about midnight on Tuesday night. She vomited all night and all day Wednesday. I did not know Mrs. Dunning was sick until Wednesday morning. I did not see her until Thursday morning. By Saturday morning I was all right."

Miss Josephine Bateman, teacher in the public school of Dover, was next called to tell of her experience with the poisoned candy. She testified that on the evening of August 9th she was on her way to visit a friend, and as she was passing the Pennington home Mrs. Dunning called her in. The witness examined the wrapper and identified it, also the box and handkerchief. Miss Bateman took one piece of candy—a chocolate cream with a pecan on top.

"What happened after that?" asked Hosmer.

"I left the Penington place and began to eat the candy as I went along the sidewalk. As I was finishing the candy my teeth encountered something hard, and I took three hard lumps from my mouth and threw them on the ground. Afterward I found a foreign substance in my gums and removed it with my finger. The substance was arsenic, but I did not know it at that time."

"What effect, if any, did the candy have upon you?"

"My gums and lips were ulcerated the next day. I was very sick, having pains in my stomach and back. I felt languid and nauseated. I was sick all day Wednesday and languid all day Thursday."

Miss Bateman thought it rather surprising that a friend should write such a note on a small piece of paper. She said that there was no taste to the lumps she found. They were merely of a gritty nature. In size they were a little larger than the head of a pin. They were something like a piece of rock salt, and at first she thought that there had been some foreign substance in the sugar from which the candy was made.

Miss Bateman said the symptoms of her illness were similar to those of cholera morbus, and the feeling like seasickness.

At this point an adjournment was taken until 2 o'clock.

Ethel J. Millington, daughter of a Dover hotel-keeper, was the first witness of the afternoon. She testified that she called at the Pennington house about 7 o'clock on the evening of August 9th, and on the invitation of Mrs. Dunning took a chocolate cream and ate it. She had supper at her father's hotel, and it was not followed by any ill effects. The next day she became sick and was sick all day. She was nauseated, and was so weak she had to remain in bed.

Joshua D. Deane, husband of one of the victims of the poisoner, next took the stand. The witness said that he was a merchant doing business in Dover. He and his wife and daughter made their home with the Penningtons. He was at home on the evening of August 9th and took supper there.

"Of what did that supper consist?" asked Hosmer.

"Trout, scrambled eggs, corn fritters, bread and butter and coffee."

"What was the condition of the fish?"

"I purchased it myself. It was fresh and not long out of water."

"Was the corn from which the fritters were made canned corn?"

"It was not. It was green corn, and I

[illegible] Dunning gave it to the witness [illegible] was not shown to Mrs. Dunning.

"How many envelopes were received?" asked Knight.

"One besides the two offered in evidence. The first one was searched for among Mrs. Dunning's effects, but it was not found. I did not see its contents, but talked with Mrs. Dunning about it."

The witness said he made no examination of the candy, but after the burial of his daughters gave pieces to Dr. Bishop to have them analyzed. As to the phial of arsenic brought back he could not give the size of the crystals, as he had not examined them closely.

Knight returned to the letters and brought out the fact that Pennington had compared the address on the wrapper with that on the envelope addressed to "Mrs. John P. Dunning." The witness declared that they were written by the same person.

Pennington was still undergoing cross-examination at 4 o'clock, when an adjournment was ordered until 10 o'clock this morning.

DECEMBER 14, 1898.

McGLADE IS INDICTED FOR RANK FORGERIES

Grand Jury Finds Two Charges.

AMBROSE TELLS HIS STORY

SCHOOL BOARD INVESTIGATION FINALLY DROPPED.

Adjournment Will Probably Be Taken on Next Friday Afternoon—Attorney Dunne Files His Report.

Call

Peter McGlade, defaulting deputy of the Street Department, the man who betrayed the implicit trust of his friend and employer, Superintendent of Streets Ambrose, and robbed the city of hundreds of dollars by means of fraudulent and forged warrants, was last night indicted by the Grand Jury upon a charge of forgery. The indictment included two counts, one for forging the name of T. B. McGinnis, a deputy in the office of the clerk of the Board of Supervisors, the other for forging a warrant upon the City and County of San Francisco. After bringing the indictment the jury wound up its evening's session by deciding to meet on Friday afternoon for the purpose of requesting Judge Belcher to declare it adjourned.

The Jury's investigation into the case of McGlade was neither a matter of difficulty nor of much time. Detective Thomas B. Gibson, who has had charge of the case, had his testimony so arranged and his witnesses so well rounded up that all the evidence to be taken was in hand within an hour, and half of the twenty-six witnesses who had turned up in answer to subpenas were dismissed without being heard. Supervisors Haskins, Rivers and Rottanzi of the Finance Committee were the first heard, but their evidence was of no importance. They were followed by Superintendent of Streets Ambrose.

Mr. Ambrose made a frank, open statement of every phase of the case of which he was cognizant. It was the first time that he had consented to speak fully of what he knew of McGlade and his transactions, and his plain statement convinced the jury, were it not already convinced, that the Superintendent and his office is not in any way blamable, no matter what unwarranted insinuations have appeared to the contrary.

Mr. Ambrose did not spare McGlade. He told the jury that the former deputy's position in the office was not a political appointment, that he had always been one of his warmest friends and had always trusted him in the fullest and that the position had been given him on the basis of that friendship. He explained how it had been possible for McGlade to take blank warrants from the office, but he stated that he had never given him authority to use his name. Mr. Ambrose also exonerated any of the employes of his office from complicity in his deputy's crimes, and with that statement he was dismissed.

Auditor Broderick and Thomas B. McGinnis were also examined, as was Expert Kytka, who testified that all of the names save those of McGlade and the members of the Finance Committee of the Board of Supervisors had been forged. McGlade's signature was genuine, and the body of the bogus warrants was written in his handwriting. Kytka said he had discovered seventy five forgeries in all, and that he deemed McGlade guilty of them.

The investigation into School Board crookedness has been finally dropped. The jury decided to have nothing more to do with it, upon the advice of District Attorney Dunne, who reported that any indictment brought for an infringement against the one-twelfth act would be [illegible] through lack of both evidence and sufficient law. The jury will be probably finally adjourned on Friday afternoon.

HAVOC WROUGHT BY A DELUGE IN NEW YORK CITY

Collapse of a Giant Gasholder Releases the Water.

Huge Wave Drowns Several Persons and Wrecks Buildings.

DAMAGES ABOUT $500,000

The Flood Washes Women and Children Out of the Lower Floors of Tenements.

THE DEAD RECOVERED.
ANDREW WENDT, workman.
JOHN GRAY, seventy-five years old.
PIUS BAUM, engineer.

MISSING.
GEORGE BREWER, time-keeper.
(GUSTAVE) WINKLE, fifteen years old, son of Foreman Winkle.
JAMES O'CONNOR, foreman in Fuldner's factory.

INJURED.
CATHERINE O'CONNELL, four years old; seriously.
PETER WALKER, seriously.
FIFTEEN OTHERS more or less severely, or almost drowned.

(Special Dispatch to "The Examiner.")

NEW YORK, December 14.—Eight million gallons of water, rushing in a raging torrent through east-side streets last evening, caused death and destruction on every side. The largest gas-holder in the country collapsed under hydrostatic pressure. Several lives were lost. Men, women and children were swept from their feet and dashed bruised and bleeding against pavements and walls, many receiving fatal injuries. A furniture factory was wrecked, two tenement-houses demolished, trucks in the streets broken to pieces, gas-mains destroyed and the city below Grand street left in darkness, so far as the gas supply was concerned. The damage is estimated at half a million dollars.

The gas-holder which collapsed was located at Avenue A and Twentieth street and was the property of the Consolidated Gas Company. Many men were engaged in making a hydrostatic test of the huge tank when it burst, and of these the body of only one had been found up to an early hour this morning.

The collapse of the holder under pressure released an enormous volume of water, estimated at 8,000,000 gallons, which rushed in a huge wave through the adjacent streets, sweeping away in its headlong course scores of pedestrians. Almost all those injured were caught in this way in the flood.

So terrific was the force of the torrent that great iron gas main pipes, nearly four feet in diameter, were whirled along in the flood, in some instances for a distance of 200 yards, and were shivered against each other like so many vessels of clay. Heavy trucks standing along the curb were lifted bodily, turned over and over and dashed into fragments against the walls of houses.

A four-story furniture factory in Avenue A, immediately adjoining the site of the gas-holder, was completely wrecked, and two tenement houses next to it were so damaged by the fall of the debris and the rush of water that they will probably have to be demolished.

In its fall the giant gas-holder crushed many of the largest mains belonging to the company, with the result that all that part of the city below Grand street was last night deprived of gas. Twenty-first street, between Avenue A and First avenue, is now blockaded by a tangled mass of twisted iron

(Continued on Page Two.)

MRS. BOTKIN WEARIED BY THE LONG TALE OF DEATH.

MRS. BOTKIN'S ONE QUICK LOOK AT THE CROWD AS SHE SAT DOWN.

How Mrs. Dunning Suffered and Died, and How Arsenic Enough to Kill an Army Was Found in the Chocolates.

By Edward H. Hamilton.

Mrs. Botkin was wearied. She rested a tired head on her hand. Behind her black veil her eyes looked worn. The malodorous air; the strain of bearing up under a thousand eyes; the long recital of dreadful suffering ending in the tragic deaths—all this was beginning to tell.

It was in the afternoon of yesterday that she drooped. "Poison" had been written all over the day's trial like a label on a dangerous bottle. The skull-and-bones of death were there, with the convulsions and agonies and last gasps of victims.

The Delaware doctors told how Mrs. Dunning ... the idea that arsenic was the cause, and while rattling one doctor a good deal, had rather the worse of the contest with the other.

Then the State Chemist of Delaware told of finding the arsenic in the candy—lumps of arsenic as big as peas, and some powdered arsenic as well. Attorney Knight was very particular about this arsenic. His idea seems to be that the druggist who is to swear that he sold Mrs. Botkin arsenic will declare that it was powdered and not in lumps. There is also a rumor that Professor Price in this city did not find in the candy the same kind of arsenic as was found by Dr. Wolfe, Delaware's official chemist.

Such matters seem very small, but when a case depends entirely on circumstantial evidence the slightest flaw may offer the opportunity to break it all down. Consequently Attorney Knight is prying into every possible crevice, looking into all corners, eager to take advantage of every misstatement or misconception. So far it seems that Mrs. Botkin relies upon negativing the prosecution's case rather than offering positive testimony on her own behalf.

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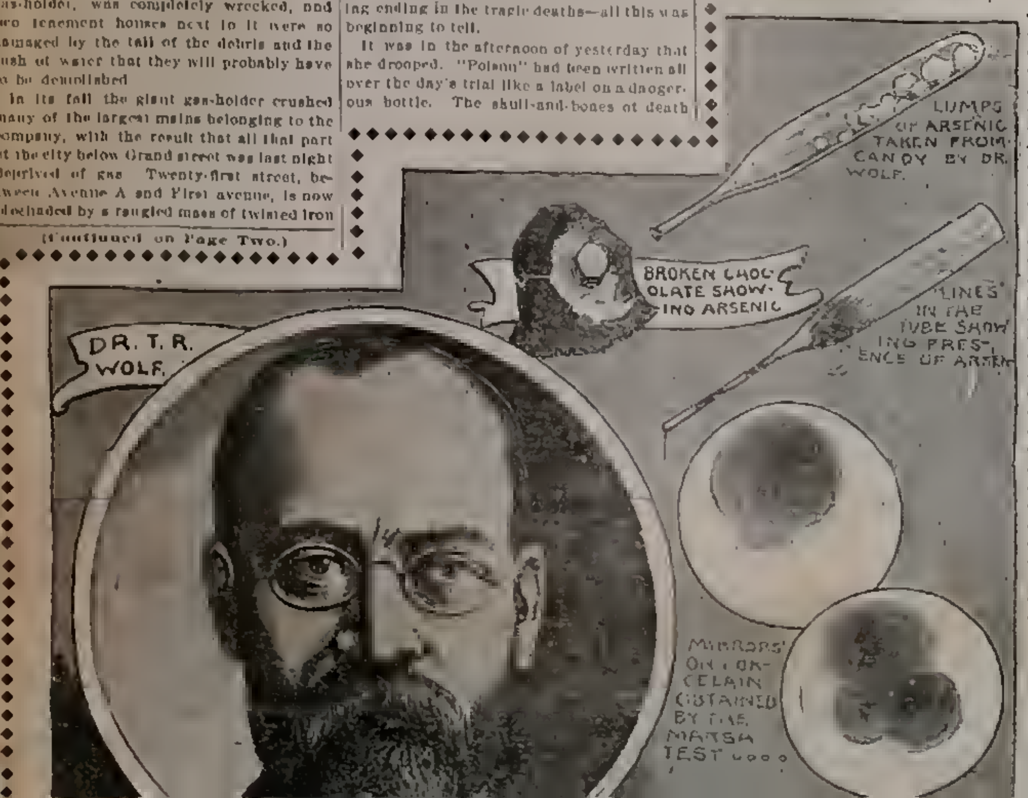

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It was evident from the testimony of Dr. Lemuel H. Bishop, the family physician, that he did not get around to the arsenic theory till late in the case. He even had some notion that death resulted from ptomaines at the time the inquest was called. Ptomaines have been very fashionable in

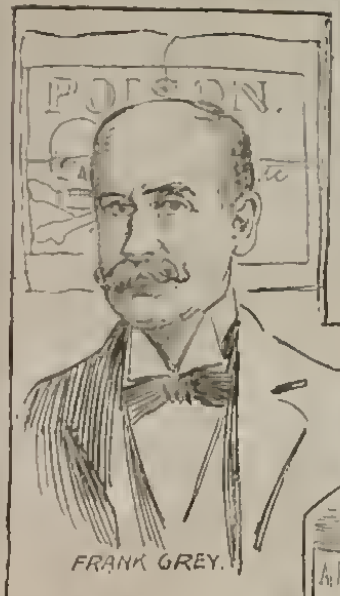
THE MAN OF ERUDITION AND OF DEADLY POISONS.

"THAT IS THE WOMAN," SAYS DRUG CLERK FRANK GREY.

MRS. BOTKIN RISES AND IS IDENTIFIED.

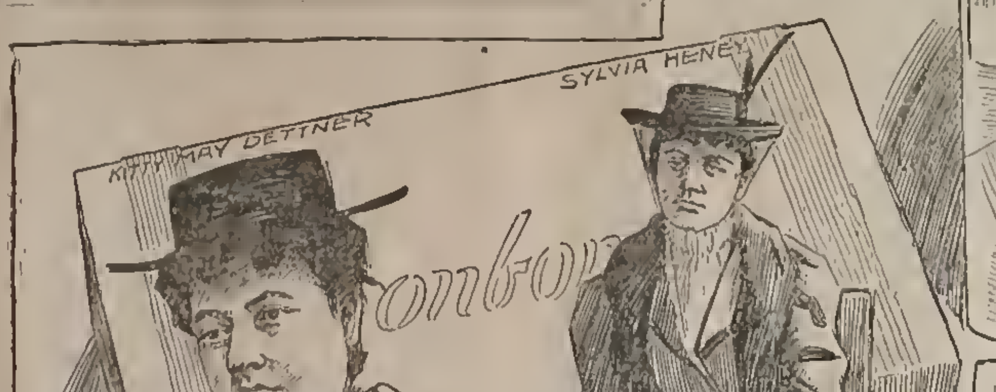
For the First Time Her Name Is Mentioned in the Poisoning Trial—Candy Girls on the Stand.

AT LAST the defendant has come into the Dover poisoning case. Mrs. Botkin's name was mentioned for the first time yesterday at 11 o'clock, and thereafter she was called upon four times to rise and subject herself to the scrutiny of witnesses, a series of ordeals that must have been far from pleasing. When ordered to do so by her attorney, Mrs.



FRANK GREY.

DAVID GREEN.



KITTY MAY DETTNER

SYLVIA HENEY

Botkin half rose, smiled a faint, forced smile and then sank again to the seat from which she never fully rose. Her teeth glittered as she mutely challenged the witnesses to identify her, and her lips drew aside painfully as if the smile hurt. As a matter of fact, only one out of four witnesses identified her positively. Another witness believed that Mrs. Botkin and her candy customer were the same, and the other witnesses could not even be as positive as to that. Yet, despite several small successes on the part of the defense, the prosecution began to connect Mrs. Botkin with the box of candy which has already cost two lives and may demand another before its vengeful purpose is satisfied.

By far the most important testimony was that of Frank Grey, a clerk from the Owl drug store. Grey testified crisply that he knew Mrs. Botkin by sight, and that on June 1st he sold her two ounces of arsenic, which she said she wanted for bleaching hats. Grey's story was up to specifications, and was exactly the same as has been foreshadowed so many times. It was a dramatic moment when Knight asked: "Do you identify the lady in court?"

Mrs. Botkin rose deprecatingly and smiled consciously, while the witness answered quite coolly, as though it were a matter of no moment: "Yes, that is the lady."

The packed courtroom heaved and sighed and palpitated as one man. The bailiff's sharp tap recalled it to itself, but the courtroom refused to suppress its satisfaction. It was athirst for excitement, and at every suggestion of humor of what passes for such an audible titter ran round the room. Three times the Judge threatened to clear the courtroom unless the disturbance ceased. In fact, the Judge was so angry that he delivered a little lecture on courtroom etiquette, and in his excitement his construction became slightly involved. "I will not permit this sort of thing to proceed to be carried on," he remarked sternly, frowning the frown that once made witnesses for the prosecution tremble. It is the same gloomy look, only now it blights the just and the unjust at the same time.

"This is a murder trial," his honor went on, "and I intend to have seemly conduct here," and the frown became even more fierce. "If this occurs again I will have the courtroom cleared." And that was all the reward the crowd received for its appreciation of a fine point. The titterers [illegible] again, and the [illegible] pass in ominous silence.

The drizzle kept no one away. W[illegible] came at [illegible] the [illegible] dense than ever. [illegible]

... and shows it on every possible occasion. Hosmer is an exceedingly touchy man, and he bristled with wrath when a covert attack was made upon the Stockton candy man and his testimony that "blew up." Several times Chief Lees attempted to compel Knight to accept photographic copies and certified copies instead of originals, at which the defense became angry and blustered like the north wind. In the matter of the poison book of the Owl Drug Store the original was forced into court by Knight, but as to the signed statements of the candy girls he was compelled to accept certified copies. "Copies certified by whom?" sniffed the attorney contemptuously.

When copies came at last Knight baited the candy girls with them. These girls prefer to be called "salesladies," but Knight dubbed them "pretzel peddlers." Just the same, they proved better witnesses than had been expected. Sylvia Heney, whose name begins with poetry and ends with prose, had a detailed story, to which she stuck in every particular. She was subjected to the most severe cross-examination of the trial, and was unshaken. Before Knight was through with her she was as red as a peony and was fanning herself with her purse, while a tender-hearted bailiff revived her with a glass of water. In the beginning Miss Heney took Mrs. Botkin's cue and swathed herself in a thick, black veil, but the jurors, who are taking an active interest in the trial, requested her to remove it so that they might watch the play of expression on her features. Knight's cross-examination did not shake the girl in any of the main features of her story. She was contradicted on several points by her friend, Kittie Dettner, who came immediately after, and who did not hear the testimony of Miss Heney.

The only rout suffered by the prosecution was when it sought to prove that Mrs. Botkin had purchased two kinds of arsenic—amorphous and crystallized. The amorphous purchase was readily proved by Grey, but when David Green of a rival drug store sought to prove that the witness had purchased crystallized arsenic of him about the last of May or the 1st of June, he failed utterly to identify the witness, and the forces of the prosecution were ingloriously routed. The defense hugged this solitary comfort to its breast, and the Chief of Police, who had kept this new witness a secret, did not seem altogether happy. It was also said, though not in court, that Chief Lees had become possessed of a letter written by Mrs. Botkin to Governor Budd, in which she asked to go to Manila as a Red Cross nurse. This is regarded as valuable as an exemplar of Mrs. Botkin's handwriting, but as there are several other acknowledged samples of her chirography, it is not vital.

The first witness of the day was Thomas Price, the analytical chemist. He is the antithesis of Wolf just as he is the opposite of that lean and hungry apothecary who figured in the tragic lines of "Romeo and Juliet." Price is a little roly-poly man familiar to San Francisco juries. He illustrated the difference between the commercial and the [illegible] chemist, most of what he [illegible] entirely clear to the layman [illegible]. When he [illegible] grains of arsenic [illegible] candies he wrote familiarly [illegible] the Judge's desk until he and [illegible] came near sitting together [illegible] such

been put into the candy would it ever assume the lump form?"

"No, sir."

The witness said he saw no evidences of the candies having been opened for the purpose of inserting a foreign substance. On redirect testimony he said he had never heard of arsenic being used to bleach straw. When questioned as to the substances forming on copper bottles, he replied that such poison would not be found in candy in lumps.

"Crystalline arsenic is sometimes pulverized, is it not?" asked Hosmer.

"Yes, sir."

"If put into water or subjected to moisture, would it assume an amorphous condition?"

"It would."

Juror Daniels wanted to know if big lumps kept in a drug store might pulverize, and was informed that they might.

Dr. Wolf was recalled and testified that he had never heard of arsenic being used to bleach straw.

Frank Grey, clerk for the Owl Drug Company, was the next witness. He said he had known Mrs. Botkin by sight since August, 1897. On the 1st day of last June she came into the store where he was employed and asked for arsenic. She was alone at the time. The witness asked her what she wanted to do with the arsenic, and she replied that she intended to use it to bleach straw hats. When told that other chemicals were better adapted to bleaching she said she was accustomed to using arsenic in that way. The witness then gave her two ounces of pulverized arsenic and took her name and address, the entry in the poison register, written in his own hand on June 1st, being "Mrs. Botkin, Victoria Hotel, California and Hyde streets."

On cross-examination Knight wanted to know why the witness had quit the employment of Druggist Hoffman in Ukiah and why he had been dismissed from the pharmacy of the Ukiah Insane Asylum. Hosmer objected strenuously, and Knight said, "You mustn't get tender in these matters whenever the bird flutters. Suppose the witness had been let out of these places because he does not know the difference between arsenic and antimony?"

The objection was overruled and the witness said he had left the first place to go to the second and had been let out of the asylum pharmacy for some unknown reason. He thought politics was at the bottom of it.

Grey could not remember any other person purchasing arsenic on June 1st. Knight called for the record. He was offered a photographic copy.

"The book—I want the book," he shouted, and the witness was temporarily excused.

David Green, a drug clerk who was employed in the Star drug store last May and June, was called to the stand. He [illegible] that some time in the latter part of May or the early part of June he sold [illegible] of arsenic to a woman flashily dressed and of stout build. [illegible] all he said the examination. He wanted to know if a record of poison sales had been kept by Green, but as testimony regarding the sale had been ruled out an objection to the question was sustained.

The defense then lost its temper and blurted out: "This is a race for publicity between rival drug stores for advertising in the newspapers their sale of poisons. [illegible] the Owl and Star drug companies were the [illegible] had the [illegible] and arsenic [illegible] in the city. We haven't got through with your Owl drug store yet."

But Knight's bark was worse than his bite. When Grey came back the defense had changed its mind and let him off almost without question, to the great surprise of the witness, who was prepared for a siege.

At 2 o'clock Grey and the poison register of the place where he is employed were on hand. A package similar to the one sold to Mrs. Botkin was admitted in evidence for identification, the Court reserving its ruling on Knight's objection. The register, however, was not admitted, as Grey had testified as to all the facts from memory and had said that the entry in the register was in his own handwriting. On re-direct examination he said that his successor in the Ukiah Asylum pharmacy was a stepson of one of the directors of the institution.

Sylvia Heney, "saleslady" in the Market-street candy store of George Haas & Son, next gave testimony. Miss Heney has a thin sylvan pipe of a voice. She said that on the afternoon of Sunday, July 31st, she remembered making a sale of chocolate candy to a woman, whom she described as being not very tall and inclined to be stout.

"Is the defendant the party to whom you sold the candy?" asked Hosmer.

"I believe she is."

Miss Heney then told of the woman coming into the store and asking to see some fancy boxes, and after an inspection selecting a bonbon box. The witness said the box introduced in evidence looked like the one selected by her customer. Going back to the sale of the candy Miss Heney said she started to fill the box with mixed chocolates, but at the request of the customer, who said she wanted to put something else in the box, she did not quite fill it. Miss Kitty Dettner, also a "saleslady" in the store, was present at the time and brought the witness some tissue paper to put around the box. A brown paper was used for the outside wrapper. The witness thought she placed the seal of the firm on the box, but was not sure. As the box of candy was not a full pound the customer was charged 40 cents instead of 50 cents. The fancy box was 25 cents extra. The witness identified the candy sent to Mrs. Dunning as being from the Haas stock, and said the addressed wrapper around the package was the kind of paper used by her in wrapping up the box purchased by her customer. The ornamental seal of the Haas firm was introduced in evidence for the purpose of illustrating testimony.

Miss Heney said she noticed her customer particularly, as she walked around the store and seemed to be rather nervous. The latter part of the statement was stricken out.

Then the tiger had fun with the saleslady.

Knight cross-examined the witness at length minutely as to the statements she had made to the police and her numerous visits to the City Hall for the purpose of identifying Mrs. Botkin. She said she had thought of the transaction on July 31st without suggestion from any one, and then talked it over with her employer, but on this point she contradicted herself later. Knight tried over and over again to get the witness to declare positively whether or not her customer was Mrs. Botkin, but the invariable answer was, "I believe she is the woman." As to a time when she went to the City Prison, the witness said she did not know when she was sent for that it was with the object of having her identify Mrs. Botkin. Knight asked for the two statements made by Miss Heney to Chief of Police Lees. He disputed Hosmer's assertion that the originals were at present in the State of Delaware, but finally accepted certified copies and asked numerous questions, which failed to shake the testimony of the witness. Miss Heney was sure she could distinguish Haas' candy from any other made in the United States. The witness made the mistake of acknowledging [illegible] store [illegible] statements [illegible] corrected herself by saying that the signature looked like her handwriting. Miss Heney admitted many interviews with detectives.

Miss Kitty Dettner, also employed by Haas, followed Miss Heney on the stand. She remembered the sale on the afternoon of July 31st. Miss Heney's customer, said the witness, was rather short and active in her movements.

"How did the party you saw then compare in size, manner and action with Mrs. Botkin?"

"They are the same," answered the witness, meaning that they had similar peculiarities.

The witness told of the customer requesting that space be left in the box for another present. As to the box and the wrapper that had [illegible] the fatal package she said they were similar to others kept in stock at her place of employment.

The cross-examination of Miss Dettner was briefer but [illegible] that of Miss Heney. Knight asked questions referring to Mrs. Botkin as the customer of July 31st. The witness corrected him by saying sharply that she had not said positively that the customer was Mrs. Botkin.

"Have you any doubt about it?" asked Knight.

"Yes, sir," replied Miss Dettner. "I did not see enough of her to be sure."

The witness said that at the suggestion of Chief Lees she and Miss Heney went to the City Prison to catch sight of the defendant while she was on her way to the courtroom, and see if they could not identify her.

Just then Knight turned suddenly to Chief Lees and said: "Don't you hide your head, Chief Lees, the witness will do all of that that is necessary."

To Miss Dettner he said: "Don't look at him, he might lead it wrong."

In answer to further questions Miss Dettner said that Mrs. Botkin resembled the customer in general appearance, height and build, but as to features she could not say, as she did not see the customer's face. The witness remembered the day because it was the first Sunday after her summer vacation. She identified the box in evidence, as its color was faded, and it was the only faded box of its kind in stock.

The witness was excused and an adjournment taken until 10 o'clock this morning. Beginning to-day and continuing until the trial closes the sessions of court will be from 10 A. M. to 12:30 P. M. and from 2 P. M. to 4:30 P. M.

M'GLADE IS NOW INDICTED FOR FORGERY.

Two Charges Presented in the Court Against Him.

Bail Fixed at $20,000 and the Prisoner Stays in Jail.

STANTON TO BE HEARD.

Grand Jury Will Meet Monday to Hear Former Teacher's Story.

Peter W. McGlade, former bookkeeper in the office of the Superintendent of Streets was indicted yesterday on two charges of forgery, and his bail on each charge was set at $10,000, so that he cannot hope to leave prison unless some friend comes to his assistance with bail bonds of $20,000.

The indictments had the effect of taking McGlade's case out of the Police Courts into the Superior Courts, where political influences may not be used to secure his acquittal.

The Grand Jury met in the afternoon and presented two indictments in Department 7 of the Superior Court, accusing McGlade of forgery. One indictment was founded on the forgery of the name of T. B. McGinnis, a clerk in the Supervisors' office, September 1st, on a demand for $36 made out to T. Dwyer, one of the friends used by McGlade. The other alleged forgery was on a demand in favor of H. J. Swords for $36, September 1st, and purporting to be signed by Thomas J. Clark, gang foreman. Swords is McGlade's stepbrother, and his name was used to defraud the city. McGinnis, Dwyer and Swords were innocent parties, their signatures having been forged, it is alleged, by McGlade.

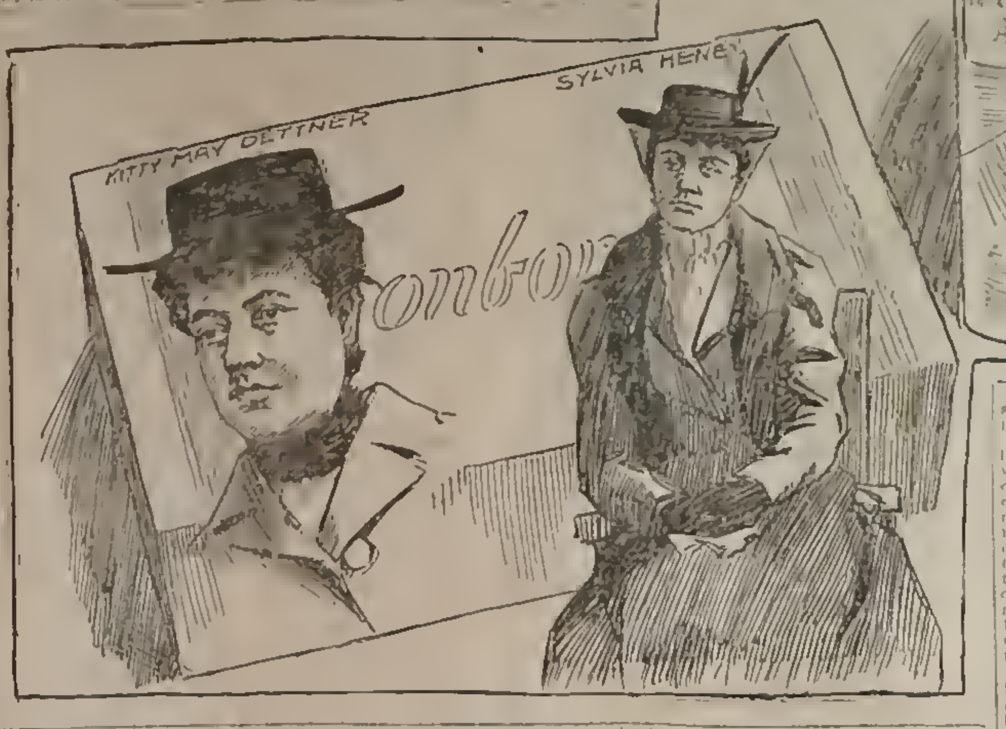
Warrants were issued and served on McGlade in the City Prison, who was then charged and returned to his cell.

Foreman McKee stated to Judge Belcher that the Grand Jury had discussed adjourning sine die yesterday, but as the indictment against D. E. Stanton was dismissed and he was on his way back to San Francisco, the Grand Jury decided to meet again Monday afternoon and hear Stanton's evidence against the School Board.

Expert Wright, who examined the ferry depot building, and Expert Kytka, who passed upon the forgeries in the McGlade case, caused the Grand Jury some trouble over payment of their demands. Wright's report has been used by the Senate Committee now investigating the [illegible] and an effort was made to have the [illegible] because the "sol d [illegible]" refused to appropriate [illegible] the Grand Jury [illegible] investigating frauds. Kytka [illegible] may not be paid [illegible] such serv[illegible]

Girls on the Stand.

AT LAST the defendant has come into the limelight [illegible] case. Mrs. Botkin's name was mentioned for the first time yesterday at [illegible], and [illegible] she was called upon four times to rise and submit herself to the scrutiny of witnesses—a series of ordeals that must have been far from pleasing. When ordered to do so by her attorney, Mrs. [illegible] and showed it on every possible occasion. If ever [illegible] is an exceedingly [illegible] man, and he bristled with wrath when a covert attack was made upon the [illegible] candy man and his testimony that [illegible] several times [illegible] Lees attempted to [illegible] Knight to accept photographic copies and certified copies [illegible] originals, at which the defense became angry and [illegible] like the north wind. In the matter of [illegible]



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By far the most important testimony was that of Frank Grey, a clerk from the Owl drug store. Grey testified crisply that he knew Mrs. Botkin by sight, and that on June 1st he sold her two ounces of arsenic, which she said she wanted for bleaching hats. Grey's story was up to specifications, and was exactly the same as has been foreshadowed so many times. It was a dramatic moment when Knight asked: "Do you identify the lady in court?"

Mrs. Botkin rose depressingly and smiled complacently, while the witness answered quite coolly, as though it were a matter of no moment: "Yes, that is the lady."

The packed courtroom heaved and sighed and palpitated as one man. The bailiff's sharp tap recalled it to itself, but the courtroom refused to suppress its satisfaction. It was a-tingle for excitement, and at every suggestion of humor or what passes for such an audible titter ran round the room. Three times the Judge threatened to clear the courtroom unless the disturbance ceased. In fact, the Judge was so angry that he delivered a little lecture on courtroom etiquette, and in his excitement his construction became slightly involved. "I will not permit this sort of thing to proceed to be carried on," he remarked sternly, frowning the frown that once made witnesses for the prosecution tremble. It is the same gloomy look, only now it blights the just and the unjust at the same time.

"This is a murder trial," his honor went on, "and I intend to have seemly conduct here," and the frown became even more fierce. "If this occurs again I will have the courtroom cleared." And that was all the [illegible] the crowd received for its appreciation of a fine point. The [illegible] did not occur again, and the throng let beautiful points pass in virtuous silence.

The drizzle kept no one away. Women came at the risk of ruining their furbelows, and the [illegible] of men was more dense than ever. The courtroom was full of the [illegible] which damp wool gives [illegible], and the windows clouded and ran drops of perspiration. There were many headaches from the close air and the [illegible] ordinance was violated every minute. Damp umbrellas [illegible] and steamed, mackintoshes gave off their [illegible] aroma and the whole place was [illegible] and uncomfortable. Even Mrs. Botkin felt the oppression of the air. She was more animated than usual, changing her position frequently, fanning herself vigorously, looking at the witnesses critically, consulting with her attorneys and altogether taking a more active interest in the proceedings than before she came audibly into the case. In the afternoon she removed her right glove and wrote a little note, which she coolly tucked away into the bosom of her gown. The hand that she uncovered was [illegible] and plump and white—a trifle too much like a pincushion for beauty, but full of coquettish suggestion. Behind the first lady in the case [illegible] women were taking off their hats as though at a play. The Botkin case is [illegible] becoming a spectacle.

Charles Wheeler, one of Mrs. Botkin's attorneys, has been [illegible] from her side, [illegible] was [illegible] he was away [illegible] the defense, [illegible] an air of expectation.

There were several passages at arms between Knight [illegible] Hosmer and [illegible] and [illegible] the defense had the [illegible] for the prosecution.

the poison book of the Owl Drug Store the original was forced into court by Knight, but as to the signed statements of the candy girls he was compelled to accept certified copies. "Copies certified by whom?" sniffed the attorney contemptuously.

When copies came at last Knight baited the candy girls with them. These girls prefer to be called "salesladies," but Knight dubbed them "pretzel polishers." Just the same, they proved better witnesses than had been expected. Sylvia Heney, whose name begins with poetry and ends with prose, had a detailed story, to which she stuck in every particular. She was subjected to the most severe cross-examination of the trial, and was unshaken. Before Knight was through with her she was as red as a peony and was fanning herself with her purse, while a tender-hearted bailiff revived her with a glass of water. In the beginning Miss Heney took Mrs. Botkin's cue and swathed herself in a thick, black veil, but the jurors, who are taking an active interest in the trial, requested her to remove it so that they might watch the play of expression on her features. Knight's cross-examination did not shake the girl on any of the main features of her story. She was contradicted on several points by her friend, Kittie Dettner, who came immediately after, and who did not hear the testimony of Miss Heney.

The only rout suffered by the prosecution was when it sought to prove that Mrs. Botkin had purchased two kinds of arsenic—amorphous and crystallized. The amorphous purchase was readily proved by Grey, but when David Green of a rival drug store sought to prove that the witness had purchased crystallized arsenic of him about the last of May or the 1st of June, he failed utterly to identify the witness, and the forces of the prosecution were ingloriously routed. The defense hugged this solitary comfort to its breast, and the Chief of Police, who had kept this new witness a secret, did not seem altogether happy. It was also said, though not in court, that Chief Lees had become possessed of a letter written by Mrs. Botkin to Governor Budd, in which she asked to go to Manila as a [illegible] nurse. This is regarded as valuable as an exemplar of Mrs. Botkin's handwriting, but as there are several other acknowledged samples of her chirography, it is not vital.

The first witness of the day was Thomas Price, the analytical chemist, who is the antithesis of Wolf, just as he is the opposite of that lean and hungry apothecary who figured in the tragic [illegible] of "Romeo and Juliet." Price is a little, roly-poly man familiar to San Francisco juries. He illustrated the difference between the commercial and the professional chemist, most of what he [illegible] being entirely clear to the layman [illegible] exceedingly business-like. When he [illegible] up the grains of arsenic found in several candies he wrote familiarly on the top of the Judge's desk until he and Judge Cook came near sitting together in bank. But no one could censure such a good-humored and clear-headed witness.

Chemist Price testified as to analyzing samples of the candy sent to Chief of Police Lees by the Delaware authorities. He had first made examination of five candies and some broken pieces, and had found a little over eighteen grains of arsenious acid which had come from arsenic in amorphous form, as distinguished from crystalline arsenic. The poison was in pulverized form, no lumps being found. Later the witness, while with Dr. Wolf, broke open several pieces of the candy from the box in possession of Chief Lees and found arsenic in lump form. Samples showing what the witness had found in the candy were admitted in evidence, and a sample of crystalline arsenic was admitted for purposes of identification.

On cross-examination the witness said arsenious acid was used in making pigments and also to convert nitro-benzine into aniline.

"You state that you found nothing but pulverized arsenic in your tests, while Dr. Wolf says he found lumps?" asked Knight.

"Yes."

"When you both went to Chief Lees' office you found lumps?"

"Yes; at that time I did not look for fine arsenic."

"If the powdered form of arsenic had been put into the candy would it ever assume the lump form?"

"No, sir."

The witness said he saw no evidences of the candies having been opened for the purpose of inserting a foreign substance. On redirect testimony he said he had never heard of arsenic being used to bleach straw. When questioned as to the substances forming on copper kettles, he replied that such poison would not be found in candy in lumps.

"Crystalline arsenic is sometimes pulverized, is it not?" asked Hosmer.

"Yes, sir."

"If put into water or subjected to moisture, would it assume an amorphous condition?"

"It would."

Juror Daniels wanted to know if big lumps kept in a drug store might pulverize, and was informed that they might.

Dr. Wolf was recalled and testified that he had never heard of arsenic being used to bleach straw.

Frank Grey, clerk for the Owl Drug Company, was the next witness. He said he had known Mrs. Botkin by sight since August, 1897. On the 1st day of last June she came into the store where he was employed and asked for arsenic. She was alone at the time. The witness asked her what she wanted to do with the arsenic, and she replied that she intended to use it to bleach straw hats. When told that other chemicals were better adapted to bleaching she said she was accustomed to using arsenic in that way. The witness then gave her two ounces of pulverized arsenic and took her name and address, the entry in the poison register, written in his own hand on June 1st, being "Mrs. Botkin, Victoria Hotel, California and Hyde streets."

On cross-examination Knight wanted to know why the witness had quit the employment of Druggist Hoffman in Ukiah and why he had been dismissed from the pharmacy of the Ukiah Insane Asylum. Hosmer objected strenuously, and Knight said, "You mustn't get tender in these matters whenever the bird flutters. Suppose the witness had been let out of these places because he does not know the difference between arsenic and antimony?"

The objection was overruled and the witness said he had left the first place to go to the second and had been let out of the asylum pharmacy for some unknown reason. He thought politics was at the bottom of it.

Grey could not remember any other person purchasing arsenic on June 1st. Knight called for the record. He was offered a photographic copy.

"The book—I want the book," he shouted, and the witness was temporarily excused.

David Green, a drug clerk who was employed in the Star drug store last May and June, was called to the stand. He testified that some time in the latter part of May or the early part of June he sold two ounces of arsenic to a woman flashily dressed and of stout build. Unkindest cut of all, he said the woman was "somewhat prepossessing."

"Did the woman resemble the defendant in this case?" asked Hosmer.

"Somewhat," was the answer.

Knight then broke in calling on Mrs. Botkin to stand up while the witness looked at her. The defendant stood up and Hosmer objected to Knight's methods. Hosmer did not want the witness to look and Knight did. Knight raised his strident voice and was rebuked by the Court. When quiet was restored the witness said Mrs. Botkin reminded him of his customer.

Judge Cook then asked a question. "Can you say that you feel that the defendant is the woman to whom you sold the arsenic?"

"No, sir," answered Green.

Hosmer then asked whether the witness had sold lump arsenic, and, when objection was made to the question, said that he expected to show that the woman who made the purchase had told Green she wanted the arsenic to bleach hats, and had spoken of having been at the Owl drug store. The objection was sustained because of the failure of the witness to identify the defendant. Green was allowed to testify, however, that the firm by which he was employed had lump arsenic on sale at the time in question.

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surprise of the witness, who was prepared for a siege.

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"Is the defendant the party to whom you sold the candy?" asked Hosmer.

"I believe she is."

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corrected [illegible] saying [illegible] she had not said positively that [illegible] customer was Mrs. Botkin.

"Have you any doubt about it?" asked Knight.

"Yes, sir," replied Miss Dettner. "I did not see enough of her to be sure."

The witness said that at the suggestion of Chief Lees she and Miss Heney went to the City Prison [illegible] sight of the defendant while she was on her way to the courtroom, and see if they could not identify her.

Just then Knight turned [illegible] to Chief Lees and said: "[illegible] your [illegible] deal of [illegible]"

To Miss Dettner he said: "Don't look at him. Mr. Knight [illegible] wrong."

In answer to further questions Miss Dettner said that Mrs. Botkin resembled the customer in general appearance, height and build, but as to features she could not say, as she did not see the customer's face. The witness remembered the day because it was the first Sunday after her [illegible]. She identified the box in evidence as it [illegible] was faded, and it was the only faded box of its kind in stock.

The witness was excused and an adjournment taken until 10 o'clock this morning. Beginning today and continuing until the trial closes the sessions of court will be from 10 A. M. to 12:30 P. M. and from 2 P. M. to 4 P. M.

M'GLADE IS NOW INDICTED FOR FORGERY.

Two Charges Presented in the Court Against Him.

Bail Fixed at $20,000 and the Prisoner Stays in Jail.

STANTON TO BE HEARD.

Grand Jury Will Meet Monday to Hear Former Teacher's Story.

Peter W. McGlade, former bookkeeper in the office of the Superintendent of Streets, was indicted yesterday on two charges of forgery, and his bail on each charge was set at $10,000, so that he cannot hope to leave prison unless some friend comes to his assistance with bail bonds of $20,000.

The indictments had the effect of taking McGlade's case out of the Police Courts into the Superior Courts, where political influences may not be used to secure his acquittal.

The Grand Jury met in the afternoon and presented two indictments in Department 7 of the Superior Court, accusing McGlade of forgery. One indictment was founded on the forgery of the name of T. H. McGinnis, a clerk in the Supervisors' office, September 1st, on a demand for $35 made out to T. Dwyer, one of the friends used by McGlade. The other alleged forgery was on a demand in favor of H. J. Swords for $96, September 1st, and purporting to be signed by Thomas J. Clark, gang foreman. Swords is McGlade's stepbrother, and his name was used to defraud the city. McGinnis, Dwyer and Swords were innocent parties, their signatures having been forged, it is alleged, by McGlade.

Warrants were issued and served on McGlade in the City Prison, who was then charged and returned to his cell.

Foreman McKee stated to Judge Belcher that the Grand Jury had discovered adjourning sine die yesterday, but as the indictment against D. E. Stanton was dismissed and he was on his way back to San Francisco, the Grand Jury decided to meet again Monday afternoon and hear Stanton's evidence against the School Board.

Expert Wright, who examined the ferry depot building, and Expert Kytka, who passed upon the forgeries in the McGlade case, caused the Grand Jury some trouble over payment of their demands. Wright's report has been used by the Senate Committee now investigating the structure, and an effort was made to have the [illegible] pay him, because the "solid nine" refused to appropriate money for the Grand Jury's use in investigating frauds. Kytka's claim may not be paid, as there is no fund for such services.

A SCORE OF WITNESSES AGAINST MRS. BOTKIN.

NEW LINKS ADDED TO THE CHAIN

Tracing the Parcel Through the Mail.

Inspector Erwin and the Package of Death.

Further Proof Touching the Purchase of the Candy.

Evidence as to the Finding of the Seal in the Prisoner's Room —Admissions Made by Defense.

TO THE case against Mrs. Cordelia Botkin the prosecution added yesterday a number of important bits of evidence, gleaned from the testimony of twenty-

candy firm, followed Pape. He testified that the box in evidence was of the kind which he carried in stock. When shown samples of the candies sent to Mrs. Dunning he said, "They look very much like our manufacture." Haas was asked if prior to the present case any one had ever complained of candy from his place being poisoned. Knight objected, but was overruled and the witness answered, "No, sir."

The witness objected to telling how many employes he had during the months of July and August, saying it would give his competitors a basis on which to estimate the amount of his business. The question was not pressed. He identified the seal in evidence as the kind placed on packages purchased in his store.

On cross-examination Haas objected to telling where he purchased his seals. Knight insisted on an answer to the question. The witness then said the seals were manufactured in London, England, and purchased by him in 20,000 lots.

"Have you used that many seals?" asked Knight.

"Yes, since I have been in business," answered Haas.

"Then there are 20,000 of these seals out?"

"Yes," was the answer, and Knight, in a jubilant tone, said, "That is all."

Mrs. Loretta Simpson, formerly proprietress of the Hotel Victoria, the last home of Mrs. Botkin prior to her arrest, was the next witness. She testified that

kin come into the hotel from the street with two packages, one oblong and the other small. The oblong package was of the shade of the wrapper in evidence. Mrs. Botkin left the hotel on the afternoon of August 4th, giving the witness written instructions to forward her mail to Healdsburg. The instructions and a letter from Mrs. Botkin to Mrs. Price were admitted in evidence, the defense acknowledging that the writing was genuine.

In response to a question the witness said that the seal was found by Mr. Rosello and given to the clerk. The witness said she had heard of Dr. Tyrell calling to attend Mrs. Botkin.

"Don't you know it was on Sunday, July 31st, that he called?" asked Knight.

"I know that it was not," answered the witness, decisively.

Another relay of Haas' employes had arrived by this time. Julia [illegible] Duane, Essie Fifvey, Laura Dwyer, Annie Jansen and Etta Bray all testified that they had not poisoned their employer's candy, and did not know any one else had ever poisoned it. Knight then obviated the necessity of further negative testimony by admitting that all of Haas' employes would testify to the same thing.

W. P. Rosello, finder of the seal, was the next witness. He testified that on September 7th, while with W. W. Barnes, he found a portion of a seal under the edge of a mat in room 26 of the Victoria Hotel. He gave it to Barnes, who put it in his pocket and said it was important. When shown a piece of a seal by Hosmer he said the piece he found was similar to that.

Knight attacked this witness savagely. He inquired into the affairs of the witness, who testified that he was an advertising man. When objection was made he suggested that Rosello might be a dummy put into the house by the police. Rosello said he was inspecting the room as he intended to and did move into it. The witness said he was circulating pamphlets for a local cafe. Knight looked over the pamphlet, said there was obscene matter on the last page, and had it admitted in evidence. Rosello said he had been circulating the pamphlets for only a few days, and had not read the article referred to by Knight —this in answer to a question by Juror Harrington.

W. W. Barnes, clerk of the Hotel Victoria, testified to being present when Rosello found the piece of a seal from the candy store of George W. Haas & Son. He identified the fragment and it was then admitted in evidence, despite the objections of Knight. The witness said Rosello had picked it up and handed it to him. He testified further that the room had not been thoroughly swept from the time Mrs. Botkin went away until the finding of the seal, as the room was closed up except on the one night when it was occupied by two transient guests whose names he did not know. On the day Rosello picked up the seal the witness found a small piece of paper on which the word "hospitality" and part of another word had been written. The defense admitted that the writing was that of Mrs. Botkin.

On cross-examination Barnes said that Police Captain Seymour and Detective Gibson had been admitted to room 26 three times before the finding of the seal. He was not always with them, and once they had remained alone in the room for half an hour. When Rosello found the seal he asked the witness to inform the police. Barnes denied that he at once took the seal from Rosello and put it into his pocket.

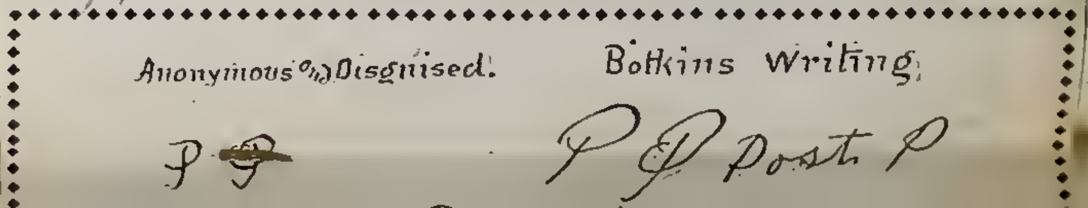
Barnes was the last witness of the day. At the close of his testimony an adjournment was taken until 10 o'clock this morning.

Daniel T. Ames, one of the handwriting experts who will be called upon to give his opinion as to the authorship of the handwriting that accompanied the poisoned candy, has caused the prosecution some annoyance and has weakened the effect of his testimony by rushing into the public prints before he was called on to give his evidence. Professor Ames' penchant for taking the public into his confidence nearly got him into trouble in the Fair will case, for while that was on trial and he was offering expert testimony, he gave a lecture on the handwriting in the case, and narrowly escaped punishment for contempt of court.

The defense will, undoubtedly, take every advantage of Ames' indiscretion. It is understood that the defense will attack the character of the testimony offered. It will attempt to throw discredit on the testimony of the physicians from the East and cast a doubt upon the cause of death. It will point out the weakness of all of the testimony that is not positive in character and assail all that is. The defense will attack expert testimony in general and the local experts in particular. It will attack the honesty and integrity of Dunning, the mental responsibility of Mrs. Rouff and Miss Livernash, and throw discredit on the testimony of the man who found the seal in Mrs. Botkin's room; the mail clerk who saw the package mailed, and the lady who sold Mrs. Botkin the handkerchief. Every possible doubt will be emphasized.

"THOU ART THE WOMAN," SAYS SCIENCE TO CORDELIA BOTKIN.

Ex.



SOME CANDY GIRLS.

four witnesses, the number of those testifying and the variety of the subjects covered making it one of the red-letter days of the cause celebre.

For to-day also there is an interesting programme. Everybody is waiting for Dunning to go on the stand. Though not the most important witness, he is the most sensational one. The prosecution has said that it intended to keep him for its valedictorian, but yesterday, when the bailiff called in stentorian tones "John D. Dunnigan," all hands mistook the name and thought that the man in the case was about to appear. Dunning evidently thought so himself, for he came in from the Judge's chambers and the whole courtroom shivered with excitement. The spectators had a delightful tingling of the spine, thinking that, at last, the sensation had arrived. But Dunning was sent back to his solitary confinement and in his place came an unimportant postal clerk, who became a witness solely because of a similarity of names. It is more than probable that Dunning will not come on until next week. There are a number of Stockton witnesses and people with whom Mrs. Botkin conversed after the tragedy and before the arrest. There are also the handwriting experts, who will probably take some time, judging by their previous performances. A handwriting expert is able to devote a week to a single curve and twirl as easily as not, and if the defense cross-examines them rigorously the testimony may prolong itself considerably.

With every day the case becomes more interesting and the crowd, swarming like bees in a honey pot, increases. Yesterday the Sheriff himself came to keep the peace and to plow a furrow through a field of solid humanity.

Mrs. Brown, the prisoner's sister, was absent during the afternoon, and it was said that she was spending her time urging a certain important witness to testify in her sister's behalf. Next to Mrs. Botkin sat the McClures of Healdsburg and a young man from the Seventh-Day Advent College of the McClures. This youth had a profile so similar to Mrs. Botkin's that many persons not familiar with the plump Beverley thought it must be the son.

The entire force of Haas' candy store was upon the stand yesterday. There were managers, candy-makers, "dippers," bonboniere and "saleesladies" without number. There were also postal inspectors, mail clerks and mail carriers, and lastly landladies and lodgers in the Hotel Victoria, where Mrs. Botkin formerly lived. The candy people were there to show that there were no poisons in Haas' establishment, that the cats caught the mice and rats in the basement and that there was never any poison about the place, that good materials were put into candy, and that the cooking utensils were kept clean. As Knight had persisted in looking for a reasonable doubt in the verdigris about the kettles, and in everything about the store, the prosecution, which is overlooking no point, big or little, called everybody in the store, from the prettiest "saleslady" to the humblest little chocolate dipper, which is not an astronomical constellation at all. Finally overwhelmed by the succession of witnesses, whom he refused to cross-examine, Knight admitted that all the other employes, if called, would testify on those bad days that they had put no arsenic in the candy which passed through their hands, and [illegible] returned to their chocolate creams.

Following the makers of sweet came the [illegible] people headed by Inspector Erwin. He swore as to the course of a letter going by the regular mail from here to Delaware. He testified that the mail leaving this city at 6 o'clock on the night of August 4th would have arrived at Dover on August 9th at 6:59 P. M., if all the trains were on time. He identified the dies used as postmarks at Station D, and they were introduced in evidence without opposition. Inspector Erwin said that he could not absolutely swear to the postmark, as it was not clear, but he believed it to be a San Francisco mark. He testified further that there was absolutely no way of determining where the package was mailed. It might have been mailed at the ferry or in South San Francisco. All the mail is stamped at Station D.

John D. Dunnigan was the mail clerk at Station D., who noticed the package because the name was so similar to his own. He remembered that the package was of the same shape as the one shown, though he would not say that it was of exactly the same size. He said at first that the paper was white, but afterward that it was light brown. He thought the address was "John P. Dunning, Dover, Delaware," and had no recollection of a prefix. He explained that he didn't want to get into the case, and so refrained from talking about it. He didn't want to go to Delaware, a plain California town being quite good enough for him.

Pressed by Knight as to why he tried to give the detectives a "steer," as he said, when a dummy box addressed like the original package was thrown about the station by the police, Dunnigan said: "It was because I didn't want to."

"Oh, that's a woman's reason," said Knight. "Give us a man's."

But Dunnigan is a determined young man, and his "dander" was up, and he declined to give a further reason.

Mrs. Loretta Simpson, landlady of the Victoria at the time Mrs. Botkin engaged a room there, was a lady with a jaunty purple hat tilted over her eyes and a four-in-hand tie of bright cerise. She was the first witness who had anything to say on the question of motive, though there will be plenty of testimony later on that point. Mrs. Simpson told how Mrs. Botkin and Dunning appeared at the Victoria to engage rooms, and how prostrated Mrs. Botkin was over Dunning's sudden departure, superinduced by a telegram from his employers. Mrs. Botkin was very much afraid Dunning would be killed.

Mrs. Simpson had an unpleasant cross-examination.

"Married or single?" inquired Knight, in irritating tones.

"Married," was the lady's equally brief reply.

"Where's your husband?" (spitefully).

"I don't know, sir" (crossly).

Then the attorney wished to know who had backed her in her lodging-house ventures, but was disappointed when he found that it was no person more romantic than a sister-in-law. Knight got from Mrs. Simpson the information that while the witness was landlady of the Victoria Mrs. Botkin conducted herself like a perfect lady, and the witness never saw anything improper between Mrs. Botkin and Dunning.

In the afternoon there were a number of shy witnesses who did not know that witness chairs were made to sit in. Some of them stood when asked to answer questions, remembering their school days, and many of them had never seen the inside of a court before. But the [illegible] crowd eyed them just the same, and their embarrassment was no reason why they should be let off from the [illegible].

The method of the defense demonstrated forcibly at yesterday's session, is to meet damaging testimony with sneers and reflections, express and implied, upon the private lives of witnesses. Knight's way is to bully and thunder when his subject is meek and nervous, to rasp and irritate when he encounters a temper on the stand, and, when he finds a witness who cannot be frightened or irritated, to try first ridicule and then the sneering aspersion of character, which the law permits upon cross-examination—these be the time-honored tactics of the attorney for the defense. The candy people passed yesterday without cross-examination, but those who told of the finding in Mrs. Botkin's room of the tell-tale seal were made to suffer all the ills that can befall a witness.

When it was all over those of the prosecution said they were well content, that their case was moving forward as they had planned it, and that when both sides were in there would not be the lingering shadow of a doubt as to who committed the atrocious Dover murders.

MORE LINKS IN THE CHAIN.

A Score of Witnesses Tell What They Know of the Murders.

When the morning session of the trial began Judge Cook announced that the package of arsenic put up by Frank Gray at the request of the police would be ruled out of evidence, as it had not been testified that the contents were from the same bulk as the purchase made by the defendant.

D. F. C. Droge, manager for George Haas & Son, was the first witness. He testified as to Miss Henry and Miss Dittner being at work on the afternoon of July 31st. He saw Miss Henry take an empty box from the window and go behind the counter to fill it. He did not see the customer. The witness testified that the box sent to Mrs. Dunning was of the same kind as those kept in stock at Haas' store. He identified the candy as having come from that store. He could not remember who worked on the other Sundays in July.

Henry Pape, foreman of the candy-making department of the Haas' firm, next took the stand. He explained the process of making chocolate creams and said there was no arsenic or anything else of a poisonous nature used in their manufacture. He identified the candy in evidence as having been made at the store of Haas & Son. The witness said the chocolates could easily be opened with a knife and the aperture closed up by heating the chocolate and redipping the candy.

The cross-examination was devoted mainly to minute inquiries as to the materials used by Pape in the manufacture of candies. Pape was also asked many questions as to the condition of appliances. He said the copper kettles and all other appliances were always kept clean. Some green coloring matter was used. He did not know what it was, but had tasted of it and had experienced no ill effects. The witness said that glucose manufactured in Chicago and bought by his firm by the barrel was sometimes used as a substitute for sugar. At times condensed milk was used instead of cream, but for chocolate creams, cream of tartar was used. In making chocolate creams the witness used sugar, water, cream of tartar and sweet chocolate. Pape said there had been no trouble with employes. A man named [illegible] had quit work in July on account of ill health.

George W. Haas, the a member of the [illegible]

out?"

"Yes," was the answer, and Knight, in a jubilant tone, said, "That is all."

Mrs. Loretta Simpson, formerly proprietress of the Hotel Victoria, the last home of Mrs. Botkin prior to her arrest, was the next witness. She testified that she gave up her hotel on April 12th last, selling out to Mrs. Birdie Price. Mrs. Botkin was one of her lodgers, having come to the house last March in company with John P. Dunning. Dunning remained there five days and then went away in response to a telegram calling him to do newspaper duty at the scene of war. While Dunning was at the hotel Mrs. Botkin always breakfasted with him and the witness saw them going in and out together. When Dunning left Mrs. Botkin was almost distracted and told the witness of her sorrow, her loneliness and her fear that Dunning, of whom she was very fond, would be killed. Mrs. Botkin told the witness that she went over to Oakland with Dunning when he left the city and saw him start for the East.

Mrs. Simpson was asked to testify as to the Hyde-street cars, which pass the hotel. Knight observed the drift of the questions, and said: "Oh, yes, we admit that the Hyde-street cars run to Market street, that they run to Haas' store, that they run into the store."

On cross-examination the witness said Dunning and Mrs. Botkin occupied separate rooms at the Victoria and that the defendant had conducted herself properly.

James W. Erwin, United States postoffice inspector, was then called. When shown the wrapper of the package he testified that he believed the postmark thereon was that of the San Francisco postoffice. The mark was like that used at Station D, which is situated in the ferry building. The witness traced step by step the route of a package from San Francisco to Dover.

The witness identified dies used for stamping letters. There was 22 cents in postage on the package, and the witness testified that fourth-class mail matter was rated at 16 cents a pound.

Six money orders bearing the signature of Mrs. Botkin were admitted without objection. The defense further admitted that the boat connecting with the afternoon Healdsburg train during last August left the ferry at 4 P. M.

Erwin testified on cross-examination that he could not tell in what part of San Francisco the package was mailed, as fourth-class matter was not stamped until it reached the ferry.

John D. Dunnigan, mailing clerk at Station D, testified that early in August he saw an oblong package addressed to "John P. Dunning, Dover, Delaware," his attention being attracted by the similarity of the name to his own. He looked at the package for a minute or two. When shown the box of candy he said the package was the same shape as the one he had seen, but he could not say as to its size. The witness identified the postmark of Station D.

On cross-examination Dunnigan said he would have told what he knew before he did so but that he did not want to get into the case. The police officials visited Station D several times, and once passed around a package encased in a photographic copy of the original wrapper. The witness did not try to identify it then, but afterward told his story to Detective McVey.

Oscar A. Foster, letter carrier, was acquainted with Mrs. Botkin and had received written orders from her to have the address for delivering her mail changed. These orders, four in number, were put in evidence, the defense admitting them to be genuine.

Sylvia Henry, who testified on Wednesday that she sold a box of candy to a woman whom she believed to be Mrs. Botkin, was recalled and testified that her customer had a package when she came into the store. This package was small and square, and as it was laid down on the counter the witness had to push it out of the way when she began to wrap up the box of candy.

"Was it this package she had?" Knight asked, holding up the package of poison.

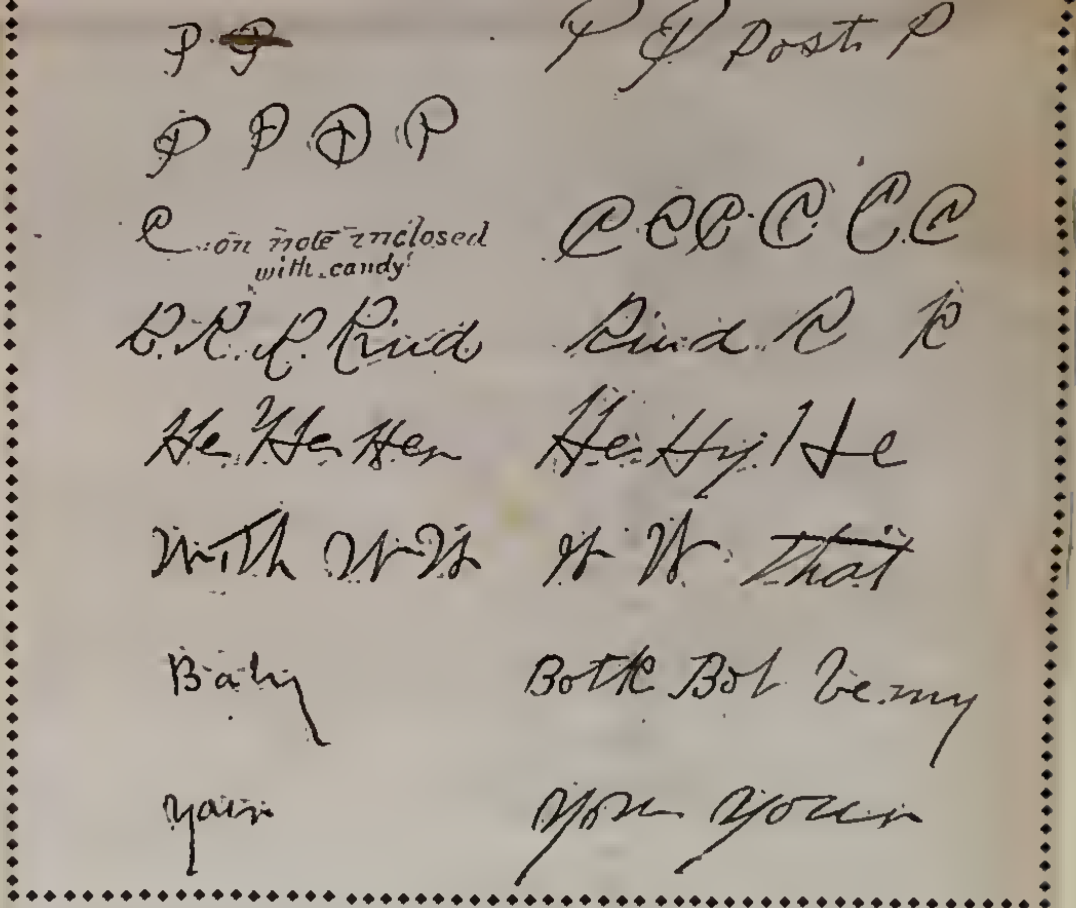
"No, sir."

"You don't know whether it was lump or powdered arsenic that the lady had, do you?"

"No, sir."

Then came a string of employes and former employes of Haas' candy store. Peter Hondy, Emma Herber, Annie Cramer, Edith Kelly, D. F. C. Droge, Annie Hoffman and Allen P. Lyon gave negative testimony to the effect that they had never placed any poison in candy, nor had any knowledge of such a thing having been done.

Mrs. Birdie Price, present proprietress of the Hotel Victoria, testified that Mrs. Botkin occupied room 28 on the top floor. The defendant went away on July 25th, returned on July 30th, and went away again on August 4th. The witness never knew of Mrs. Botkin bleaching straw. On July 31st Mrs. Botkin complained of being ill and had her meals served in her room. That afternoon the witness saw Mrs. Bot-



THE GENUINE AND THE DISGUISED BOTKIN WRITING.

Fac-simile made from photographs, showing the marked characteristics upon which the famous expert bases his positive declaration.

PROFESSOR DANIEL T. AMES, the handwriting expert who has been making a scientific analysis of Mrs. Botkin's penmanship for the past two weeks, will be called as a witness for the prosecution on Monday or Tuesday. He is convinced that the address on the candy box that carried death to Mrs. Dunning and her sister was written by the accused, and does not hesitate to say that he is in a position to prove beyond question that the anonymous letters sent to Mrs. Dunning before her murder were from the pen of Mrs. Botkin.

That Mrs. Botkin was the author of the note accompanying the poisoned candy, wishing love to Mrs. Dunning and her child and signed "Mrs. C.," Professor Ames believes there can be no question.

On Friday evening he held a conference with Chief Lees and Attorney Hosmer and explained to them comparative copies of letters and words taken from Mrs. Botkin's admitted handwriting and the letters alleged to have been written by her to the dead woman.

Chief Lees and the attorney were astonished at the startling similarity, and feel confident they are now in a position to establish the guilt of the accused through her failure to effectively disguise her penmanship.

Professor Ames is one of the most prominent handwriting experts in the United States. He has been identified with some of the most notorious criminal cases in the country, in which the lives of men depended on determining the authorship of writings.

"I do not see how there can be any question of Mrs. Botkin's authorship of the anonymous letters to Mrs. Dunning and the writing on the candy box," said Professor Ames yesterday. "If you compare the scheme of penmanship in these documents with the admitted handwriting of Mrs. Botkin from a scientific point of view you will readily see that they were written by the same person. The disguised penmanship in the anonymous epistles is palpably Mrs. Botkin's. In numerous cases she unconsciously permitted her individuality to crop out, and it is through these oversights on her part that we will be in a position to indisputably link her with the [illegible] of the writings involved in the case.

"Naturally Mrs. Botkin writes an English angular hand. This type is commonly taught in fashionable schools for women. Her individuality, however, is so marked that it had a perceptible effect on the general character of her handwriting. In many respects her penmanship is unique. She forms some of her letters in the oddest manner. I have never seen a duplication of many of them.

"Now, while the disguised handwriting in the exhibits is in a measure cleverly executed, she forgot herself at times and permitted her personality to break through the [illegible] mask. Mrs. Botkin forms the letter 'P' in a very characteristic manner, as you will see by the accurate copies I have made from her admitted handwriting. In several instances the letter 'P' in the anonymous epistles is formed along the same lines. The loop over the staff which forms the top of the letter is identical in both instances.

"She also made a peculiar 'C.' Now the C constituting the signature of the note inclosed in the box of poisoned candy is the work of Mrs. Botkin, beyond question. Her 'K's' are freakish. Not one person in ten thousand would form a letter in such a manner; yet they are duplicated in the anonymous letter received by Mrs. Dunning. You will notice that she has a tail at the top of the two staffs with which she makes her 'H's.' The same peculiarity is characteristic of the Dunning letters. Her 'W's,' 'Y's' and 'R's' are all oddly made and sufficiently individual in their general character to make their duplication without the aid of originals quite impossible.

"I will testify and to the best of my ability try to prove from a scientific standpoint that Mrs. Botkin wrote the letters. My analysis of her handwriting is now complete, and I will be in a position when I take the witness stand to illustrate my arguments with the aid of a blackboard."

The accompanying comparative specimens of Mrs. Botkin's admitted handwriting and the handwriting of the anonymous letters were prepared especially for "The Examiner" by Professor Ames.

PROSECUTION CLOSES IN ON MRS. BOTKIN.

Two Women Help Draw Tighter the Coil of Damaging Testimony.

Mrs. Ruoff Tells of Significant Words and Deeds—Handkerchief and Purchaser.

MRS. BOTKIN seemed more in jeopardy yesterday than ever before. Whether she realized it or not, nothing in her mask-like face showed. There was the same smiling insouciance, the same toothsome smile, and all the little courtroom graces and grimaces that have become familiar to the regular attendants at the trial. When the testimony of Mrs Almira Ruoff, once the prisoner's nurse and confidante, and now the strongest witness against her, was streaming volubly, Mrs. Botkin sat and studied intently a little fat book, which looked like a prayer-book, but was not. The tale of Mrs. Ruoff was spicy in parts and interesting as a whole. She had been Mrs. Botkin's nurse and sometimes her go-between, much as Juliet's nurse was her cicerone, except that the nurse of Genoa told no tales. When Mrs. Ruoff related how she went to Mrs. Botkin's room one evening, and found the door locked and herself refused admittance, the audience began to prick up its ears, for surely something sensational and salacious was about to be told. And it was. Mrs. Ruoff described, with some gusto, how Mrs. Botkin asked her to remain down stairs for a few minutes. The witness sat in the lower hall, more or less patiently, and after a half-hour or so Mrs. Botkin came and called softly over the stairs. The witness then went to the room and was admitted. Mrs. Botkin was attired in a pink silk robe de chambre, and there was a bottle of whisky on the table. Dunning was also there.

Mrs. Ruoff often accompanied Mrs. Botkin on shopping tours. On several of these occasions they met Dunning. Once he invited them both to the race track. Mrs. Botkin went, but Mrs. Ruoff declined. At another time Mrs. Botkin called the attention of the witness to some handkerchiefs in the City of Paris which seemed to Mrs. Botkin very cheap. Mrs Ruoff did not see Mrs. Botkin purchase any of the handkerchiefs.

But Mrs. Ruoff's most damaging testimony was not as to the times when [illegible] sister's house in Oakland.

The importance of her testimony lay in the recital of certain conversation [illegible]

quaintance, whose name she could not remember, who lived at the Victoria. The sale impressed itself upon her mind because she served the customer out of her turn, thus breaking a rule of the house, and it was also made memorable by the fact that the customer looked much like the mother of the witness. This caused Mrs. Botkin to bite her lips in vexation. Mrs. Harris believed the defendant to be that customer and had no doubt of the fact. On cross-examination the witness developed some temper and a disinclination to reveal her

senical poisoning. Several times he dropped the subject, and each time Mrs Botkin brought it up again. Before she left Stockton the defendant said to the witness: "Something tells me that the friendship between Jack Dunning and myself will be more strong in the future than it has been in the past."

The witness said that at this time Mrs. Botkin told her that Dunning would get a divorce if it were not for the child. Mrs. Ruoff was asked about Mrs. Botkin's visit to Stockton on August 15th, after her name had begun to figure in the Dover case. The defendant told the witness she had been sent to her by Mrs. McClure, sister of Mrs. Botkin. "For her sister's sake," said the witness, "I took her in." The defendant asked the witness if she believed the terrible story in the newspapers, and the answer was another question, "Why should I believe it?" When asked by the witness if she remembered the conversation with Dr. Stone, the defendant said, "You put that idea into my head. Send for that doctor right away." Then she became hysterical. The witness went out to send for the doctor, and when she returned Mrs. Botkin lay stretched out on the floor. When told to "get up and not act like a fool" she arose. Mrs. Botkin talked about the anonymous letters, and said she could not imagine who had written them unless it was "that old singed cat, Mrs. Fourcade, or her daughter." She said she made statements to Miss Livernash which she had afterward denied because they were not made for publication.

The witness said Mrs. Botkin at one time asked her about using arsenic for bleaching hats. Speaking as a former milliner Mrs. Ruoff had told her she had never heard of it being used.

Mrs. Ruoff seemed to have been in the habit of speaking somewhat plainly to Mrs. Botkin and of calling a spade a spade. When Mrs. Botkin talked of suicide Mrs. Ruoff pooh-poohed it saying, "You're too much of a coward." When Mrs Botkin

stake. In concluding he instructed the Sheriff to bring the next offender before him.

The trial was resumed with all spectators devoutly silent. Hosmer withdrew his objection to the question as to how long Mrs. Ruoff had been in the Stockton Asylum, but Knight did not see fit to press the inquiry. He asked Mrs. Ruoff suggestive and irritating questions as to her occupation of nurse. The witness was answering questions in a mild tone, and Knight wanted to know if some one had not told her to alter her manner on the stand. She answered "Possibly they have." She objected to telling who it was that had spoken to her and when directed to do so by the Court she said Mr. Hosmer had told her it would be just as well not to show any ill-feeling. The witness denied having any ill-feeling toward the defendant. When asked if she was not a Seventh Day Adventist the witness answered that she was present to testify in the case and not to discuss theology. She answered, however, that she belonged to the sect named.

The witness, in response to a question, said she did not get drunk and have to be put to bed on the night when she saw Dunning in Mrs. Botkin's room at 927 Geary street. The witness said the locked door, the man in the room, the pink silk wrapper and the bottle of whiskey gave her an unfavorable impression of Mrs. Botkin, but she did not break with her as she felt a Christian sympathy for her. When questioned further the witness said that before the charge of poisoning she had often wished she had never seen Mrs. Botkin.

After drawing attention to Mrs. Ruoff's statement that she did not believe Mrs. Botkin's illness in Stockton, just prior to her arrest, was genuine Knight introduced in evidence a letter written August 19th by the witness to Mrs. McClure. In the letter the writer says of Mrs. Botkin: "She was very much broken and prostrated, but is feeling very much better today."

The witness said she had been told by Mrs. McClure that she did not send Mrs. Botkin to her. The anonymous letters were brought up again. The witness did not profess to be an expert, but said she could tell Mrs. Botkin's handwriting because of her long familiarity with it. She had seen one of the anonymous letters in the possession of Chief Lees and had spent an hour examining it. She saw attempts at disguise in the letters, but she believed the writing was that of Mrs. Botkin. She discussed the writing in the technical terms of the expert, talking of "muscular recoils" and "finger motions."

"No doubt in your mind she wrote them?" queried Knight.

"According to my best belief," answered the witness, "she wrote them."

On re-direct examination the witness testified that the money paid her by Chief Lees was to defray her expenses when called from Stockton to testify before the Grand Jury. Hosmer then asked the question as to the witness' experience at the Stockton Insane Asylum. Mrs. Ruoff answered that she was an attendant from July 12, 1866, to November, 1869. She was never a patient in the asylum.

In answer to questions by Knight the witness said she had not been discharged for cruelty to patients and had not told Mrs. Botkin so. Mrs. Ruoff said her fare was paid to Stockton when she went to look for letters written by Mrs. Botkin, but that the trip was as much for her own pleasure as to aid the police. The witness afterward explained that by pleasure she meant her own inclination and desire to find the letters.

Detective Ed L. Gibson testified as to visiting the Hotel Victoria to look over baggage left by Mrs. Botkin, also to inspect her room. He had not placed a piece of a seal there, nor did he know of any one else doing so. He had not seen the seal until it was shown to him on the stand.

Police Captain Seymour also testified as to visits to the Victoria Hotel. He had placed no seal in room 26 and did not know of it being done by any one. He had not seen the seal until Hosmer passed it to him on the witness stand.

An adjournment was then taken until Monday morning at 10 o'clock. Among the witnesses to come are the handwriting experts, Miss Livernash and John P. Dunning.

HE CALLS IT A VERY ODD TALE.

Lawyer Knight Scoffs at the Latest Botkin Case Story

The trial of Mrs. Botkin will be resumed at [illegible] before Judge Carroll Cook at [illegible] 10 o'clock as was announced at the adjournment of the court on Friday. The trial was put over out of respect to Juror Jacobs, whose sister died on Saturday.

Mrs. Botkin was feeling well mentally and physically yesterday. Notwithstanding the great strain on her nerves since the beginning of the trial she has borne up well, and it is apparent that she will be equal to any emergency that arises.

The legal defenders of Mrs. Cordelia Botkin are interested but not dismayed by the possibility that John P. Dunning will tell on the witness stand that the accused woman planned to kill him and would have accomplished her purpose had not her courage failed.

"This story about Dunning claiming that Mrs. Botkin at one time contemplated his death," said Attorney George A. Knight, "is intensely interesting and I shall be glad to hear more of the details connected with it. It is a very odd tale. Possibly when Mr. Dunning takes the stand for the recital of this thrilling incident he will be able to give us all the information we desire.

"The prosecution need have no hesitancy as far as the defense is concerned, in putting Mr. Dunning on the stand to relate this story. We shall raise no objection whatever to his testifying along that line. If Mr. Dunning has anything of this sort to say we will accord him as much freedom in telling it in court as he would have in telling it outside.

"I think the defense will not be averse to Mr. Dunning convincing the court and the jury, as well as the prosecution, that Mrs. Botkin really wanted to dispose of him. In so doing he will establish the fact that Mrs. Botkin actually wanted to get him out of the way, that she would rather have him in the next world than in this one. And if she really did have a strong desire to remove him from this earth, was satisfied to have him go out of her sight forever, where is the motive for the crime of which she is now charged?

"Possibly I do not thoroughly grasp the significance of the theory on which this story is based, but undoubtedly Mr. Dunning will make everything clear when he undertakes on the stand to give an account of this particular [illegible] episode."

Chief Lees and Assistant District Attorney Hosmer say that they know nothing about the alleged attempt of Mrs. Botkin to take Dunning's life.

Miss Livernash will be the first witness introduced this morning. She will be followed by writing experts [illegible] and Theodore Kytka, who will be asked whether in their opinion the address on the box of candy sent to Dover and the [illegible] inclosed in it were penned by Mrs. Botkin.

kin purchase any of the [illegible]

But Mrs. Ruoff's most damaging testimony was not as to the times when [illegible] opened the door for Dunning [illegible] upon Mrs. Botkin at her sister's house in Oakland.

The importance of her testimony lay in the recital of certain conversations had with Mrs. Botkin in Stockton about July 27th, when the witness, like another good Samaritan, had taken Mrs. Botkin in. At this time Mrs. Botkin said four extremely injudicious things, which can be accounted for only on the theory that Mrs. Botkin, if guilty of the murders, had not definitely decided that she would do them in the latter part of July. She had thought about it and was laying her plans—plans that must have been completed between July 31st and August 4th. Her inordinate vanity may possibly have led her to think that she could commit this long-range crime and never be suspected, but at any rate she said most injudicious things to Mrs. Ruoff, and that lady had no compunctions at all in telling the double row of sphinxes all about it. She was a most willing witness. During that memorable visit to Stockton Mrs. Botkin talked of poisons to Mrs. Ruoff, and inquired particularly as to their effects and the proper doses. Later she quizzed the physician who was attending her on the same matter, and the prosecution expects to corroborate this testimony by that of the doctor. From Mrs. Ruoff also Mrs. Botkin secured information as to the proper amount of postage for mailed packages, and exhibited a disinclination to register a package because she did not wish to sign her name. Mrs. Botkin also had a "hunch," which she unwisely confided to Mrs. Ruoff, that she and Dunning were soon to be closer together than they ever had been. To cap the climax, she intimated to Mrs. Ruoff that she might sometime be called as a witness in a case in which she (Mrs. Botkin) would be interested, and they even went so far as to discuss whether or not witnesses were paid in criminal cases.

All this testimony was necessarily damaging to Mrs. Botkin. The only thing the defense set up against it was that Mrs. Ruoff, in spite of her aggressive Christianity, appeared to have some animus against Mrs. Botkin. Cross-examination did not shake her testimony. Nothing was alleged against her character, and her memory seemed to be remarkable. She testified on cross-examination that she had received about $10 from the police for expenses, and related also that she had gone to Stockton to see if any of the numerous letters she had received from Mrs. Botkin were yet extant.

"Then you have been assisting the police to collect evidence in this case, have you?" queried Knight.

"I did it as much for my own pleasure as anything else," replied the witness with acerbity.

And then Mrs. Ruoff went her way to where lawyers cease from troubling and witnesses are at rest.

Before Mrs. Ruoff came on there was, as it seemed to many people, the most important testimony of the trial, save only the positive evidence of the drug clerk. This was given by Mrs. Grace Harris, who seems to be a person of sterling common sense, since she announced that she was a "saleswoman," the first one in the case. Mrs. Harris was a surprise. In the exceedingly close canvass of the prosecution's evidence made by the newspapers it has always been stated that there was no one at the City of Paris who could identify the defendant or who remembered selling the handkerchief in the candy box. The testimony of Mrs. Harris was a complete surprise to even the friends of the prosecution, and her almost positive identification was another surprise. It was stated that Mrs. Harris made an even better witness than the prosecution had expected. Mrs. Harris stated that she marked the handkerchief herself, and recollected selling the cheap cambric to a lady in the latter part of May or early in June. She was positive that it was the same handkerchief and recollected selling two of them. The customer [illegible] bought the handkerchiefs had purchased other goods and ordered them all sent to the corner of California and Hyde streets. Mrs. Harris had no recollection of the name of her customer, but recalled the [illegible] she had an ac-

place of residence, but was compelled to answer. She wept copiously under the fire of Knight's sneering and suggestive interrogations. The worried look on the brow of the defense and the nervous way in which Mrs. Botkin buttoned and unbuttoned her glove showed that the importance of the testimony was fully appreciated. Nobody has yet explained the imbecility of the poisoner in leaving such a telltale thing as a price mark upon the handkerchief.

The rest of the testimony was not of great importance. There was a stifling and gaping courtroom into which a good many well-known people drifted, among them Mayor Phelan. All these curious people will have to go again, for Dunning will not take the stand until Monday, and possibly not then. The prosecution asked for an early adjournment yesterday because Miss Livernash was not on hand to testify, and it did not wish to depart from the settled order. The prosecution said it would be able to complete its case by Monday, and Knight remarked that the handwriting experts need not be detained long, implying that he did not intend to cross-examine.

The spectators were again in disgrace with Judge Cook. Near the close of the morning session Knight asked an unguarded question, and the witness, Mrs. Ruoff, gave him a wasp-like stab with her tongue.

"When you were in Stockton was it not your business to treat the hair?" he queried.

"It was not," was the reply.

"What did you do?"

"I treated bald heads," retorted the witness, looking straight at Knight's pate. The crowd raised a shout which lifted Judge Cook to his feet. He adjourned court, ordering the Sheriff to admit no one in the afternoon who could not find a seat. In the afternoon there was a cordon of police outside the door and inside it was comparatively comfortable. Judge Cook delivered a lecture on solemnity at a murder trial, and threatened to remove all gigglers. The decorum of the court was not broken during the afternoon.

THE TESTIMONY.

The testimony of R. Ecklund, a former employe of George Haas & Son, opened the day's proceedings. The witness testified that he left the candy store on account of ill health. He had had no trouble with either his employer or fellow employes. He had never put poison in the candy, nor did he know of any one else doing so.

Mrs. Grace Harris, who was employed in the City of Paris dry goods store up to the last week of August, was the next witness. She identified the handkerchief inclosed in the box of poisoned candy sent to Mrs. Dunning as having come from the City of Paris store. Her means of identification, she said, was the price mark made by herself with a rubber stamp. The witness remembered [illegible] two handkerchiefs in the latter part of May or early in June to a lady who gave her an address to which the handkerchiefs and other articles purchased in the store were to be sent.

"Where was that address?" asked Assistant District Attorney Hosmer.

"The Victoria Hotel," answered the witness.

"Do you recognize the defendant?"

"She resembles the lady to whom I sold the handkerchiefs."

Knight opened up the cross-fire by asking [illegible] Mrs. Harris [illegible] but was compelled [illegible] She [illegible] said [illegible] Market street. The witness said [illegible] to the City Hall. She remembered

the sale particularly as on that occasion she had broken the rule under which saleswomen were to wait on customers in turn. The customer had come to her and the witness in that way received a commission on the sale which should have gone to another employe. Mrs. Harris said there was a record kept of deliveries of goods, but she did not know whether the Victoria Hotel entry had been found or not.

"What else besides breaking a rule attracted your attention to your customer?" asked Knight.

"She resembled my mother," answered the witness to the evident annoyance of Mrs. Botkin.

The witness could not remember how her customer was dressed. She remembered other sales to strangers at various times, and gave an instance. Inquiries as to the husband of the witness brought out the information that he died two years and a half ago. Knight also asked the witness to give her age. The witness answered promptly "Past 30."

"You are positive Mrs. Botkin bought those handkerchiefs?" queried Knight.

"I am liable to make mistakes sometimes, but I don't think I have this time," replied the witness.

Knight wanted to know if the address was not "Mrs. Bastian, Victoria Hotel." The witness said that she could not remember the name of the customer.

In response to a question by a juror the witness said a gentleman friend had told her shortly before the sale to which she had testified that he was working at a place under the Victoria Hotel. When the customer mentioned the name of the hotel she at once looked up and noticed the woman's features.

Knight asked about the identity of the gentleman friend, and the witness said he was an old schoolmate whose name she had forgotten.

John Nixon, formerly a special police officer, testified that he formerly made the grocery store under the Victoria Hotel his headquarters. He it was who sent two strangers to the hotel for lodgings for the night. The witness took the men upstairs, and Barnes, the clerk, took charge of them. He did not know their names and would not know them again if he saw them.

The testimony of Nixon had reference to the two transient guests who occupied Mrs. Botkin's former room for one night prior to the finding of the candy-store seal.

Mrs. Almira Ruoff, the nurse to whose house Mrs. Botkin went when her name was first mentioned in connection with the Dover murders, next took the stand and told her story. The witness said she had known Mrs. Botkin for two years and a half. She was also acquainted with John P. Dunning, and told of instances where she had seen him with Mrs. Botkin. While the defendant was living in Oakland the witness at Mrs. Botkin's request had twice let Dunning into the house without the formality of ringing the bell. Mrs. Botkin's reason for having this done was that she did not want people in the house to know of Dunning's visits. Mrs. Ruoff then related the locked-door incident. On being asked to do so she had taken a drink from the whisky on the table. The witness saw Dunning and the defendant together at other times. Once they asked her to accompany them to the races and she refused. That was the last time she saw Dunning.

The witness was shown the handkerchief from the box of poisoned candy and identified it as being of the kind shown her by Mrs. Botkin at the City of Paris a year and a half ago. She remembered the design, and also that the price was 25 cents.

Handwriting was the next subject on which the witness was interrogated. Mrs. Ruoff said she had been in correspondence with Mrs. Botkin for two years and was very familiar with her handwriting. A card on which Mrs. Botkin had written her name and a letter to Governor Budd in which the woman now accused of murder had requested that she be placed on the roll of Army nurses were identified by the witness. The defense acknowledged their genuineness and made no objection when they were offered in evidence.

The first anonymous letter sent to Mrs. Dunning was then shown to the witness. The missive, bearing date of June 11, 1898, tells [illegible] interesting and pretty [illegible] sharing with him the delights of a [illegible] and advises Mrs.

Dunning not to receive back her erring husband. The writer speaks of gay times at 927 Geary street, where Dunning and Mrs. Botkin sometimes occupied the same apartment. The missive is signed, "Your Friend."

"Whose writing would you say that was?" asked Hosmer.

"I believe it is Mrs. Botkin's," answered Mrs. Ruoff.

The witness pointed out peculiarities on which she based her belief. She referred to the crossing of the letter "t," the heavy underscoring, the oddly formed "y" and "s," and "e," all of which she said she had noticed in the letters written to herself by Mrs. Botkin.

The second anonymous letter, dated July 9th and addressed to Mrs. John Dunning, also impressed the witness as having been written by Mrs. Botkin. This letter speaks of Dunning's financial embarrassment being due partly to another woman and not wholly to racetrack speculation. The letter says that Dunning and the other woman occupied apartments together, and that the other woman was "quite clever and very good to him." The letter is signed, "One that you would know."

When shown the note which caused Mrs. Dunning to believe that the death-laden candy came from a friend the witness called attention to the signature, "Mrs. C.," saying that "C" in quotation marks was a peculiarity of Mrs. Botkin's writing. Wherever she made quotation marks she made them in just that way. The witness also said the "y" in "your" was similar to the same letter in Mrs. Botkin's writing. Mrs. Ruoff pointed out the dash, used instead of the common punctuation marks, this character being very freely used by Mrs. Botkin.

"With your knowledge whose writing would you say this is?" asked Hosmer.

"As far as I may judge," answered the witness, "I would say it was Mrs. Botkin's."

Hosmer started another line of inquiry, but the witness interrupted him with an objection to leaving what she called "the anonymous letter business" before she had her say. Mrs. Ruoff then spoke of the phrase "bohemian life," which she said was a favorite expression of Mrs. Botkin. The witness considered that expression a "dead give away."

Mrs. Ruoff was next questioned as to Mrs. Botkin's visits to Mrs. Ruoff's home in Stockton. The witness said Mrs. Botkin came to her house on July 27th or 28th of this year. At that time Mrs. Botkin made inquiries as to whether the witness had ever purchased arsenic. Mrs. Botkin brought up the subject by inquiries as to what the witness did to clear her place of mice. Mrs. Ruoff answered that she had used arsenic, but that the mice had grown fat on it. To another inquiry she replied that the arsenic she had used was in small crystals. Mrs. Botkin next inquired as to the rates for mailing packages, saying she intended to send a package up north. When advised to have the package registered she wanted to know if she would be obliged to sign her name when she sent a registered package. She received an affirmative answer. Mrs. Botkin also wanted to know if a person got into trouble and hired a lawyer if he or she would have to tell him everything. The witness advised her to follow the old saying which lays it down as best to tell the truth to doctors and lawyers. Mrs. Botkin's ostensible purpose in visiting Stockton at that time was to see about getting her diamonds out of pawn. The afternoon of the day she came she said she was very ill, but in fulfillment of a promise she went to dinner with her husband. When she came back she told the witness that she had dined with the "Governor," as it [illegible] was called, and had been to his room, which would prevent him from getting a divorce for a [illegible]. That [illegible] Mrs. Botkin complained of being ill. When questioned she said she had taken poison. The witness did not believe that, but called in Dr. Stone of Stockton. The physician said Mrs. Botkin had a high fever, and he gave her something to quiet her [illegible]. Afterward Mrs. Botkin [illegible] Dr. Stone with questions as to how different poisons acted on the human system. [illegible] first about [illegible] and then about arsenic. [illegible] Dr. St[illegible] told her strychnine [illegible] that the morphine route was the easiest [illegible] Dr. St[illegible] described the [illegible] of a case of [illegible]

told the witness of the anonymous letters sent to her by Dunning. Mrs. Ruoff wanted to know what had become of them. Mrs. Botkin said that she had sent them back, whereupon Mrs. Ruoff informed her that she was a fool and that she should have destroyed them.

With his first question on cross-examination Knight roused the antagonism of the witness.

"How long were you in the Stockton Insane Asylum," he asked.

The prosecution objected and although Mrs. Ruoff said she was willing to answer, the objection was pressed and the question was ruled out. In response to a comprehensive question the witness said there was no doubt in her mind that Mrs. Botkin wrote the anonymous letter, addressed the wrapper around the fatal package and wrote the note inclosed in the box of candy. Asked as to how much money she had received, the witness said she had received altogether about $40 to pay her expenses. There was no understanding, either direct or indirect, that she was to receive pay for her testimony. Mrs. Ruoff flared up at some of Knight's questions and her curtness caused merriment among the spectators.

When the trial was resumed at 2 o'clock Judge Cook made some pointed remarks for the benefit of those who grew boisterously merry while a human life was at

FORGERS PLAY A BOLD GAME.

They Issue Bogus Checks Over a Tourist's Signature.

Chron — Dec 18

John Morris of York, England, and his niece, Miss Barnard of Surrey, England, who arrived here from Honolulu on the steamer Alameda several days ago, have called upon the police to assist in bringing to justice a gang of three accomplished crooks, who, according to Morris' story, are reaping a golden harvest at his expense by passing bogus checks on which his name has been forged.

Morris, who is a wealthy Englishman, is making a tour of the world with his niece. They recently spent several weeks in the Hawaiian Islands. While guests at the Hawaiian Hotel, in Honolulu, they participated one evening in a progressive euchre party with a number of other guests in the house, three of whom, it afterward turned out, were professional crooks and forgers. Scores were kept with pen and paper, and Morris, with his associate players, wrote his name across the top of one of the score cards. After the game had been finished, the card bearing Morris' signature was clandestinely pocketed by one of the three crooks, whose identity was not revealed until some days later. During the evening the gang also managed, in some way that is not explained, to secure possession of Morris' checkbook, and, with his genuine signature on the score card to work from, they forged a number of checks and passed them on unsuspecting shopkeepers in Honolulu. They then fled to San Francisco on the steamer City of Peking.

Fearing that the operators would forge more checks and deposit them with local banks for collection he hurried here, with his niece, on the next steamer, and they [illegible] are now looking for the trio of worthies.

BOTKIN JURY INVESTIGATED BY THE POLICE

Sensational Rumors Were Circulated and Created Consternation for the Prosecution.

Call — Dec 18-98

Defendant, Overcome by the Ordeal of the Trial, Is Attended by Physicians—Defense Ready With Its Witnesses.

For a few hours yesterday there was consternation in the camp of the prosecutors of Mrs. Cordelia Botkin.

The evidence that had been introduced on Friday created a profound impression, but it was widely rumored that certain members of the jury had already expressed opinions which could not and would not be changed by evidence. This startling rumor was at once called to the attention of the authorities, and an immediate investigation was made by the police and other officers of the prosecution.

The information that was taken to police headquarters was very definite and specific. It was claimed that at least two and perhaps three of the jurors who have been sworn to try Mrs. Botkin for murder had already expressed a judgment on the merits of the case to some of their friends. The information seemed to bear the stamp of accuracy, and the inquiry at once followed.

The information was sifted to the bottom. The laxity with which the jury was drawn seemed to give color to the report, but the closest and most thorough investigation failed to reveal any verification. No one who would say that a juror had spoken to him could be found. The members of the jury, as a matter of course, could not be questioned. The police pursued their investigations until they satisfied themselves that there was nothing of truth in the report. The affair for a time created some excitement. If the report had been substantiated there is little question that the matter would have been called to the attention of the court.

The authorities are convinced now, however, that the report, while warranting immediate attention, had no substantial foundation. When the case is resumed tomorrow morning the prosecution will present its remaining witnesses. The officers of the State expect to finish before the day is over. Whether this is done or not depends largely upon the defense and the extent of the cross-examination. Miss Livernash will be the first witness of the day, and if time remains during the session John P. Dunning will be the last.

It is anticipated that Miss Livernash will be sharply cross-examined. What shall be done with Dunning is a matter of conjecture. In reference to this witness the defense is in a very peculiar situation. A cross-examination of Dunning that would tend to expose thoroughly the character of his intimacy with Mrs. Botkin would be on the same lines as the testimony already introduced by the prosecution. Such evidence would be deemed, as the prosecution has planned it, to show the motive which it is alleged Mrs. Botkin had for the crime for which she is accused.

The prosecution will also [illegible] tomorrow the testimony of three [illegible] [illegible] candy [illegible] All of these [illegible] agree [illegible] woman [illegible] and the [illegible] The [illegible] assertions of Mrs. [illegible] John P. Dunning to the [illegible] are familiar [illegible] Mrs. [illegible] The defense does not [illegible] The legal [illegible] Mrs. [illegible] maintain that [illegible] Experts [illegible] is assumed [illegible] in a controversy that [illegible] Little effort will be made [illegible] that the testimony [illegible] experts [illegible] have devoted a great deal of time [illegible] this phase of the case [illegible] Mrs. [illegible] Friday [illegible] the long ordeal to which her [illegible]

friend related the story that may have such serious consequences. When Mrs. Botkin returned to the Branch County Jail she almost collapsed. She rallied, however, and obtained rest during the night. Yesterday morning her condition was such that the services of a physician were demanded and received. Later in the day Mrs. Botkin recovered her customary spirits. Her sister and brother-in-law called and remained for some time with her.

Unusual efforts were made to conceal the fact of Mrs. Botkin's illness. It was denied that she had asked for a physician or had been ill. The fact remained, however, that she had seen a physician and was ill. Second to the general interest that exists in the prospective testimony of Dunning is the interest expressed in the announcement that Mrs. Botkin will take the stand. The accused woman intends to testify in her own behalf and to make a general denial of the charge against her. She will not attempt to deny her relations with Dunning, as she has already admitted them to a degree that requires no comment. She will not seek to establish an alibi, as the conditions of the case do not require such a defense, except in reference to the purchase of the candy and the handkerchief.

The testimony in reference to the purchase of the handkerchief at the City of Paris is perhaps the strongest single bit of evidence against her. This the accused woman will combat with every energy. In reference to her other movements in this city and in Stockton, Mrs. Botkin has admitted as much as the prosecution has proved. If Dunning declares that Mrs. Botkin attempted to kill him she will, of course, deny it. It will be her word against his, with the advantage on her part that Dunning continued his relations with her after the alleged attempt to kill him.

JOHN P. DUNNING STILL SILENT AND IN JAIL.

SAYS AGAIN HE WILL NOT GIVE NAMES

He May Be a Prisoner Till Trial Closes.

Mrs. Seeley Is the Star Witness of the Day.

Tells About the Doings of Mrs. Botkin and Son Beverly.

Two Experts in Handwriting Give Strong Testimony Against the Woman Accused of Murder.

MRS. LOUISE SEELEY.

YESTERDAY came the anti-climax in the Botkin case. After the stress and storm of Dunning's interrupted testimony and arrest the cool swearing of paid experts was a commonplace affair. It was a rueful matter for the jostling hundreds who braved the weather to hear Dunning only to have a handwriting expert palmed off in his stead. That furious imposition upon Labun paled beside it.

The result of the influx of "pot-hooks" and "curves," heavy "up-strokes" and light down ones, "muscle recoils" and "finger movements" was that the Judge caught up with a long-neglected correspondence; the lobby, which looked like a jail delivery, amused itself with coughing till it sounded like the Public Pound; reporters took cat-naps or left altogether, and the jurors took forty winks in relays and planned their Christmas gifts.

Meanwhile Dunning was haled into court, probed, found still recalcitrant, and remanded to custody. He told the majesty of the law that if he felt in his own mind that any of the women with whom he had associated had anything to do with the killing of his wife he would mention their names, but he was convinced that they had not, and so he must still decline to mention them. The Judge remarked that this was a conclusion which only the jury and the Judge could make. Dunning's own mind or his thoughts could not be taken as authority in the matter. There was a hot argument between Knight and Hosmer. Hosmer tried to suggest a way out of the dilemma for the witness. "Mr. Dunning," he said, "is the reason for your refusal to answer on the ground that your answer might possibly incriminate——"

"I object," shouted Knight. "That is a matter of personal privilege, and not one that an attorney has any right to suggest."

"That is so," assented the Court.

It was urged that the tendency of the question was to degrade the witness, but again Dunning did not take advantage of the loophole offered. As a last resort Hosmer argued against the propriety of the question, contending that it was improper; but Knight came back at him with the retort that the witness had been allowed to blacken the character of the defendant merely because the prosecution wanted a motive.

"The prosecution has made out a charge of felony," bellowed Knight. "They have induced the witness to testify to a life of open and notorious adultery with my client, and yet they expect to shield all other women with whom he had similar relations. We insist upon the question."

Again a deputy sheriff took Dunning's arm and again he was led from the courtroom under arrest, still smiling and apparently unmoved by the strange things that were happening to him.

Legal authorities say that Dunning cannot be kept in jail indefinitely for his obstinacy. It has been held recently by the Supreme Court that such contempt endures only until the end of the trial.

The defendant herself came yesterday prepared for battle. In anticipation that Dunning might be again upon the stand, and also, perhaps, because she showed the effects of a wakeful and tearful night, she had shrouded her face in her lace veil, the same face mask of black lace which on a former occasion blurred the outlines of her features and made it almost impossible to determine whether her eyes were red and swollen or her face less dainty than usual. If there was an emotion under them ...

that the man who brought up the unknown "transients" who slept in Mrs. Botkin's room between the time of her departure and the discovery of the candy seal, was Nixon. There were two witnesses from the City of Paris, the cashier and the treasurer. They testified that an order for Mrs. Botkin was cashed early in June of this year. In the cross-questions Knight outlined a part of his defense by hinting that Mrs. Botkin was a purchasing agent.

The most interesting witness of the day was Mrs. Louise Seeley, known in the case as the friend of Beverly Botkin, whom Knight mentioned as Mrs. Botkin's stepson. Mrs. Seeley is a rather pleasant-faced, soft-voiced little woman, quietly dressed and apparently unassuming. She gave no sign of bohemian tendencies. She testified that she knew Dunning and Mrs. Botkin, having met the former in Mrs. Botkin's apartment at 927 Geary street—that ill-odored house, which has since found it necessary to change its number. During Mrs. Seeley's testimony Mrs. Botkin read a paper assiduously. Mrs. Seeley said that she noticed that Mrs. Botkin and Dunning were very friendly, and, while she had been out several times with Dunning, she had never been alone with him. Mrs. Seeley could not remember at what cafes she had dined in his company. She denied emphatically that she wrote the anonymous letters or the address on the inclosure in the box of candy, and denied that she was a party to a conspiracy to write these things. Mrs. Seeley trembled visibly when she passed to Knight's gentle ministrations, but it did not suit his purpose to grill her. He is anxious to keep the doings in the Geary-street orgie-house out of the record as much as possible. To blacken Mrs. Seeley was to drag in Mrs. Botkin, so Mrs. Seeley escaped easily. She said that she was in the habit of addressing Dunning as "Mr. Dunning," as she does all gentlemen, but in the next breath she said that she calls young Mr. Botkin "Beverly," but that is because he is a boy of 24 or 25, not because he is not a gentleman. Mrs. Seeley testified that though she did not care for Mrs. Botkin there was no violent antipathy on her part. She denied with warmth that she had ever had matrimonial designs upon Beverly, and then she left the witness stand, obviously much relieved.

Detective E. L. Gibson testified that Mrs. Botkin told him she went to St. Helena on August 4th by the 4:30 o'clock ferry.

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"I've been here before," said Knight contemptuously, "and I ask that the witness be asked to testify only to facts."

There was much of literal resemblances, but in all of Ames' peregrinations the jurors patiently followed him. Occasionally Knight and Hosmer engaged in spirited conflict. Once or twice Knight protested in thunder tones when swore that it was merely a change of slant. The case goes on at 10 o'clock this morning.

THE TESTIMONY.

With the calling of the case yesterday morning John P. Dunning was given another chance to regain his freedom by divulging the names of women other than Mrs. Botkin with whom he had been on terms of intimacy.

"Mr. Dunning," said Judge Cook, addressing the witness, "are you ready at this time to answer the question propounded to you?"

"I am not," answered Dunning, "and I would like to make a statement."

"Does the defense still insist on the question?" asked the Court.

"We do," replied Knight, "and we object to any statement."

The Court ruled that Dunning had a right to give his reasons for not answering the question.

Dunning said: "If I had any suspicion that any of these women are in any way responsible for the death of my wife I would give their names, but as I am satisfied in my own mind that they had nothing to do with the crime I must decline to answer."

Assistant District Attorney Hosmer strove to extricate Dunning from his dilemma. "These inquiries are going beyond cross-examination," he said, "and through them the opposing counsel is seeking to make a defense. The argument can be made just as well without these women's names as it can with them."

Hosmer pleaded that an answer would tend to further degrade the witness, and Knight essayed a bit of oratory in reply.

"We have the right to attack the character of the witness," he shouted. "The character of the defendant has been attacked. If, by showing intimacy with the witness, the prosecution can draw conclusions that she is guilty, why cannot the same conclusions be drawn in regard to the other women?"

Judge Cook decided that Dunning's reason for not answering was insufficient. Under ordinary circumstances, he said, the question would not have to be answered, but as the substance of the witness' testimony related to showing a motive for the crime it was proper to ascertain the names of the women demanded by the defense.

Hosmer asked the witness if his reason for not answering was that he would incriminate himself. Knight objected to Hosmer's inquiry, saying such an excuse was a matter of personal privilege and could not be brought out by counsel.

The Court upheld the contention of the defense. Dunning did not take advantage of the opportunity to dodge the troublesome question and was again remanded to the custody of the Sheriff, to be confined in the County Jail until he gives the information desired.

Julius Fay, treasurer of the City of Paris dry goods store, was the first witness. He identified a money order dated June 1, 1898, and signed over to the firm by Mrs. Botkin. The order was admitted in evidence without objection on the part of the defense. Fay's testimony was considered important by the prosecution, as the order was presented by Mrs. Botkin about the time the handkerchiefs similar to the ones sent to Mrs. Dunning were purchased. Mrs. Grace Harris has testified that the sale to Mrs. Botkin was made during the latter part of May or early in June.

Dr. Wolf, State Chemist of Delaware ...

self and the writer and those who may have been enlightened by the writer. The letter referred to was never shown to Mrs. Dunning. This testimony bears out the statements about the anonymous letters which Miss Livernash testified were made to her by Mrs. Botkin.

Detective Ed L. Gibson was recalled to testify that Mrs. Botkin had told him she left San Francisco on the afternoon of August 4th, going to the ferry, thence by boat and train to Healdsburg.

Daniel T. Ames, the first of the handwriting experts, then put in an appearance. This witness made minute comparisons of the admitted and disputed handwritings. The admitted handwritings are a letter from Mrs. Botkin to Governor Budd, a letter to Mrs. Emily Price, several orders for changes of Postoffice address and fragmentary writings, including several signatures of the defendant. The disputed writings are two addresses on the package sent to Mrs. Dunning, the note inclosed in the box of candy and the two anonymous letters. After the expert had inspected the writings he declared they were all written by the same person. He said the addresses on the wrapper were carefully disguised, but showed certain peculiarities conforming to those in the writings admitted to be genuine. The witness then called attention to the capital letter "P" on the wrapper, and with the aid of the blackboard showed the marked similarity between that "P" and the one in the Price letter. The similarity extended also to the anonymous letters and one of the orders for a change of address. Ames then took up the note inclosed in the candy box. The expert took the note letter by letter and showed the same formation of letters, the same connecting lines, and sometimes whole words almost exactly similar to the admitted writings. Particular attention was called to the peculiar loop of the small letter "l" and the arrangement of the letters following as shown in all of the writings, both admitted and disputed. Comparisons in each instance were made with the anonymous letters and the wrapper and note.

When the trial was resumed in the afternoon Felix Reynaud, cashier of the City of Paris, testified that he knew Mrs. Botkin as a customer of the store in which he is employed. He had frequently cashed money orders for her. The witness identified a money order shown him, and, on referring to his books, fixed the date of its presentation by Mrs. Botkin as June 4, 1898. When asked by Knight if he knew Mrs. Botkin as a purchasing agent he said he had not known her in that connection at the place of his employment.

W. W. Harms, clerk of the Hotel Victoria, was recalled and testified that the men who occupied room 76 for one night prior to the finding of the candy-box seal were brought to the hotel by Special Officer Nixon. The strangers had nothing in their possession to his knowledge.

Daniel T. Ames then resumed his testimony. The disputed writings, he said, were not in a natural hand, but there were innumerable characteristics which were also found in the admitted writings. Even when the letters were disguised they were joined in a natural manner. The witness said the note was very carefully disguised, the slope of the writing being changed, the letters drawn carefully and an attempt to distort them out of all semblance to the natural writing. At the conclusion of the comparisons Hosmer asked:

"What is your opinion as to the writings?"

"There is no doubt but that all were written by the same person," answered the witness.

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journed to 10 o'clock this morning. ... dore Kytka, another expert, will ... Kleinschmidt and this will practically close the people's case.

Mrs. Botkin and Son Beverly.

Two Experts in Handwriting Give Strong Testimony Against the Woman Accused of Murder.

YESTERDAY came the anti-climax in the Botkin case. After the stress and storm of Dunning's interrupted testimony and arrest the cool swearing of paid experts was a commonplace affair. It was a rueful matter for the jostling hundreds who braved the weather to hear Dunning only to have a handwriting expert palmed off in his stead. That famous imposition upon Laban paled beside it.

The result of the influx of "pot-hooks" and "curves," heavy "up-strokes" and light down ones, "muscle recoils" and "finger movements" was that the Judge caught up with a long-neglected correspondence; the lobby, which looked like a jail delivery, amused itself with coughing till it sounded like the Public Pound; reporters took cat-naps or left altogether, and the jurors took forty winks in relays and planned their Christmas gifts.

Meanwhile Dunning was haled into court, probed, found still recalcitrant, and remanded to custody. He told the majesty of the law that if he felt in his own mind that any of the women with whom he had associated had anything to do with the killing of his wife he would mention their names, but he was convinced that they had not, and so he must still decline to mention them. The Judge remarked that this was a conclusion which only the jury and the Judge could make. Dunning's own mind or his thoughts could not be taken as authority in the matter. There was a hot argument between Knight and Hosmer. Hosmer tried to suggest a way out of the dilemma for the witness. "Mr. Dunning," he said, "is the reason for your refusal to answer on the ground that your answer might possibly incriminate——"

"I object," shouted Knight. "That is a matter of personal privilege, and not one that an attorney has any right to suggest."

"That is so," assented the Court.

It was urged that the tendency of the question was to degrade the witness, but again Dunning did not take advantage of the loophole offered. As a last resort Hosmer argued against the propriety of the question, contending that it was improper; but Knight came back at him with the retort that the witness had been allowed to blacken the character of the defendant merely because the prosecution wanted a motive.

"The prosecution has made out a charge of felony," bellowed Knight. "They have induced the witness to testify to a life in open and notorious adultery with my client, and yet they expect to shield all other women with whom he had similar relations. We insist upon the question."

Again a deputy sheriff took Dunning's arm and again he was led from the courtroom under arrest, still smiling and apparently unmoved by the strange things that were happening to him.

Legal authorities say that Dunning cannot be kept in jail indefinitely for his obstinacy. It has been held recently by the Supreme Court that such contempt endures only until the end of the trial.

The defendant herself came yesterday prepared for battle. In anticipation that Dunning might be again upon the stand, and also, perhaps, because she showed the effects of a wakeful and tearful night, she had shrouded her face in her train veil, the same face mask of black barege which on a former occasion blurred the outlines of her features and made it almost impossible to determine whether her eyes were red and swollen and her nose less dainty than usual. If there was to be emotion under Dunning's revelations Mrs. Botkin did not intend that her agony should be witnessed and described. In the afternoon, when the defendant's face had recovered from the struggle, she changed this shrouding black for a thinner veil, which gave once more the outline of her not ill-looking profile. Small wonder Mrs. Botkin seeks to veil her face. Yesterday there was turned on her a pair of opera-glasses, through which the owner of the binoculars calmly proceeded to scrutinize her, and the little sprig of English holly which she wore as the only addition to her toilette.

The [illegible] testimony was not of great importance. A number of witnesses were recalled to pick up dropped stitches. John B. Pennington came to tell what had already been mentioned: that Mrs. Dunning never saw the third anonymous letter, and, therefore, Mr. Pennington and through him Mrs. Botkin could not have been informed of it, the idea being to show that Mrs. Botkin knew of three letters when she should have known of but two. Harry Pennington was recalled so that the prosecution might withdraw its objection to a question asked by the defense, but as the defense refused to put the question again it remains unanswered. The question was as to whether the Penningtons had ever had trouble with their colored servant.

Mrs. Price of the Victoria was put back to untangle the kinks in a juror's understanding. She added nothing to her original testimony. Clerk Barnes, also of the Victoria, was recalled to say that the man who brought up the unknown "transients" who slept in Mrs. Botkin's room between the time of her departure and the discovery of the candy seal, was Nixon. There were two witnesses from the City of Paris, the cashier and the treasurer. They testified that an order for Mrs. Botkin was cashed early in June of this year. In the cross-questions Knight outlined a part of his defense by hinting that Mrs. Botkin was a purchasing agent.

The most interesting witness of the day was Mrs. Louise Seeley, known in the case as the friend of Beverly Botkin, whom Knight mentioned as Mrs. Botkin's stepson. Mrs. Seeley is a rather pleasant-faced, soft-voiced little woman, quietly dressed and apparently unassuming. She gave no sign of bohemian tendencies. She testified that she knew Dunning and Mrs. Botkin, having met the former in Mrs. Botkin's apartment at 927 Geary street—that ill-odored house, which has since found it necessary to change its number. During Mrs. Seeley's testimony Mrs. Botkin read a paper assiduously. Mrs. Seeley said that she noticed that Mrs. Botkin and Dunning were very friendly, and, while she had been out several times with Dunning, she had never been alone with him. Mrs. Seeley could not remember at what cafes she had dined in his company. She denied emphatically that she wrote the anonymous letters or the address on the inclosure in the box of candy, and denied that she was a party to a conspiracy to write these things. Mrs. Seeley trembled visibly when she passed to Knight's gentle ministrations, but it did not suit his purpose to grill her. He is anxious to keep the doings in the Geary-street orgie-house out of the record as much as possible. To blacken Mrs. Seeley was to drag in Mrs. Botkin, so Mrs. Seeley escaped easily. She said that she was in the habit of addressing Dunning as "Mr. Dunning," as she does all gentlemen; but in the next breath she said that she calls young Mr. Botkin "Beverly," but that is because he is a boy of 24 or 26, not because he is not a gentleman. Mrs. Seeley testified that though she did not care for Mrs. Botkin there was no violent antipathy on her part. She denied with warmth that she had ever had matrimonial designs upon Beverly, and then she left the witness stand, obviously much relieved.

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There was much of literal resemblances, but in all of Ames' peregrinations the jurors patiently followed him. Occasionally Knight and Hosmer engaged in spirited conflict. Once or twice Knight protested in thunder tones when the expert started to crease the wrapper which bound the candy. Once when he innocently began, "The note that was in the candy"—Knight broke in and demanded to know how the witness knew whether the note was in a candy box or a dry goods box. Ames swore positively that there was no doubt whatever, in his mind, that the admitted writings, the anonymous letters and the address and note of the package were penned by the same person. Knight did not get much from Ames about his mistakes in former cases and as to the matter of recompense it was proven that no specific sum had been mentioned, but that the usual price of the expert for testimony was $100 a day, and that the witness had been told by Hosmer that a reasonable bill would be audited.

One seemingly important question was put by Knight. It has been asserted all along that the prosecution intercepted a letter from Mrs. Botkin to Dunning at Porto Rico and that it had this genuine sample of her handwriting which it was afraid to include among the exemplars. Ames denied that he had been shown any such letter, and Hosmer became quite wrathy about it. At this Knight sneered and remarked aloud, "You're a good'un," which won him a reprimand from the Court. Carl Eisenschimmel, another expert, was on the stand at adjournment. He and Ames contradicted each other on one point as experts invariably do. Ames testified that the handwriting of the address and anonymous letters was elaborately disguised, while Eisenschimmel swore that it was merely a change of slant. The case goes on at 10 o'clock this morning.

THE TESTIMONY.

With the calling of the case yesterday morning John P. Dunning was given another chance to regain his freedom by divulging the names of women other than Mrs. Botkin with whom he had been on terms of intimacy.

"Mr. Dunning," said Judge Cook, addressing the witness, "are you ready at this time to answer the question propounded to you?"

"I am not," answered Dunning, "and I would like to make a statement."

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Dr. Wolf, State Chemist of Delaware, was recalled to testify that there was no difference in the poisonous qualities of the different kinds of arsenic. In answer to a question he said amorphous arsenic was more soluble than crystalline arsenic.

Harry Pennington was recalled to give the prosecution an opportunity to withdraw its objection to a question as to whether there had ever been any trouble with the servants of the Pennington household. After the withdrawal Knight did not repeat the inquiry, saying he did not care to ask the witness any further questions.

Mrs. Louise L. Seeley, who once had Mrs. Botkin on her visiting list, next took the stand. She said she knew Dunning and Mrs. Botkin, and had met Dunning at the latter's rooms. When asked as to their intimacy she said they were very friendly. When asked if she had written the anonymous letters, the witness replied:

"No, sir; I flatly deny ever having written anything of the kind."

Mrs. Seeley further said she had not sent the fatal package and had no knowledge of any one else doing so.

On cross-examination the witness said she was a widow. The time she first met Mrs. Botkin she was one of a party of four, made up of Beverly Botkin, Dunning, Mrs. Botkin and herself. Their meeting place was Mrs. Botkin's room.

"Are you friendly to Mrs. Botkin?" asked Knight.

"I haven't such a terrible ill feeling toward her," answered the witness.

"Have you any ill feeling toward her?"

"I do not care for her."

The witness denied having quarreled with Mrs. Botkin over the defendant's son Beverly or that she had ever had any matrimonial designs on Beverly.

John B. Pennington was recalled and testified that he informed no one of the receipt of the pencil anonymous letter until after the death of Mrs. Dunning. Until then its contents were known only to himself and the writer and those who may have been enlightened by the writer. The letter referred to was never shown to Mrs. Dunning. This testimony bears on the statements about the anonymous letters which Miss Livernash testified were made to her by Mrs. Botkin.

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When the trial was resumed in the afternoon Felix Reynaud, cashier of the City of Paris, testified that he knew Mrs. Botkin as a customer of the store in which he is employed. He had frequently cashed money orders for her. The witness identified a money order shown him, and, on referring to his books, fixed the date of its presentation by Mrs. Botkin as June 1, 1898. When asked by Knight if he knew Mrs. Botkin as a purchasing agent he said he had not known her in that connection at the place of his employment.

W. W. Barnes, clerk of the Hotel Victoria, was recalled and testified that the men who occupied room 26 for one night prior to the finding of the candy-box seal, were brought to the hotel by Special Officer Nixon. The strangers had nothing in their possession to his knowledge.

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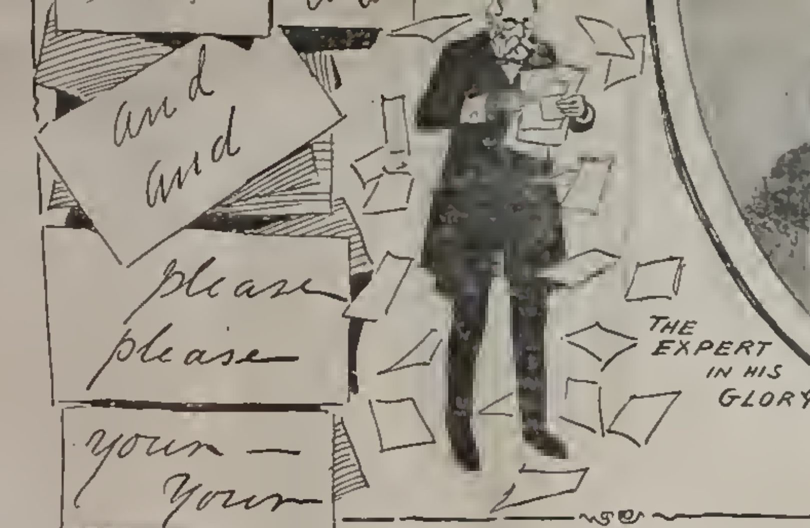
"What is your opinion as to the writings?"

"There is no doubt but that all were written by the same person," answered the witness.

On cross-examination Ames said he had possibly made mistakes in the past, but he was as certain that all of the writings submitted to him in the Botkin case were written by the same person as he could be of anything without seeing it done. Ames denied having mistaken the disguised writing of a lawyer in the Whitman case, which was tried in New York, and having sworn the writing was entitled to a place among the genuine writings exhibited in the case. Knight was anxious to know how much Ames is to receive for his testimony, but had to be content with the information that the only agreement was a "reasonable fee." Ames said his usual fee was $100 a day. Knight desired to know if the witness had not been shown a letter written by Mrs. Botkin to John P. Dunning at Porto Rico and intercepted by the police. The witness answered that he had seen no such letter. Hosmer objected to that line of questioning, saying that Knight was seeking to get something in the case which did not belong to it. Knight switched to other questions. In one of his replies the expert said the address on the wrapper was written after it had been placed around the box and consequently the fingers could be cramped and the writing would not show a natural finger and forearm movement.

Carl Eisenschimmel, handwriting expert, was the last witness of the day. He began with a technical explanation of the terms used in studying handwriting. He believed all of the admitted and disputed handwritings were the work of the same person. He based this on the study of the muscular movement, which he said is never the same in two persons. He pointed out numerous peculiarities in the writings exhibited and said the writer had a remarkably developed thumb pressure and could not make a light up stroke. This showed, he said, in all of the writings. Numerous letters and words in the anonymous writings were dissected and similar formations shown in the admitted writings. The witness said that the pencil note inclosed in the box of candy was written in a natural hand without any disguise whatever, only the slant of the letters being changed. This directly contradicts Ames, who testified that the note was carefully disguised and the letters distorted. Eisenschimmel had not completed his testimony at 4:30, at which hour court adjourned to 10 o'clock this morning. Theodore Kytka, another expert, will follow Eisenschimmel and this will practically close the people's case.



MRS. LOUISE SEELEY.

WITNESS DUNNING IN JAIL FOR REFUSING TO ANSWER.

A SENSATION IN THE BOTKIN CASE.

Husband of One Murdered Woman Seeks to Shield a Companion of His Revels.

Mrs. Botkin was not the only person concerned in the Dover tragedy who spent last night in jail. John P. Dunning, once her lover, now her accuser, also lodged at the expense of the county, having been sent to jail by Judge Carroll Cook for refusing to answer a question. Mr. Dunning flouted the Court in its face and declined to answer a question put by Knight and allowed by the Court. It was not a pleasant question, but Dunning had little reason to expect that the defense would handle him with kid gloves. The witness was evidently thunderstruck when he heard the order commiting him to jail for contempt. He had sought to temporize with a query not to his liking, and when the Judge's order came there remained nothing but to take his medicine with as good a grace as possible. The last the crowded courtroom saw of Dunning was when he left the room in the convoy of a husky deputy Sheriff.

Ill luck seems to follow "Jack" Dunning. A stroke of blind fortune gave him a magnificent opportunity when he was a young man—an opportunity which he had wit and strength enough to grasp. It was fortune's tide in his affairs, and he took it at the turn. But he was not strong enough for good luck. Having won at a bound what better men give a lifetime to attain, he showed his incapacity by dissipating his powers and his money, until he finally traded on the confidence of his employers. He drove his wife from him, lived at a faster and faster pace and finally lost everything he had gained in his one lucky hour. Then, when fortune was at the very lowest ebb, when he was in rags, both physically and morally, came another lucky chance—an opportunity to retrieve himself. Again he took the tide at the turn. But this time he did not reap the rewards of his well doing. He was summoned home suddenly to find his wife murdered, his mistress accused of the crime and himself obliged to choose between duty to the state and fealty to the woman who had loved and defended him—a position few men would care to be in. Dunning chose the former and came to testify.

Yesterday he told, without apparent emotion, how he had deceived his wife, how he had lived with Mrs. Botkin, partaking of her bounty and at times sharing the money given her by her husband, told of her affection for him and her agony at the parting, then ... involved two states and has included jealousy and murder.

The question over which Dunning came to grief was one on which the defense lays particular stress. The prosecution said that as Dunning's refusal to answer was designed to protect the name of a particular woman, it was probable that the defense would not insist on the question, but the defense negatived this, and said it would push the question to the bitter end. Judge Cook was equally firm, and Dunning is obstinate. The question over which these wills clashed was as to the women with whom Dunning had been intimate in San Francisco. When first asked, Dunning said that there were perhaps half a dozen whose names he did not know. Asked, then, as to those whose names he did know, he hesitated, appealed to the Court, and, forced into a corner, refused to answer.

Through all Dunning's merciless expose his eyes constantly sought Mrs Botkin's, though hers fell before his. When he threw the searchlight most strongly upon their life in common, telling how their mode of life forced them from boarding-house to boarding-house, how they went like moral fugitives from pillar to post, she dropped her eyes, narrowed her lids and bit her lips. When he looked straight into her face and said that he believed the poisoned package was addressed by her and that the note within was written by her, she nodded her head affirmatively, as though life held nothing further in the way of disillusion, but when he told of his infidelities to her, woman like she shed tears for the first time during the trial.

The day was a hard one for other people besides Mrs. Botkin. There was no morning session on account of the death of the sister of Juror Jacobs, but the swift succession of sensations during the afternoon hours more than made up for the lack-luster morning. And when the star witness came it was a surprise, after all. The handwriting experts were held over for some reason and Dunning was called after Miss Livernash—called without warning, so that his coming sent a thrill through the packed courtroom, which was jammed in anticipation of some such sudden climax. The men and women who have been standing up for days and steaming in the judicial sweatbox lest they should miss a syllable of the expected nastiness had the reward for their long and patient waiting. When it came the testimony was not so bad to hear. It was told decently, though in English not too slavish to refined ears, and it was only when the listener stopped to think what it meant that it seemed as though the story was too bad to be true. To be sure, it was too bad ... life, but nevertheless ...

she first met the defendant in Healdsburg on August 15th at the residence of Mrs. McClure, sister of Mrs. Botkin. The defendant, in answer to inquiries, said she had no idea as to who had sent the poisoned candy. She said Mrs. Dunning had many friends and no enemies. Mrs. Botkin expressed a belief that the candy had been sent by a friend who did not know it contained poison. The next day Mrs. Botkin told the witness of her intimacy with Dunning at 927 Geary street. At first she did not want to talk, saying she wished to see a lawyer before making a statement. The witness told her that if she had anything to conceal she had better consult a lawyer, but such a course would be viewed in an unfavorable light by the public. Mrs. Botkin reconsidered and told how she formed an acquaintance with Dunning one summer day in Golden Gate Park, how she met him at the race track and how he became a visitor at 927 Geary street while that place was her home. Dunning was then living on Post street, but Mrs. Botkin persuaded him to take a room at 927 Geary street. Mrs. Botkin told the witness that she and Dunning spent nearly all their time together. They went to the race course. She lost little because she did not have much to squander, and he was extravagant in his speculations. Dunning was dissipating a great deal, Mrs. Botkin said. He became financially embarrassed, and Mrs. Botkin believed he would have committed suicide but for her. She prepared meals for him in her room. Mrs. Botkin also said that she tried to reform him, and was glad when he got the offer of a place as a war correspondent. She declared that his misfortunes had been a drain on her sympathies. He was in abject poverty, and when he left here he was in a pitiable condition. In another interview on the same day the witness told Mrs. Botkin that she was under strong suspicion of having sent the box of poisoned candy. Mrs. Botkin seemed greatly horrified and protested her innocence. ... she became hysterical and ...

In a room in the Imperial Hotel, after having left the witness in the hallway, the witness heard Mrs. Botkin pleading with her husband, telling him that he must save her. After the couple came out Mrs. Botkin framed the sentences of an interview in which the husband took all the responsibility and declared that his wife had been all that a wife should be. The husband nodded his assent to each sentence. Later Beverly Botkin came in and talked of "Jack" Dunning's love for his mother and his mother's love for "Jack" Dunning. Mrs. Botkin interrupted him telling him he would ruin her. At that time Mrs. Botkin told the witness that she was an English woman. Further questioning brought out testimony that Mrs. Botkin told the witness that when she was at her sister's house in Healdsburg she could not sleep as the walls seemed to be closing in on her. The walls in Stockton also had the same peculiarity, and it seemed as if something was trying to clutch her.

On cross-examination the witness said Mrs. Botkin had paid her railroad fare and Mr. Botkin had paid her hotel bill in Stockton. The witness had been told of the enmity of Mrs. Seeley and Mrs. Botkin. Mrs. Botkin had declared that Mrs. Arbogast was the mistress of her husband. She said Mrs. Arbogast had been trying to induce Botkin to get a divorce, but that Mrs. Botkin would not consent. The witness admitted that Mrs. Botkin was hysterical several times, but said the defendant's answers were responsive to her questions.

Knight let the witness go for a moment, then called her back, and brought out testimony that Mrs. Botkin had said that Dunning had embezzled money from his employers. When asked as to whether Mrs. Botkin had not said he was dismissed for embezzling $1000 she said she did not remember any such statement.

John P. Dunning began his testimony by telling of his marriage, of his wife's residence in this city, her frequent and lengthy visits to her Eastern home, and her departure for Delaware in August, 1896. He became acquainted with Mrs. Botkin in September, 1896, and met her frequently while his wife was still in the city, but avoided meeting her in public places. At first he did not know her by name, then she told him her name was Mrs. Curtis. At this Mrs. Botkin smiled. She said she was married, that her husband was in England, and that she was living in San Francisco to establish a residence and get a divorce. Dunning told her at their first meeting that he was a married man. A few weeks after they became acquainted the defendant gave her name to the witness as Mrs. Adelaide Botkin, and, telling her former story in a ... said she was living in San Francisco with her husband. She said she was born in Kent county, England, was put in a convent at a tender age on account of the death of her mother, remained there until she was 15, and then married Curtis, a man much older than herself. On his death she received some property, and, coming to the United States, met and married Botkin in Boston. Botkin had at that time, she said, a boy 15 years old, and this boy, Beverly Botkin, had been brought up by her.

After the witness' wife went away he was much with Mrs. Botkin. About the first week of 1897 he took a room at 927 Geary street, where she lived, making the change on account of his appreciation of her society. His room was on the same floor as that of the defendant. They went to the races and visited cafes, saloons and restaurants, with an occasional theater. Sometimes he dined in her rooms. They were on terms of close intimacy, and, according to the witness, she treated him with a marked degree of affection. After a few months of the gay life at 927 Geary street Dunning went to Salt Lake City. This was in May, 1897, and he remained there until the following August. While in Salt Lake he corresponded with Mrs. Botkin, but destroyed all her letters. He sent her a copy of one of the anonymous letters, which was forwarded to him by his wife. Dunning wrote to Mrs. Botkin that he suspected Mrs. Seeley of having written the letter, and the defendant seemed to be well satisfied with that suspicion.

The witness then told of his life in San Francisco after his return from Salt Lake City. Mrs. Botkin informed him that ... she had been divorced by ... county.

Hosmer showed the witness the wrapper of the fatal package sent to Mrs. Dunning, and asked.

"Can you state in whose handwriting these two addresses on this wrapper are written?"

"I believe it to be the handwriting of Mrs. Botkin," answered Dunning.

"You state that from your knowledge of her handwriting?"

"I do."

The witness was shown the note which was inclosed in the box of poisoned candy and after that the anonymous letters. He believed all the writings were the work of Mrs. Botkin.

Dunning was asked if there was any information in the anonymous letters that was known only to himself and Mrs. Botkin, and he answered, "Not exclusively so."

Knight began his cross-examination by questions as to incriminating handwriting, but Dunning repeated that he believed it was all the work of Mrs. Botkin. He admitted that in writing to his wife he had cast suspicion on a Miss Chamberlain as being the author of the anonymous letters, but said he had never believed that she had written them. He said that because she had made a remark to the effect that he was drinking himself to death. Dunning said he knew there was a feud between Mrs. Botkin and Mrs. Seeley. He had heard that Botkin was living with Mrs. Arbogast, and once at 927 Geary street Mrs. Botkin had told him she would not let her husband get a divorce, as she did not intend to be left without support. The witness did not encourage her to get a divorce nor seek to discourage any such action. The witness said he traveled around with Mrs. Botkin because he enjoyed her society more than any other woman in the city. He was asked if he had been intimate with other women, and replied in the affirmative. This led to more pointed inquiries. Dunning said he did not know the names of some of the women with whom he had been intimate.

"Give the names of those you do know," said Knight.

"I decline to answer," said Dunning, nervously.

Knight insisted on the question, and counsel for defense and prosecution briefly argued the point. The defense contended that the question had direct bearing on the possible motive of the crime. Judge Cook decided that the question demanded an answer. Dunning asked for time to think the matter over, and, looking appealingly at the clock, said, "It's almost 5 now."

The defense wanted an immediate answer, and the Court upheld its contention.

"Answer the question," said Judge Cook.

"I decline to answer," replied Dunning, doggedly.

Judge Cook then adjudged Dunning guilty of contempt of court and ordered that he be remanded to the County Jail until he was ready to answer the question.

Assistant District Attorney Hosmer tried to smooth Dunning's way to freedom by asking if he had forgotten the names he was asked to divulge.

"I remember the names," said Dunning. "I don't pretend that I don't remember, but I decline to answer."

The court then adjourned and Dunning was taken to his place of imprisonment by a deputy sheriff.

Attorney Knight will insist on the question being answered, even though that insistence may keep Dunning out of reach of further cross-examination. It has been suggested that Dunning may escape answering by saying that the answer would be an acknowledgment of criminal ...

With or without ... being the first ... on this morning at 10 o'clock.

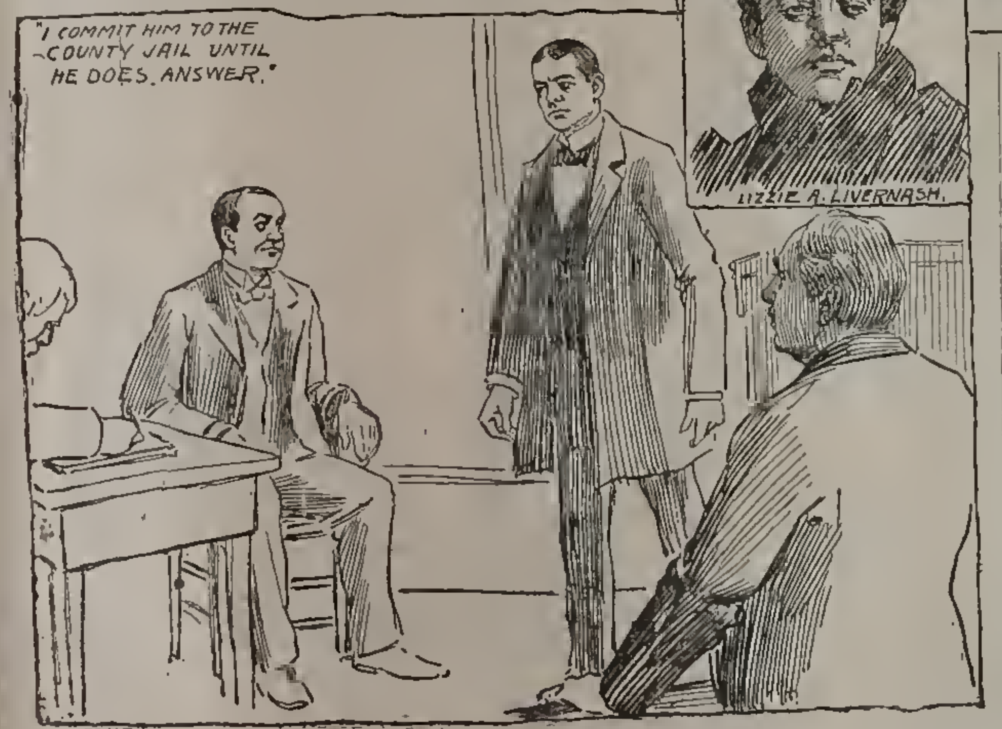
DUNNING IN JAIL.

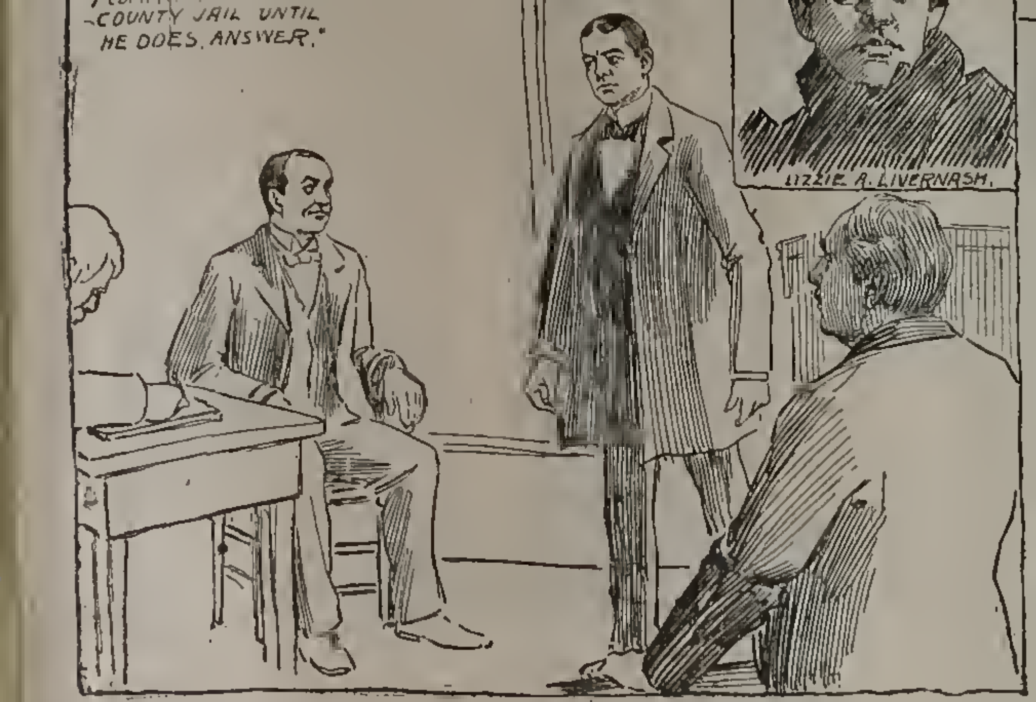
When seen at the County Jail last night Dunning was unwilling to say what determination he had come to, if any, in regard to telling in court the story of his gallantries. He was comfortably wrapped up in ... in the ... and blankets in a room on the second floor of the jail, which is set apart for prisoners above the level of the common herd of malefactors, and he appeared to be in a frame of mind that expressed little concern for the future intention of the Court.

"I am not worrying very much," he said as he carelessly rolled a cigarette, "and I'm pretty comfortably situated, although I can't say that I am very proud to be here. When I refused to answer that question in court to-day I did as my conscience dictated. What I will do in court to-morrow morning I am not prepared to say. I have consulted with no one and have told no one what my intentions are. Neither will I make known my intentions now.

"When I say I am not worrying over the situation I don't want to be considered as taking a flippant view of things. I realize the seriousness of the situation. I have nothing to say, however, about the probable outcome of what I may decide to do or say when I am taken into court to-morrow morning."

JOHN P. DUNNING.





JOHN P. DUNNING.

nothing but to take his medicine with as good a grace as possible. The last the crowded courtroom saw of Dunning was when he left the room in the convoy of a husky deputy Sheriff.

Ill luck seems to follow "Jack" Dunning. A stroke of blind fortune gave him a magnificent opportunity when he was a young man—an opportunity which he had will and strength enough to grasp. It was fortune's tide in his affairs, and he took it at the turn. But he was not strong enough for good luck. Having won at a bound what better men give a lifetime to attain, he showed his incapacity by dissipating his powers and his money, until he finally traded on the confidence of his employers. He drove his wife from him, lived at a faster and faster pace and finally lost everything he had gained in his one lucky hour. Then, when fortune was at the very lowest ebb, when he was in rags, both physically and mentally, came another lucky chance—an opportunity to retrieve himself. Again he took the tide at the turn. But this time he did not reap the rewards of his well doing. He was summoned home suddenly to find his wife murdered, his mistress accused of the crime and himself obliged to choose between duty to the state and fealty to the woman who had loved and defended him—a position few men would care to be in. Dunning chose the former and came to testify.

Yesterday he told, without apparent emotion, how he had deceived his wife, how he had lived with Mrs. Botkin, partaking of her bounty and at times sharing the money given her by her husband, told of her affection for him and her agony at the parting, then passed on to tell how from Mrs. Botkin's embraces he passed at once to those of his wife, lived with her a few days in the East and then departed for Cuba. He testified that he wrote Mrs. Botkin, both before he left and again after arrival at his destination, that he did not intend to return to San Francisco, but it soon came out that he kept up a diligent correspondence with her, writing to her and to his wife at the same time. Not once while Dunning testified was there the slightest flash of emotion, not once did the much-talked-of "horror" come to [illegible] his [illegible] gray eyes. Asked whether he thought the anonymous letters, the wrapper and the candy note were written by the same person he looked [illegible] at Mrs. Botkin and replied that he thought they were. Asked whose work he thought it was he looked with level gaze into her face and replied in a voice that might have been blown from an ice field, "I believe they are the work of Mrs. Botkin."

Dunning stood under the gas lamp during the anonymous letters with the light streaming down over his head [illegible] he looked a most insignificant [illegible]. He has a small head, set on narrow shoulders, and a small body not [illegible] carried. His shoulders stoop and his gait is slouching. His [illegible] covered with pale brown hair [illegible] thin and fine, the eyes are small [illegible], the lips thin and pressed to[illegible]. His habitual expression is a [illegible] smile, which deepens at times [illegible] quite fades away. His voice [illegible] and fulfills the promise of [illegible] mouth.

[illegible] Dunning stood there he was the [illegible] in the world who would have [illegible] as the hero of this tale [illegible] of the Tenderloin. The [illegible] the world to whom vacillating [illegible] would be expected to [illegible] [illegible] and honor. Any [illegible] the room looked more the [illegible] than this one, yet this was the [illegible] the story that has already cost [illegible] of two women and may cost the blood of another, that has in

pose his eyes constantly sought Mrs. Botkin's, though hers fell before his. When he threw the searchlight most strongly upon their life in common, telling how their mode of life forced them from boarding-house to boarding-house, how they went like moral fugitives from pillar to post, she dropped her eyes, narrowed her lids and bit her lips. When he looked straight into her face and said that he believed the poisoned package was addressed by her and that the note within was written by her, she nodded her head affirmatively, as though life held nothing further in the way of disillusion, but when he told of his infidelities to her, woman like she shed tears for the first time during the trial.

The day was a hard one for other people besides Mrs. Botkin. There was no morning session on account of the death of the sister of Juror Jacobs, but the swift succession of sensations during the afternoon hours more than made up for the lack-luster morning. And when the star witness came it was a surprise, after all. The handwriting experts were held over for some reason and Dunning was called after Miss Livernash—called without warning, so that his coming sent a thrill through the packed courtroom, which was jammed in anticipation of some such sudden march. The men and women who have been standing up for days and steaming in the judicial sweatbox lest they should miss a syllable of the expected sensation had the reward for their long and patient waiting. When it came the testimony was not so bad to hear. It was told decently enough in English not too shocking to refined ears, and it was only when the listener stopped to think what it meant that it seemed as though the story was too bad to be true. To be sure, it was a tragedy in low life, but nevertheless it was not a pretty tale. Once Dunning said that his wife was a deeply religious woman, reared in an entirely different atmosphere from San Francisco, which she could never understand or appreciate, and at this remark the witnesses from Delaware exchanged sympathetic glances and approving nods.

The defense started out for a raking cross-examination, designed to show, primarily, that there were plenty of other women in San Francisco who held an undivided hundredth in Dunning's affections and that any of them had as much motive to commit the crime as Mrs. Botkin. On the first questions from the defense Dunning committed himself on the proposition that he believed the anonymous letters and the wrapper and note to have been written by the same person. He went on to give testimony showing that Mrs. Botkin was by no means a truthful woman, given to building castles in the air out of the materials of cheap English novels. Before Dunning came on the defense had proved by Miss Livernash that she had heard that Dunning was an embezzler and with the word ringing in the jury's ears Dunning appeared.

To-day will be the important day in the case. The defense relies much on the cross-examination of Dunning, though it is said that it expects to discredit him as a witness. As to his testimony, though it cost him so dear, it did not set forth any evidence that was new and the promised sensation that Dunning would testify that Mrs. Botkin once confessed to him that she had intended to kill him proved, as was expected, a fake.

THE TESTIMONY.

Miss Lizzie A. Livernash, who, as the representative of a San Francisco paper, had several interviews with Mrs. Botkin, was the first to testify. The witness said she first met the defendant in Healdsburg on August 14th at the residence of Mrs. McClure, sister of Mrs. Botkin. The defendant, in answer to inquiries, said she had no idea as to who had sent the poisoned candy. She said Mrs. Dunning had many friends and no enemies. Mrs. Botkin expressed a belief that the candy had been sent by a friend who did not know it contained poison. The next day Mrs. Botkin told the witness of her intimacy with Dunning at 927 Geary street. At first she did not want to talk, saying she wished to see a lawyer before making a statement. The witness told her that if she had anything to conceal she had better consult a lawyer, but such a course would be viewed in an unfavorable light by the public. Mrs. Botkin reconsidered and told how she formed an acquaintance with Dunning one summer day in Golden Gate Park, how she met him at the race track and how he became a visitor at 927 Geary street while that place was her home. Dunning was then living on Post street, but Mrs. Botkin persuaded him to take a room at 927 Geary street. Mrs. Botkin told the witness that she and Dunning spent nearly all their time together. They went to the race course. She bet little because she did not have much to squander, and he was extravagant in his speculations. Dunning was dissipating a great deal, Mrs. Botkin said. He became financially embarrassed, and Mrs. Botkin believed he would have committed suicide but for her. She prepared meals for him in her room. Mrs. Botkin also said that she tried to reclaim him, and was glad when he got the offer of a place as a war correspondent. She declared that his misfortunes had been a drain on her sympathies. He was in abject poverty, and when he left here he was in a pitiable condition. In another interview on the same day the witness told Mrs. Botkin that she was under strong suspicion of having sent the box of poisoned candy. Mrs. Botkin seemed greatly horrified and protested her innocence. Then she became hysterical and exclaimed, "Oh, why didn't I let the man die and spare the mother to her child!" She said she wouldn't harm Mrs. Dunning even by a thought. After she became calmer she decided to go to her husband in Stockton. Heavily veiled, she started from Healdsburg the next day and was accompanied by the witness. On the train Mrs. Botkin spoke of her fear that Dunning would suspect her, and then, in her horror, end his life. She wanted to know if the handwriting was disguised would the experts be able to detect it, and was told that they would. She spoke of the note signed "Mrs. C." and mentioned the name of Mrs. Corbaley, saying either Mrs. Corbaley or herself would be suspected, as one was a friend of the wife and the other a friend of the husband. When newspapers were brought aboard the train she inquired anxiously, "Is the child dead?" Then she asked if suspicion against her would not become stronger in case she and "Jack" Dunning should ever marry. The witness was requested by Mrs. Botkin to get an interview from Botkin, the husband, to the effect that he and his wife were not living together. When Mrs. Botkin and the witness reached San Francisco they went to the Russ House. The defendant did not register, saying she did not want to be apprehended until she was at her husband's side. On the journey Mrs. Botkin talked of the anonymous letters, giving a summary of their contents. She said the letters were three in number. Among other statements, which the witness testified were made to her by the defendant, was the following:

"I acknowledge that I have lived a gay life. I have lived for the pleasures of life alone, and not one has escaped me. I would not stop at anything to gain my desires, but even the divine court knows I would not stoop to murder."

The witness repeated stories of gay times at 927 Geary street as related to her by Mrs. Botkin. These times, Mrs. Botkin said, were participated in by her son, Beverly Botkin, Mrs. Louise Seeley, Dunning and herself. She admitted her intimacy with Dunning, saying, "He is my affinity, and to live with one's affinity is only to be compared with existence on another planet." Mrs. Botkin accused Mrs. Clara Arbogast, proprietress of the Hollister lodging-house, or Mrs. Seeley of having written the anonymous letters.

When the defendant reached Stockton, said the witness, she was met by her husband. While the husband and wife were in a room in the Imperial Hotel, after having left the witness in the hallway, the witness heard Mrs. Botkin pleading with her husband, telling him that he must save her. After the couple came out Mrs. Botkin framed the sentences of an interview in which the husband took all the responsibility and declared that his wife had been all that a wife should be. The husband nodded his assent to each sentence. Later Beverly Botkin came in and talked of "Jack" Dunning's love for his mother and his mother's love for "Jack" Dunning. Mrs. Botkin interrupted him telling him he would ruin her. At that time Mrs. Botkin told the witness that she was an English woman. Further questioning brought out testimony that Mrs. Botkin told the witness that when she was at her sister's house in Healdsburg she could not sleep as the walls seemed to be closing in on her. The walls in Stockton also had the same peculiarity, and it seemed as if something was trying to clutch her.

On cross-examination the witness said Mrs. Botkin had paid her railroad fare and Mr. Botkin had paid her hotel bill in Stockton. The witness had been told of the enmity of Mrs. Seeley and Mrs. Botkin. Mrs. Botkin had declared that Mrs. Arbogast was the mistress of her husband. She said Mrs. Arbogast had been trying to induce Botkin to get a divorce, but that Mrs. Botkin would not consent. The witness admitted that Mrs. Botkin was hysterical several times, but said the defendant's answers were responsive to her questions.

Knight let the witness go for a moment, then called her back, and brought out testimony that Mrs. Botkin had said that Dunning had embezzled money from his employers. When asked as to whether Mrs. Botkin had not said he was dismissed for embezzling $100 she said she did not remember any such statement.

John P. Dunning began his testimony by telling of his marriage, of his wife's residence in this city, her frequent and lengthy visits to her Eastern home, and her departure for Delaware in August, 1896. He became acquainted with Mrs. Botkin in September, 1896, and met her frequently while his wife was still in the city, but avoided meeting her in public places. At first he did not know her by name; then she told him her name was Mrs. Curtis. At this Mrs. Botkin smiled. She said she was married, that her husband was in England, and that she was living in San Francisco to establish a residence and get a divorce. Dunning told her at their first meeting that he was a married man. A few weeks after they became acquainted the defendant gave her name to the witness as Mrs. Adelaide Botkin, and, calling her former story a joke, said she was living in San Francisco with her husband. She said she was born in Kent county, England, was put in a convent at a tender age on account of the death of her mother, remained there until she was 15, and then married Curtis, a man much older than herself. On his death she received some property, and, coming to the United States, met and married Botkin in Boston. Botkin had at that time, she said, a boy 13 years old, and this boy, Beverly Botkin, had been brought up by her.

After the witness' wife went away he was much with Mrs. Botkin. About the first week of 1897 he took a room at 927 Geary street, where she lived, making the change on account of his appreciation of her society. His room was on the same floor as that of the defendant. They went to the races and visited cafes, saloons and restaurants, with an occasional theater. Sometimes he dined in her rooms. They were on terms of close intimacy, and, according to the witness, she treated him with a marked degree of affection. After a few months of the gay life at 927 Geary street Dunning went to Salt Lake City. This was in May, 1897, and he remained there until the following August. While in Salt Lake he corresponded with Mrs. Botkin, but destroyed all her letters. He sent her a copy of one of the anonymous letters, which was forwarded to him by his wife. Dunning wrote to Mrs. Botkin that he suspected Mrs. Seeley of having written the letter and the defendant seemed to be well satisfied with that suspicion.

The witness then told of his life in San Francisco after his return from Salt Lake City. Mrs. Botkin informed him that in his absence she had been divorced by the Superior Court of San Joaquin county, Botkin having instituted a suit in which John P. Dunning was the corespondent. The witness did not learn of the falsity of the story until last summer. He then [illegible] Dunning told of the many changes of abode made by Mrs. Botkin. They kept up their intimacy, Dunning spending a great deal of his time in her rooms, sometimes with them in [illegible] and sometimes with [illegible] at the Victoria Hotel and [illegible]. After being at the Victoria Hotel four or five days the witness received a telegram saying he could have a position to go to Havana as a war correspondent if he would start immediately for New York. Mrs. Botkin urged him not to go, saying it would be unkind and cruel to leave her after they had been so intimate. The witness was in more financial straits, and he told her that he must try to better his condition. She said poverty would be better than to break off such happy relations. The witness told her that he would never come back to San Francisco, as he would probably get a position in New York after he returned from Cuba. When the witness went away Mrs. Botkin accompanied him as far as the Sixteenth street railway station, Oakland.

"What was her manner at that time?" asked Hosmer.

"She was very much depressed," answered the witness. "She cried some on the train and when I bade her good-by the train and when I bade her good-by [illegible] manner was particularly affectionate."

Dunning then testified that he had talked with Mrs. Botkin about his wife several times. He told her of his wife's likes and dislikes, and remembered having mentioned to Mrs. Botkin that his wife was passionately fond of candy.

When asked about his determination not to return to San Francisco the witness said he had not only told Mrs. Botkin this, but had repeated it in one of his letters. The witness told of his journey East, of meeting his wife and daughter in Philadelphia and of their accompanying him to New York and remaining with him two days. He then recounted briefly his career in following the Army and [illegible] the front. [illegible] Porto Rico at the front. He learned of his wife's death, when he heard of his wife's death [illegible] and did not know that she had been poisoned until he reached New York city. When he reached there his attention was called to the anonymous letters, the originals of which he had never seen before.

Hosmer showed the witness the wrapper of the fatal package sent to Mrs. Dunning, and asked:

"Can you state in whose handwriting these two addresses on this wrapper are written?"

"I believe it to be the handwriting of Mrs. Botkin," answered Dunning.

"You state that from your knowledge of her handwriting?"

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"Give the names of those you do know," said Knight.

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Attorney Knight will insist on the question being answered, even though that insistence may keep Dunning out of reach of further cross-examination. It has been suggested that Dunning may escape answering by saying that the answer would

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DUNNING PLEADS THAT HE SEEKS JUSTICE, NOT REVENGE, UPON MRS. BOTKIN

Purged of Contempt by the Courtesy of the Defense.

Defenders of the Accused to Open Their Case This Morning.

Message of Death That Followed Close Upon a Missive of Love.

IT was a day of varied interest at the trial yesterday of Mrs. Cordelia Botkin. The prosecution closed its case and the defense announced that it will be ready to proceed this morning with the introduction of testimony, the right to make an opening argument to the jury being waived. John P. Dunning was again made yesterday the central figure of interest. He was brought into court in the custody of the Sheriff, after a night in the County Jail. He was placed on the witness stand, and George Knight, to the surprise of those interested in the trial of the case, withdrew his demand for the names of the women with whom Dunning claimed to have been intimate.

The cross-examination of Dunning then proceeded to the close, and something of Knight's purpose in releasing Dunning was seen in the result. It is seldom that a man is forced to make a public confession of personal dishonor and shame such as John P. Dunning made yesterday of himself in the presence of hundreds of listening men and women. He admitted that he had lived upon the bounty of his mistress, accepting her money, sharing her food and her home, existing upon her resources and thriving upon her means. He declared that she had shown him more than charity—that she had cared for him, counseled with him for reformation and divided with him the food that she needed for herself. When distress came to her she still clung to the man with whom she was fascinated and gave to him what she should have retained for herself.

More than this, the witness declared Mrs. Botkin had never, not even by insinuation, suggested to him to seek a divorce from his wife. This jealous, immoral mistress knew that her lover never intended to return to her, but as far as he knew she felt no resentment at the ties that kept him away from her and led him to other fields and another home. This testimony, under cross-examination, startled the courtroom. Dunning appeared more as a witness for the defense than for the prosecution. He presented an abject figure, but his humiliation seemed to be felt more keenly by his hearers than by himself.

There was an air of conscious boastfulness in his manner when he declared that he had been intimate with three women whose names he would not give. The defense has already shown that it means to make much of this secrecy and to insinuate that perhaps one of these women may have comm[illegible] the crime [illegible] which Mrs. Botkin [illegible]. The [illegible]

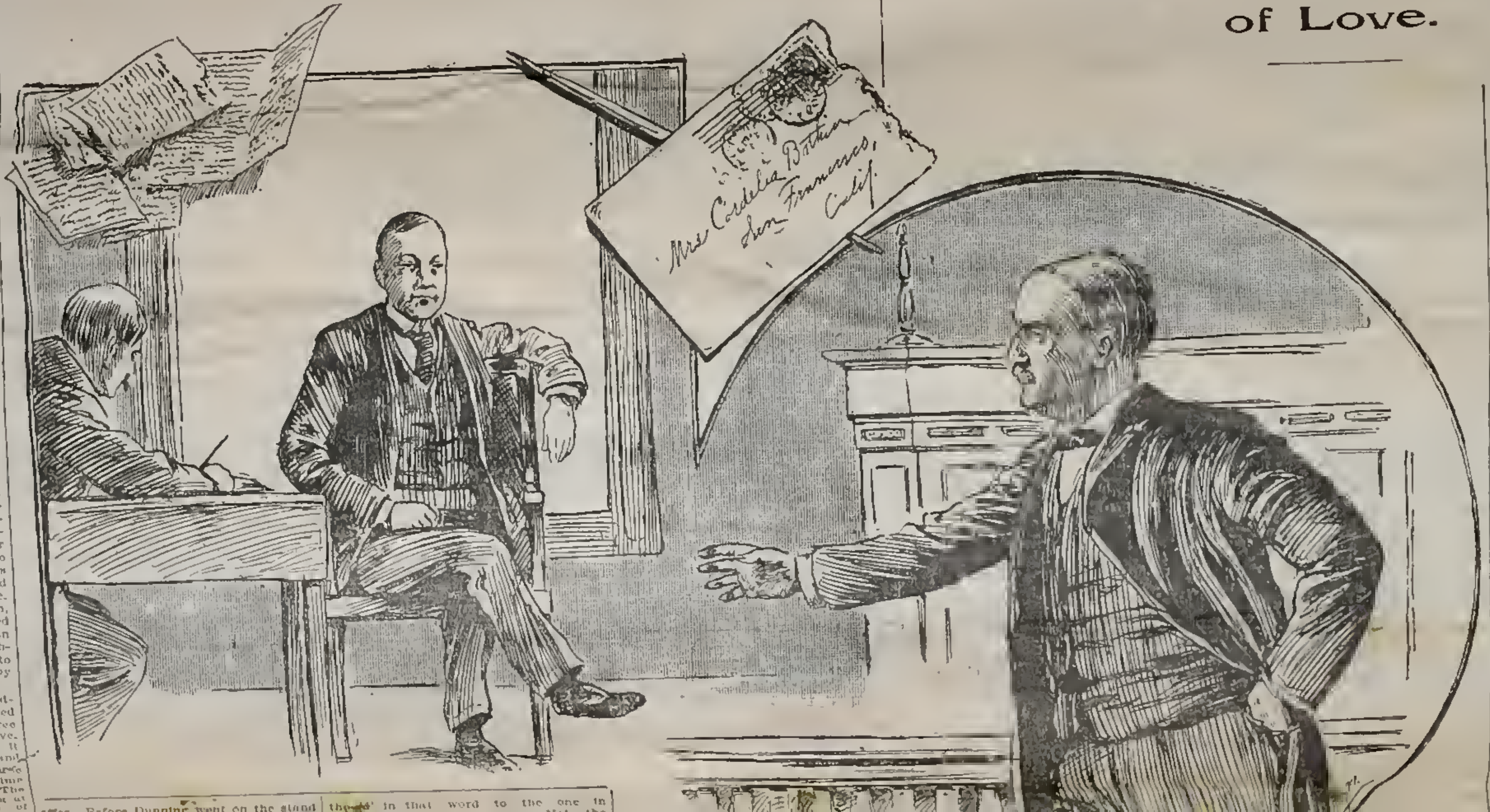
clates Mr. Knight said: "May it please the court, I will withdraw the request for the names of the ladies."

The Court—Proceed with the cross-examination.

Knight—Mr. Dunning, you say there are six women with whom you were on intimate terms whose names you do not remember. How many are there whose names you remember, but do not wish to give? A.—Three.

Q.—Do you know Mrs. Corboley, and did you have any business relations with her? A.—She loaned money to myself and Mrs. Dunning. It was $800 in all.

The witness said he wrote to Mrs. Botkin while on the train between here and



[illegible] Before Dunning went on the stand [illegible] the[illegible] in that word to the one in [illegible]

develop? A.—When I heard of an important happening several months ago. It came within one hour after I reached Dover and learned of the circumstances surrounding the death of my wife and my sister-in-law. Their death by poisoned candy directed my suspicions toward Mrs. Botkin. Up to that moment I had no suspicions against Mrs. Botkin. The first telegram only told me of her death by supposed confectionery poisoning. I had no suspicions against any one else, although I told the officers of the law that Mrs. Ruoff and the druggist who sold the arsenic might be useful witnesses. I referred to Mrs. Ruoff as a witness and not as a principal. I knew of her confidential relations with Mrs. Botkin.

Q.—Explain your hostility toward Mrs. Botkin. A.—It arises because of the death of my wife.

Q.—What was the first thing to cause you to think of Mrs. Botkin in connection with the poisoning of your wife? A.—Because of the relations that had existed previously between us and of the feeling she had for me, or that I thought she had for me. In my own heart I did not think any one else would do it.

The witness learned of his wife's death at 6 p. m. August 13. An hour before that time he drove to Ponce, Porto Rico, and mailed a letter to Mrs. Cordelia Botkin in this city. This was the last communication of any character Dunning has had since that moment with the woman now on trial for her life. The letter reads:

PONCE, Porto Rico, August 13, 1898.

Dear Ada: I have been here about dead to the world for two or three weeks, without any means of getting any mail and very little chance of getting any away. Just before I left Kingston I wrote you asking you to address me at St. Thomas, but have never been there yet, having come here direct, and I have received no mail. We got the news to-day that peace had been declared, and I suppose I will be going to New York soon, but I know nothing particular about it. I will have to send you an address when I get to New York, and you had better not send any more mail to St. Thomas as I will probably not get there now. This is the most beautiful island I have ever seen, and I have been [illegible] in the saddle since I have been here, wearing holes in my anatomy. I am really sorry the war is [illegible] for I have certainly enjoyed it and

...to insinuate that perhaps ... of these women may have committed the crime ... which Mrs. Botkin [illegible] ... The ... of Mrs [illegible] ...ing at ... and [illegible] ...en of ... their ... estab-lish...

During the afternoon Attorney McGowan made a spectacle of himself. Knight was ill, and McGowan undertook the task of cross-examination. He succeeded in disgusting the court and in elevating Dunning to a plane of comparative decency. McGowan carried his questions in relation to the intimacy between Mrs. Botkin and Dunning to the point of indecency, and Judge Cook angrily declared that he would sustain any objection made to that sort of an inquiry. Assistant District Attorney Hosmer shrugged his shoulders and replied that he had no wish to interrupt the plan of the defense as interpreted by Mr. McGowan.

It was then that Mrs Botkin's lawyer elicited from Dunning the most damaking testimony he had given against the accused woman. McGowan demanded to know and was informed why Dunning is hostile to Mrs. Botkin. Dunning replied that he came here with no thought of vengeance on the woman. He came with no hatred toward her, but with a sense of duty he owed to his dead and a purpose to compensate, as far as he may, for the offenses in the past. He was convinced that Mrs. Botkin was concerned in the death of his wife, and he begged McGowan to believe that it was duty, not pleasure, that impelled him to become the accuser of Mrs. Botkin. McGowan was not even satisfied with the effect of his boomerang. He asked to know the reason of Dunning's suspicion toward Mrs. Botkin, and received the reply that within one hour after the witness reached Dover he was convinced that Mrs. Botkin was guilty.

McGowan then drew from the witness the confession that he had been in collusion with his mistress to deceive his wife, and that while he was speeding on his journey to New York he sent letter after letter to Mrs Botkin. This phase of the examination developed a pathetically dramatic recital. Dunning's letters, written from Cuba and Porto Rico to Mrs Botkin, were read in court. The epistles were uninteresting except for their reference to great events of which Dunning as a newspaper correspondent had been an observer and sometimes a participant. Occasionally the writer would express some term of endearment, but not by any means an extravagant one. He wished his mistress well, and told her in passing what was happening at the seat of war.

On August 13 Dunning wrote his last letter to his paramour. He was at the city of Ponce, in Porto Rico, and drove three miles in a carriage to the seaside postoffice to mail his epistle of affection. Having mailed his letter he returned to Ponce and went without delay to the cable office. He there found waiting for him a cablegram telling him that his wife had been poisoned and was dead. His offense to his home and his family had borne its fruit.

Dunning was then released from the witness stand. Judge Cook then set aside his own order confining Dunning to the County Jail. In committing the witness to the custody of the Sheriff Judge Cook declared that he had simply done his duty. A question had been asked by the defense and the questioner was entitled under the law to an answer. With the withdrawal of the question there was no further reason for punishment. The question had been of such a character, the Judge continued, that he did not feel that he should inflict a fine as well as imprisonment. He therefore ordered Dunning released from custody.

The prosecution had very little more to offer. Before Dunning went on the stand Carl Eisenschimmel held the attention of the court and jury. As an expert on handwriting Eisenschimmel went over the old familiar ground of dots and dashes, hooks and curves and all the dreary technical detail of the critical analysis of handwriting. From every consideration Eisenschimmel declared his positive belief that Mrs. Botkin wrote the anonymous letters, the note in the box of candy and the address on the package of poisoned sweets.

Attorney Knight offered the expert a specimen of handwriting and asked if it were in the handwriting of Mrs. Dunning. Eisenschimmel was not to be trapped and demanded time out of court in which to make a thorough investigation. It is an old trick of the experts to deceive experts with clever forgeries, but Eisenschimmel is familiar with the game.

He had not been so careful, however, the day before, when he quietly slipped into the gallery of the courtroom and listened to the testimony of Expert Ames. Eisenschimmel vehemently protested that he had no ulterior purpose, but the fact remained that he had gone to the court room, and the defense was glad that the fact had been discovered. Theodore Kytka was the last handwriting expert placed on the witness stand by the prosecution.

Kytka had made a series of photographs of the exhibits in the case and had made the customary critical analysis. He also was positive that Mrs. Botkin wrote all the letters and the addresses. After a cross-examination that was of no consequence Kytka was relieved. The prosecution placed Chief Lees and Harry Pennington on the stand to close small gaps in the chain of evidence and then the Assistant District Attorney announced that the case for the people was closed. As Attorney Knight was not present the defense could not proceed. McGowan announced that the defense will be ready this morning and an adjournment was taken until then.

Upon the opening of court Mr. Hosmer, the prosecuting officer, asked for the dismissal of the case against J. G. Edwards, charged by Andrew J. Clunie with libel. Mr. Edwards printed the alleged libelous articles in his insurance paper. Judge Cook dismissed the charge at the request of Mr Clunie, the complainant.

John P. Dunning was in the courtroom, but not being called retired to the Judge's chambers. He remained within call.

Carl Eisenschimmel, the writing expert, resumed his exposition of the peculiarities of Mrs Botkin's handwriting. He first took up the quotation marks in the "baby" note and dissected them, finally reaching the conclusion that they bore all the characteristics of Mrs. Botkin's handwriting. In the letter "C" he found a certain angularity which is in all Mrs. Botkin's writing. In one specimen of Mrs Botkin's known handwriting, that of her Healdsburg address, given Mrs Price, there were four "cs" and all had this characteristic angularity. The anonymous letters, he said, were fairly bristling with evidences of Mrs. Botkin's handwriting with but feeble attempt at disguise.

The "se" in "please" was written by her, being identical with standards of her writing. These two letters were invariably written off the line and much higher than any others. This is apparent in her known writing, according to the expert. There is a decided difference of slant between the "p" and "l" that is noticeable throughout her writing, the "p" being almost vertical and the "l" slanting.

"I call your attention to the word 'Madam,'" said the expert. "Compare the 'd' in that word to the one in 'madam' in this other letter. Note the similarity of the 'd' in those cases. That 'd' is produced in a peculiar manner, such as I have never seen before."

To the jurors, producing a microscope: "I will give a brief description of this instrument."

Knight—You needn't; we don't want it.

The expert ran counter to Knight shortly after when he told the jurors it was not necessary to use the glass to note what he desired to show them.

Knight—Who do you mean does not find it necessary?

The expert—I do not.

Knight—You are not in this testimony.

The expert then drew attention to the letter "c" made by Mrs. Botkin. He spoke of its abnormal size, being double the height of any other space letter. To Juror J. F. Myers he said it was impossible to judge of handwriting by form alone, and that the peculiarities ran through both capitals and small letters.

In conclusion, the expert said he thought he had established to the jury his belief that all the handwriting in evidence had been written by the same person.

In the course of a harsh cross-examination Knight elicited the information that Eisenschimmel occupied a place in the gallery of the courtroom while his colleague, Expert Ames, was on the witness stand. The expert said that what he meant by the "pen habit" and "writing habit" was the habitual manner in which writing was produced. He explained that paying tellers of banks were experts in a certain way. They look at a check and get an impression by which they are able to judge as to genuineness, but cannot explain how they reach that conclusion.

"Mrs Botkin has positive peculiarities or characteristics," said the expert.

Q.—Well, what do you find? A.—She writes the angular or so-called English hand.

Q.—What kind of arm movement? A.—Partly finger, partly forearm—a combined movement.

Q.—Find any characteristics of Mrs. Botkin's handwriting? A.—Yes, many of them.

Q.—Give one. A.—In the word "place" the letter "p" has one slant and the "l" another.

Q.—That is a Botkin characteristic? A.—Not in every case. There is no rule.

Q.—Is this the first time in your life you ever saw a "p" and an "l" that looked anything like those? A.—Yes.

The witness said that the "baby" note was in Mrs Botkin's handwriting, the only attempt at disguise being in the slant of the letters. He was handed a piece of paper by Mr. Knight, but declined to touch it or pass upon it, saying it was not an exhibit in the case. Knight's efforts to force the witness to express an opinion offhand as to the writing brought Hosmer to the rescue and developed some more of the schoolgirl repartee which has enlivened the proceedings from time to time.

"Don't interrupt me when I am talking," said Hosmer. "Some one else has a right to be heard here besides you."

"Well, you've been talking for two days," was the rejoinder.

When the expert retired finally Judge Cook said: "Call John P. Dunning." To the latter he said: "Mr. Dunning, it is the desire of the court that you should have an opportunity, at least every twenty-four hours, of reconsidering your determination not to answer the question put to you by Mr Knight on Monday."

Turning to Mr Knight he said: "Mr. Knight, do you insist upon the question?"

After a short conference with his asso-...

DUNNING DECLARED THAT HE SOUGHT NOT VENGEANCE BUT JUSTICE.

John P. Dunning is again at liberty. The legal defenders of Mrs. Botkin withdrew their question in reference to the man's gay companions, and he was released from the County Jail. Under cross-examination yesterday he declared dramatically that he sought to satisfy no vengeance on Mrs. Botkin, but was a witness simply from a sense of duty and with a purpose to compensate as far as he may for his past life. He was convinced, he said, that Mrs. Botkin was concerned in the death of his wife, and inspired by that conviction became a witness.

New York. He wrote again between that point and Tampa, Fla. In answer to further questions he said he did not remember ever having suggested to Mrs. Botkin that she go to New York and live. He did not remember ever telling her that he would like to have her there.

He telegraphed his wife before he left here, and again had a friend apprise her of his coming when he reached Chicago.

Q.—Why did you write to Mrs. Botkin? A.—I told her I would, and knew she expected to hear from me.

Q.—When you left Mrs. Botkin at Oakland there was no rupture between you? There was no good-by forever, this is all off, or anything of that kind, was there? A.—No; there was no rupture. I understood in my own mind that I was not coming back to San Francisco, but I did not tell Mrs. Botkin so.

Dunning again told in outline of the contents of the anonymous letters; about him drinking himself to death; of the life he had led in this city, and of his financial difficulties not due solely to his losses upon the race track. His wife sent him a copy instead of the original, but why he did not know. He did not get the original and send it to Mrs. Botkin. He had never asked for the original, although he was interested in knowing who wrote it. He did not know why he had not asked for it.

Q.—Did Mrs. Botkin ever express a desire to injure your wife or suggest that you secure a divorce? A.—She never expressed such a desire nor made such a suggestion.

Q.—Did not she divide her last morsel of bread with you when you were at 927 Geary street? A.—She did.

Q.—Didn't she nearly starve with you when you had hardly a boiled rag between you? A.—Yes, sir.

Q.—She gave you money to assist you which she received from her husband? A.—She gave me money; I don't know where she got it.

Q.—She sent you money to Salt Lake to bring you home, where you could get another position? A.—She did.

Q.—When you left here you wrote three or four letters to her and sent one telegram to your wife? A.—Yes, sir.

On redirect examination Mr. Hosmer drew from him the information that he had spent considerable money on Mrs Botkin's pleasures. He also testified that he knew of only two anonymous letters until after his wife's death. Witness said he never told Mrs. Botkin to come to New York. Upon his return from the war he purposed having his family join him, and they were to make their home in New York. The witness said he had no letters written him by Mrs Botkin; he had destroyed them all. He had received no letter from her since the death of his wife. He had received answers to all his except the last one he sent.

The hour for adjournment having arrived Judge Cook addressed Dunning and said that although he had been guilty of contempt of court in refusing to answer a question when directed to do so by the court, yet his Honor did not think it was a case where further punishment should be inflicted, especially when Mr. Knight had voluntarily withdrawn his question. Dunning was therefore, purged of his contempt and set at liberty.

Dunning was the first witness of the afternoon. In answer to Mr Hosmer he said Mrs Corboley was an intimate friend of his family. They were born near one another in the South on the border line between Maryland and Delaware. Their families had known one another for years. She was much older than he and was an intimate friend of his wife. He said none of the exhibits of writing in evidence resembled hers.

In the absence of Attorney Knight Senator Frank McGowan took the witness through a severe cross-examination. Dunning said that Mrs. Botkin knew Mrs. Corboley as a friend of Mrs. Dunning. He had told her so when telling her of the financial transaction between them. He had never had any intimacy or relation whatever with Mrs. Corboley except this.

Regarding Mrs. Callmbertie he said he had but a slight acquaintance with her. The writing was not hers. Asked as to why he mentioned her name to his wife he said it was because he wanted to give a plausible excuse. He first thought of Mrs. Seeley, but to mention her name would be to entangle himself in a maze from which he might find it hard to extricate himself.

McGowan asked if he had sustained any intimacy with Mrs. Callmbertie and Dunning said he had not.

McGowan—If you had would you tell?

Witness—I would decline to answer.

He said he had deceived his wife and had written her falsehoods, as he had to get out of the trouble brought on by the anonymous letters. Asked as to why he had not told her some one else he replied he had thought of no one else at the time. He knew it was false and knew it was an injustice to this woman to point the finger of suspicion at her, but at the moment he thought it would never come out.

Q.—Did you suspect Mrs Seeley? A.—I thought she had ill feeling against me.

Q.—For what reason? A.—About four months before Mrs Botkin wrote to her an insulting letter. She knew of the intimate relations existing between Mrs Botkin and myself, and I thought she might have suspected me of instigating it.

Q.—Did you know Mrs Seeley was an enemy? A.—I had no other reason for thinking she was.

Q.—Why did you not mention Mrs. Seeley's name to your wife? A.—Because it would expose the relations existing between Mrs Botkin, Mrs. Seeley and myself.

Q.—You wanted to shield yourself? A.—I certainly did, that was the main reason I put the blame on Mrs. Callmbertie. I had to give some name that would appear plausible to my wife.

Q.—You knew of the trouble between Mrs. Botkin and Mrs. Seeley? A.—I did.

Q.—Was it directed against you? A.—No; it was on account of contemplated divorce proceedings between Mr. Botkin and wife.

Q.—You speak of close intimacy. What do you mean by that expression? A.—I told you at length of the life led by myself and Mrs Botkin. I tried to avoid speaking too plainly.

Q.—Well, what was its nature? A.—It was improper. Do you want further answer?

Q.—I want an answer. A.—My relations with Mrs Botkin were such as a married man has no right to have with a married woman or any other woman. (A long pause.) I have been with her and have remained over night in her apartments.

The court here interposed an objection in the name of decency and the questioning on that line ceased.

The witness was asked as to a feeling of hostility he bore toward Mrs Botkin. He said he had such a feeling, but it was not one looking toward vengeance. He came here as a witness to "condone" for the faults of his past life of excess.

Q.—When did this feeling of hostility

...and you had better not send any more mail to St. Thomas, as I will probably not go there now. This is the most beautiful island I have ever seen, and I have been almost ... in the ... since I have been here, wearing holes in my anatomy. I am really sorry the war is over, for I have certainly enjoyed it and I am in considerable uncertainty about the kind of work I will do when I get to New York. I am perfectly well, but it is better than blue blazes here. I hope everything has continued to be well with you. With my love,

J.

Theodore Kytka, pen artist and photographer, succeeded Dunning in the witness chair. He was shown the various examples of handwriting, and without going into the customary painful explanations, testified that they were in Mrs. Botkin's handwriting. He was taken through a profitless cross-examination by Attorney C. M. Wheeler of Humboldt, who gave a clever imitation of George Knight in one particular. He could lean as gracefully on the rail of the witness-stand as Mrs. Botkin's leading attorney. The resemblance ceased there. He drew from the witness the statement that the wrapper from the candy box had been ironed out. He had forgotten that Chief Lees had testified to this early in the trial. He then tried to prove by the witness that the passage of the iron over the paper had changed its appearance entirely. The most the witness would acknowledge was that the ironing had not removed the original creases but had merely leveled them.

Mr. Hosmer then placed Chief Lees on the stand to explain how he had done the terrible washing and ironing to which the bit of paper had been subjected. "Mr." Lees, as Senator McGowan persisted in calling him, told how he had handled the wrapper. The venerable Police Chief, who looks more and more like a real flesh and blood Santa Claus, was cross-examined to no purpose.

"If your Honor please," said Mr Hosmer, "the prosecution rests its case."

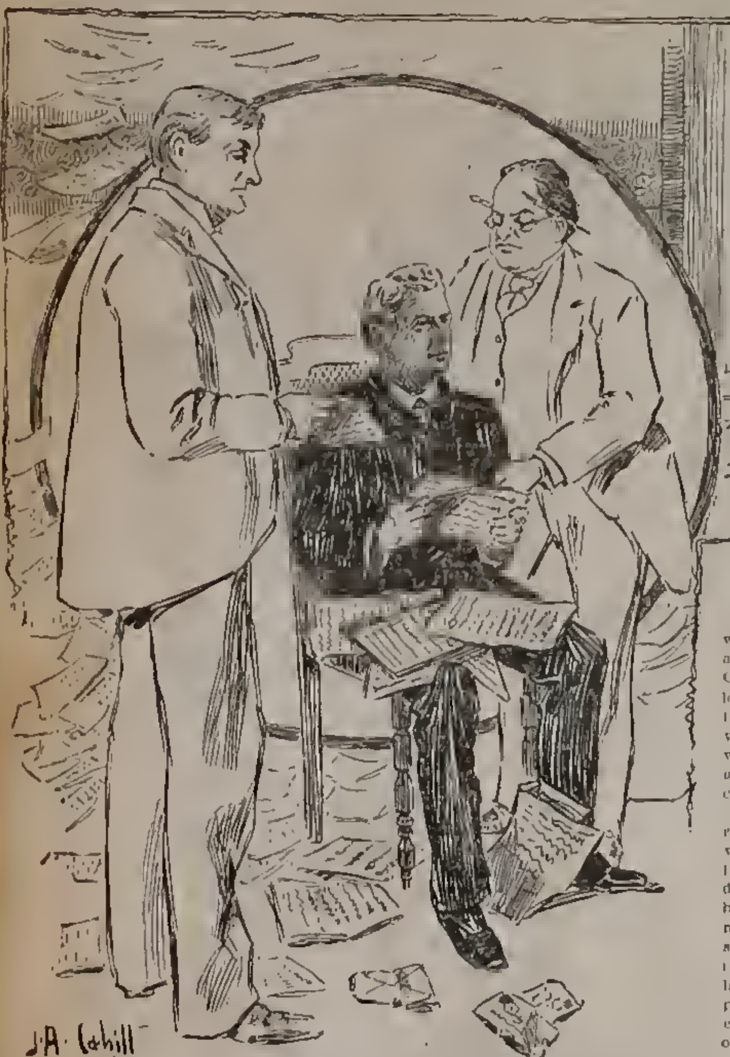
Judge Cook—Let the defense proceed.

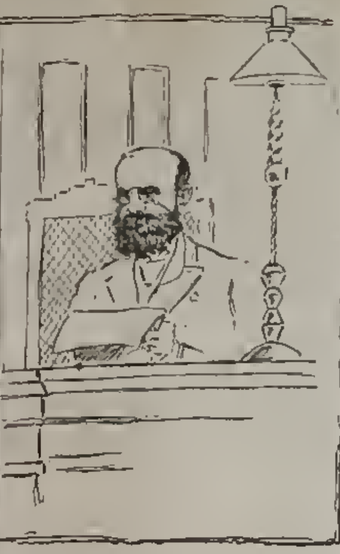
Mr McGowan then addressed the court, saying the defense did not expect the prosecution to conclude at so early an hour and was not prepared to place its witnesses on the stand at that time. He asked that the case go over until this morning. He said the defense would waive its right to an opening statement but reserved the right to call Mrs. Harris for further cross-examination.

Judge Cook agreed to the continuance, saying the trial was making most satisfactory progress that sixty-eight witnesses had been examined in seven days. The defense will commence its presentation of Mrs. Botkin's case at 10 o'clock.

An expert in handwriting is either very good or very bad. In one case he may be a scholarly gentleman of broad experience, undoubted ability and unquestionable integrity, and in the next but the paid hireling of the other side. It depends altogether upon whose expert he happens to be. In the Fair case, Mr Knight found Professors Ames and Professor Kytka men of probity and honesty. In the Davis will [illegible] his high opinion of them was confirmed, but in the Botkin case he will undoubtedly [illegible] that they are men who will [illegible] their opinions [illegible] highest bidder regardless of the fact that human life is at stake. The [illegible] [illegible] never make [illegible] [illegible] expense [illegible] two [illegible] handwriting.

JUDGE COFFEY AS A WITNESS IN JUDGE TROUTT'S COURT





Judge James M. Troutt.

JUDGE COFFEY had a novel experience yesterday in Judge Troutt's courtroom. Called by the complainant in the suit of Calvin F. Somers against the California Savings and Loan Society, Mrs. Maud Nolan and the executor of the Treadwell estate, the jurist was badgered and glared at by lawyers, told when to speak and when not to, and otherwise abused as witnesses are in cases where a large amount of money is the prize. Judge Coffey meekly bowed his head to the legal storm and humbly acknowledged that he was not an expert in handwriting but merely a Superior Judge, who in the course of his professional acts had gained a knowledge of the calligraphy of Mrs. Mabel Treadwell.

He laid no claim to fame as a decipherer of pothooks and hangers with which he had not a special acquaintance. The case on trial involves the disposition of $14,000 tied up in the hands of the savings and loan society made defendant, and title to which is sought by Summers, Mrs. Nolan and the Treadwell estate. The will of the late Millionaire Treadwell had been probated before Judge Coffey, and he certified to the widow's signature and other writing in various documents.

Judge Coffey was not quite sure about one paper, but he had an opinion, and this drew out the fact that he was not an expert but testifying only as regards writing with which he was familiar.

PETER McGLADE WILL PLEAD "NOT GUILTY"

DECEMBER 26, 1898.

Belief That Others Are Implicated.

MAY SHIELD A FRIEND

MORE SKELETONS IN THE WARRANT FORGERY CASES.

The Street Department Deputy's Attorney Says the Accused Will Soon Be Acquitted.

Is Peter W. McGlade, ex-Deputy Superintendent of Streets, and under indictment for forgery, trying to shield some one else equally or even more guilty?

This question has been asked frequently of late by many persons to whom the accused's affairs are well known. There is a growing inclination to the belief that there is more in the Street Department forgery cases than has made its appearance before the courts so far. There is no disposition to hold McGlade guiltless, the impression being that to say the least he is an accessory after the fact. Most of the surmises are based upon the actions of the accused and his attorneys, who are supposed to be in full possession of the inside facts and that the representatives of the law are not anxious to implicate any one else, if they can accomplish the acquittal of their client by other means. However one thing has been decided upon, and that is they will not have their client sacrificed to save any one, no matter what his social or political position may be.

As straws show which way the wind blows, so do the actions of McGlade and others indicate that there is more back of the forgery cases than has yet been made public; so argue the suspicious ones. In the first place they say Superintendent Ambrose's confidential deputy was well out of harm's way and might have eluded the officers of the law for an indefinite time, and may be forever, but he willingly came back to face the charges made against him. Was he promised protection? Some believe he was.

From the time of his return to the present he has maintained a strict silence, not even confiding to his most intimate friends a hint as to how he would meet the charges. McGlade's refusal to plead to the Grand Jury indictment before Superior Judge Cook last Saturday is looked upon as peculiar. His demand for time to plead, as allowed him by the law, is regarded as the first steps in a fight that may last indefinitely. Not a few believe that the ex-deputy will escape from very serious consequences, and their belief is to a great extent based upon something that happened after the court had adjourned.

McGlade's attorneys are the firm of Reddy, Campbell & Metson. Mr. Reddy asked the court for a continuance to give the defendant time to plead, and five days were allowed. The next was the announcement that at the proper time a motion would be made for a reduction of the bail from $10,000 on each of the two charges of forgery to $5000 on each. Good grounds for the request were promised, but what these good grounds are were not stated and so far they remain a secret. However, the attorneys lost no time in hunting for bondsmen, and they were successful, for a time. Mr. Metson, one of McGlade's attorneys, said he would go on one of the bonds, high as it was. When comment was made at the attorney taking such a risk he said: "I have no fear whatever. McGlade will be acquitted before his case goes to the jury. I know what I am doing."

This confident expression on the part of a careful lawyer lent additional weight to the belief already expressed. McGlade would have been out on Saturday evening on $20,000 bail but for the intervention of Superintendent of Streets Ambrose. Joseph Kelly, the capitalist and politician, was about to qualify on the bond with Mr. Metson, but Ambrose "pulled him down." It is said upon the argument that even if McGlade did get out he would be rearrested upon some other charges. Hence all further moves in the matter of getting bonds that night were called off until to-morrow, when a substitute for Kelly will be found. Somewhat to his annoyance McGlade spent his Christmas in the County Jail. He did not suffer for good things in the eating line, for when the meal time came his wife visited him and sent in as fine a dinner as one could wish to eat.

McGlade's confinement in the Broadway hotel does not seem to have had a very depressing effect upon him, for according to his own statements he is five pounds heavier than when he came back from his unannounced vacation in Deming, N. Mex. He declares that with the exception of a very little worry, that might be expected, he is in the best of health and spirits. Of the subject of his case McGlade has not a word to say, beyond that in keeping silent he is acting under the advice of his attorneys. One of the latter, Patrick Reddy, said yesterday that there was nothing out of the common practice in his asking for time for his client to plead.

"The law allows it and we should have a chance to learn the nature of the indictment," said he. "It is true we were told that the charge would be forgery, but we want time to look into the indictment before our client pleads. The indictment may be faulty and we may think it best to move to have it set aside upon statutory grounds, or we may put in a demurrer, which we certainly will do if there is the slightest grounds for such a course. When the time comes for McGlade to plead he will plead 'not guilty.' We are ready to go on with the trial at any time and meet the issue presented. I cannot say what our defense will be, for as I told you we have not had time to look into the indictment and we do not know what the exact charges are."

MRS. BOTKIN TALKING FOR HER LIFE.

PRISONER'S STORY MOSTLY DENIALS.

Sensation of the Defense Turns Out to Be an Alibi as to Those Unsigned Letters.

MRS. BOTKIN'S judges are having a chance to learn something of Mrs. Botkin's character from personal observation. Late yesterday afternoon the lady of the case shed her black veil so quietly that no one noticed she had discarded her weeds and the sleepy courtroom sat up with a start when Knight called in his superabundant voice "Mrs. Botkin."

She is small and plump, this leading woman of the case, and she tripped up to the witness chair, pausing midway to take the oath impressively and to give her name, which everybody knew—the name of the youngest and mildest of Lear's daughters.

But Mrs. Botkin is neither young nor mild and she might have been christened Regan or Goneril more appropriately. She shows temper in every turn of a hand, in every flashing glance, in every glittering tooth, when she raises her lip in a snarl that is not lovely, and even in the perky, bird-like motions of her head. No man can tell exactly what impression Mrs. Botkin made upon her judges. She was a woman talking for her life and telling a story that might save or damn her. Naturally, she was flustered and nervous. Mrs. Botkin is a bit of an actress, but it would take a greater mistress of stage craft than she to preserve entire calmness in such an ordeal. Her bosom heaved and now and then she caught her breath. She played nervously with her fingers and at times her voice was so monotonous and the downward droop of her eyes so persistent that she seemed to be reading. Whether the eyes were drooped in an assumption of coyness or modesty no one knows. At any rate, the ingenue role scarcely fits the experienced Mrs. Botkin.

The defendant sat with her back half turned on the teeming courtroom and her face turned full to the jury. Evidently it was to be allowed to watch the play of her countenance. Besides, Mrs. Botkin is accredited with powers of fascination. But Mrs. Botkin's countenance long since ceased to play. Only at times a genuine expression breaks through the habitual mask of reserve and illumines the face. Then it was that Mrs. Botkin flashed her eyes, which are handsome, into Lawyer Knight's face, or showed her teeth in a baleful way, like some animal brought to bay. But except for these transient gleams, Mrs. Botkin was an ordinary, everyday woman of the middle class, conceited, affected and desperately intent on putting the best foot forward.

The most striking thing about the prisoner is her affectation. It is probably a lifelong habit—so long worn that it has become second nature, and that she could not drop it if she would. The English accent is part of this, for Mrs. Botkin is an English woman from Missouri and her English is the English of the paper-covered novel. Mrs. Botkin makes a specialty of such words as "luggage," and calls her Tony Lumpkin of a son "the lad," though it is said that he is built like a barrel and weighs an incredible amount. Mrs. Botkin also says "me room" and "me apparel" and occasionally she drops the "h" from hotel without stopping to look for it. With her every room is an apartment and every buggy a carriage. She told how she drove from St. Helena to Healdsburg in "me sister's carriage," with suggestions of footmen and postilions and outriders. Mrs. Botkin's "a's" are broad enough for footbridges, but she shows a certain amount of superficial education in her correct pronunciation of French words, of which she is rather fond and which she does not English, for a wonder.

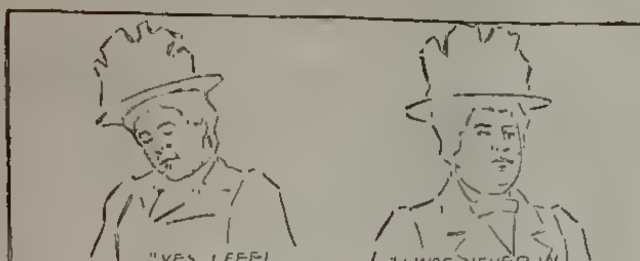
There was an utter lack of frankness about Mrs. Botkin's story and an apparent lack of ingenuousness. She recited so monotonously that many persons thought she was reading, and her performance bore all the earmarks of careful study. When she came to the place where she was obliged to speak of the time when she was first accused of the Delaware tragedy she made a full stop. After a melodramatic pause she caught her breath and went on.

"The next day," said Mrs. Botkin, with an indescribable drawl, "Miss Livernash came and told me that I was under strong suspicion" (full stop and a gulp) "of having caused the deaths of these unfortunate women. I was awfully shocked. I was insensible for several hours, and the shock was so great that Miss Livernash went away."

"How does it affect you now?" prompted Knight.

"I feel most sadly; yes," said the defendant.

history or antecedents, beginning the narration with her meeting with Dunning. Knight started the story with a few trivial questions, to which Mrs. Botkin replied with her name, with the statement that she had lived for ten or a dozen years in this city and was married, her husband residing in Stockton, Cal. She had known John P. Dunning, she said, since 1895. She was in Golden Gate Park with a woman friend when



"YES, I FEEL DEADLY."

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Dunning came along with a disabled bicycle. He made some remark about the wheel and followed it up with "making himself known to us," as Mrs. Botkin put it. From the dignity with which she made the statement, it might have been supposed that chance acquaintances were the most ordinary things in the world with respectable middle-aged married ladies, dwelling apart from their husbands. Mrs. Botkin next met her Nemesis on Grant avenue, on which occasion he raised his hat and walked a short distance with her.

"At this time," said Mrs. Botkin, "I was living at 2217 Bush street, where I stayed quite two years and where I was very, very ill. I was taken in a cab across the bay to my sister's house, where I was attended by Dr. Luke Robinson, now deceased. Mr. Dunning visited me twice at Mrs. McClure's, being admitted by my nurse, Mrs. Ruoff."

Mrs. Botkin told how she returned to San Francisco, taking up her residence at 1001 Bush street. Here she was joined by her son, and they moved to a small apartment at 717 Bush street, the mother desiring to make it more homelike for her boy and the income of the husband and father being somewhat diminished at that time. When the financial sky of the Botkins brightened mother and son removed to 927 Geary street.

"We remained there one year," said Mrs. Botkin. "Mr. Dunning visited us a great deal. He was at that time in sore financial straits and he asked financial assistance, which I was not then in a position to give him. He said he was in great fear of the strong hand of the law. He had a bit of social life with us there. My son was constantly with me, and I extended my hospitality willingly and kindly to Mr. Dunning. After leaving 927 Geary street I went to Humboldt county. I sailed on the Pomona on June 1st and returned to San Francisco on July 3d."

Mrs. Botkin described a few more of her wanderings from a boarding-house at 1222 Pine street to one at 1224, from which she went to the Victoria on the last of March.

"I lived there until Chief Lees arrested me," said Mrs. Botkin, with indescribable ardness. "On July 27th I left here to pay my periodical visit to my husband. On the Stockton boat I contracted a decided cold. As I had not been feeling very well before I left San Francisco I feared that I was threatened with pneumonia. I did not stop with my husband, but stayed at the hotel with Mrs. Ruoff. She was very unwilling that I should be ill there, and I, too, was very uncomfortable, as she had but ... having let all the

which we had planned while I was in Europe, and she was then attending an Adventist camp meeting. I expected to be gone about two months. I hired a room and packed my things. I stayed at the sanitarium at St. Helena, where my sister was for a couple of days, and then drove to Healdsburg in my sister's carriage, arriving there on August 6th. It was there I read an account of the tragedy in Dover, Del., and I called my sister's attention to it. It was a great shock to me. I told my sister that I was well acquainted with the husband, and it would be a great shock to him, as he was far away at the war.

"On the following Monday morning Miss Livernash came to the house, saying that she had been detailed to see me. I was doing the upstairs work at the time, and my sister said that a woman wished to see me. I told her that I knew nothing of the tragedy, but that I knew the husband. She asked how well I knew the husband, and I told her of the friendship. I got the letters, withholding none of them, and gave them to her. I said that I wished to tell her all, and mentioned that Mr. Dunning had been under a cloud financially, having taken his employer's money, but that I believed his repentance was sincere. Miss Livernash represented that she wished to help another woman in trouble, and I told her I merely wanted to tell the truth. The next day she told me that I was under strong suspicion of having caused the deaths of those unfortunate women."

Here Mrs. Botkin backed and filled, and when she had recovered went on to say that when Miss Livernash returned the witness was in Mrs. McClure's bed, but she saw Miss Livernash and told her she felt that she must go to her husband in Stockton the next day. Miss Livernash wanted to know why Mrs. Botkin wished to go to her husband, and Mrs. Botkin told her that she felt that she needed a man's advice, as Mr. McClure was not at home and Mrs. McClure lived a religious, unworldly life and was even more inexperienced than Mrs. Botkin herself. Mrs. Botkin related that Miss Livernash made some confidences regarding her own life which Mrs. Botkin told her she did not care to hear. Mr. Botkin met the two at the train and was not pleasantly impressed with Miss Livernash. He declined to talk with his wife until Miss Livernash had gone, but Mrs. Botkin persuaded him that Miss Livernash was her friend. Mrs. Botkin said that she told her husband that he must say why it was that he lived in Stockton while she lived in San Francisco.

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to prove that the letter might have been mailed in an open bag, but Knight declares that he has testimony as to the arrival of mail steamers from Eureka which destroys that theory.

The defense began the presentation of its case with the testimony of Dr. George M. Terrill. This witness told of being telephoned for on July 31st by Mrs. Botkin. He went to her room in the Victoria Hotel, and treated her for headache and nervousness. He did not know the exact hour of his visit, but was sure that it was between the hours of 3 and 5 P. M. The witness said that Mrs. Botkin made no effort to arise and go down town while he was there, a period of a half or three-quarters of an hour. In response to a question the witness said that an autopsy was the only absolute test in cases of arsenical poisoning.

Terrill was given a rigid cross-examination, his testimony being considered important, for the reason that he fixed the date of his visit as being about the time, even to the hour, of the purchase of the candy at Haas' store. The witness said he was sure of the date, as he had an operation at a hospital on that day. He made no entry of his visit to Mrs. Botkin, and although he had intended to make a charge he had forgotten to make an entry. The witness was asked if he had not said in an interview in Seattle that he had attended Mrs. Botkin the day before she left San Francisco to visit her husband in Stockton. The witness answered that he had not. Nor had he told a reporter that Mrs. Botkin was well enough at that time to do anything that any other person could do. "What I did say," the witness stated, "was that I did not think Mrs. Botkin was too ill to go out."

Assistant District Attorney Hosmer then made inquiry as to the witness' knowledge of arsenical poisoning, and forced him to admit ignorance as far as practical knowledge was concerned. The witness had never had a case of that kind, and he was under the impression that amorphous and crystalline arsenic were the same.

Thomas J. Ford, superintendent of mails, was the next witness. While he was on the stand the jurors received an other course of instruction as to the workings of the Postoffice Department. The witness examined the postmark on the wrapper and said it looked like the San Francisco mark, though he would not swear positively and considered the postmark illegible. There was no way of telling the date and hour when the package was mailed. Knight then had the witness tell of the experiences of a package on a journey eastward. Ford went into details, telling how a package went from hand to hand and was thrown about in mail sacks ... sixty to seventy points.

pearance, remaining on the stand just long enough to testify that he had told Mrs. Botkin that his wife and child were living in Dover, Del.

Mrs. Grace Harris, who testified as to the purchase of the handkerchief by Mrs. Botkin, was then recalled for further cross-examination. Knight first asked the witness why she had left the employ of Will & Finck. Hosmer objected and the question was ruled out. Knight asked several questions reflecting on the character of the witness, and said he wanted to show that she was a frequenter of saloons. The Court blocked the inquiry, and Knight said he would call other witnesses later for purposes of identification.

William H. Roberts, brother-in-law of Mrs. Botkin, then sprang the promised sensation of the defense. He testified that during the month of June, 1897, Mrs. Botkin was visiting relatives in Humboldt county. As one of the anonymous letters was postmarked San Francisco, June 18, 1897, the defense expected by this to knock out the testimony of the handwriting experts, who were positive that Mrs. Botkin wrote both anonymous letters.

While the lawyers for the defense were still chuckling over Roberts' testimony Hosmer gave them a surprise by admitting that the defendant was in Humboldt county during the time mentioned, from June 1st to July 3d.

On cross-examination Hosmer asked as to the trips of steamers and as to their facilities for carrying mail. When an objection was made to a question he stated that he wanted to show that a letter could be put into a steamer mail bag and would be brought to San Francisco before it was mailed. The Court ruled that such testimony would have to be reserved for rebuttal.

Dr. W. F. McNutt was the next witness. In his opinion a post-mortem examination was the only conclusive test in cases of arsenical poisoning.

Mrs. Grace Harris was recalled, and Hosmer withdrew his objection to the question as to why she had left the employ of Will & Finck. The witness said there was a general investigation, accusations of theft having been made, and she and several others were let out. "There was nothing proven," added the witness. Mrs. Harris said her testimony before the Grand Jury was confined to the handkerchief, no questions being asked as to the identity of the customer.

John H. Watkington, floor manager in the City of Paris, then told of the system under which clerks work in the place where he is employed. When a person makes several purchases to be delivered, he said, they get transfers from one department to another, and the address is taken only by the clerk who last waits on the customer.

On cross-examination he said there was nothing to prevent the first or any of the clerks from taking the address, but in a case like that related by Mrs. Harris the saleswoman would have no occasion to take the address.

On redirect examination the witness said that if the Victoria Hotel had been given as an address there would be a duplicate of that address on record.

James W. Mullen, employed by Redington & Co., wholesale druggists, was put on the stand for the purpose of introducing samples of powdered and lump arsenic. They were not admitted, as Knight had previously objected to the presentation of samples by Hosmer.

State Chemist Wolf of Delaware refused to identify the arsenic produced by the defense until he had made an examination. He agreed to examine the samples offered.

William Lee, who supervises the delivery of packages for the City of Paris, testified that he kept a record of every package sent out. At the suggestion of Chief of Police Lees he had made a search for a record of a delivery to the Victoria Hotel, and had failed to find it.

On cross-examination he admitted the possibility of one of the delivery tags being lost, but did not think it likely.

Dr. Terrill, at the request of the prosecution, then brought in his book of professional visits. It contained no entry of a visit to Mrs. Botkin. The witness said that in his Seattle interview he had stated that he attended the patient the day after her return from Stockton, ...

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"How does it affect you now?" [illegible] Knight.

"I feel most sadly; yes," said the defendant.

The story of Mrs. Botkin, carefully [illegible], flowed on almost without interruption, the words tumbling on each other's heels. There was little prompting from Knight. Once in a while Mrs. Botkin rounded herself up with a sharp turn and said to Knight, "Is this stupid? Shall I go on?"

The Judge threw down his pencil in [illegible] and the shorthand reporter put [illegible] steam.

According to the lady, she had always [illegible] with her son, and Dunning had [illegible] an incident—a penniless young man under a cloud of financial suspicion, who sought to borrow money from [illegible] and had been invited to partake of [illegible] hospitality. According to Mrs. Botkin's own story, Dunning was a [illegible] person whose chaperonage counted for much, and it was noticed that Dunning smiled broadly when Mrs. Botkin referred to Dunning as "entering into [illegible] of social pleasure" with them at [illegible] street. Throughout Mrs. Botkin's recital the Delaware witnesses sat with incredulous smiles upon their faces. They do not give Mrs. Botkin the benefit of the doubt.

The faces of the jurors were as impassive as those of sphinxes while Mrs. Botkin spun her web of denials. There [illegible] no [illegible] of enthusiasm on her [illegible]. Everything was carefully studied, [illegible] Mrs. Botkin's art is not that which [illegible] nature. She was most natural [illegible] she was most feminine. Once or [illegible] showed the claws in her velvet [illegible]. In speaking of Mrs. Seeley she [illegible] "I thought it was well to let the [illegible] her at home. It kept him from [illegible] dissipations and so for a time I [illegible] the intimacy between [illegible] and Mrs. Seeley, even if she [illegible] fourteen years [illegible] than he."

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Then came the most artfully constructed part of Mrs. Botkin's story. She told how the conversation with the doctor about poisons came to occur.

"Morphine was a poison," she said, "and I had never taken it before. I asked Dr. Stone what would happen if I took an overdose, and from talking of morphine poisoning we drifted to other things of that kind."

Mrs. Botkin related how, not liking to be ill away from home, she returned to San Francisco on July 30th. She was feeling a little better, and the next day had a light breakfast sent to her room. About 1:30 or 2 o'clock she thought she had better see a doctor, so she called up Dr. Terrill by telephone and asked him to visit her. He was the physician of a friend of hers, and she had never had a physician since the death of Dr. Robinson, and so she thought she would call him. He came between 3 and 4 o'clock.

"Were you out of your room besides going to the telephone on Sunday, July 31st?" asked Knight.

"I was not," replied Mrs. Botkin. "I was physically unfit."

"Did you go down to Haas' and purchase a box of chocolate creams?"

"I was never in the shop in my life," responded Mrs. Botkin, with dignity and an air of injured innocence.

"I gave up my apartment on August 6th," continued the prisoner, "and took the train for St. Helena. It was my regular midsummer visit to my sister, which we had planned while I was in Europe, and she was then attending an Adventist camp meeting. I expected to be gone about two months. I hired a room and packed my things. I stayed at the sanitarium at St. Helena, where my sister was for a couple of days, and then drove to Healdsburg in my sister's carriage, arriving there on August 6th. It was there I read an account of the tragedy in Dover, Del., and I called my sister's attention to it. It was a great shock to me. I told my sister that I was well acquainted with the husband, and it would be a great shock to him, as he was far away at the war.

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Then Knight began to put questions. Replying Mrs. Botkin said that the postal orders in evidence came to her while she was a purchasing agent for people up north. She swore that she had never bought a handkerchief of [illegible] Mrs. Harris and that she had [illegible] her memory, but could not [illegible] age ever sent to her at the Victoria.

Mrs. Botkin then went into the Seeley affair, telling how the woman went to Stockton, sometimes ten along [illegible] weeks at a time with Beverly [illegible] the witness feared that Beverly would make a mistake and be entrapped into an early marriage. When Mrs. Seeley returned from one of these Stockton visits she took Dunning into her confidence and told him that Mrs. Botkin wished to get a divorce so that he could marry Mrs. Aftergast.

"Later Mr. Botkin asked me for a divorce," said Mrs. Botkin, "but I told him I had been a dutiful wife to him and that now, with my youth gone, I would not consent to a divorce. I said I would not interfere with his pleasures, but that he should never be legally divorced."

With this Mrs. Botkin assumed the expression of a martyr. She told she had trunks full of letters from Botkin beseeching her for a divorce, but that Chief Lees had confiscated them.

Other testimony, much more important for the defense than anything Mrs. Botkin could say, had been introduced before she was put on the stand. The "lead-pipe cinch" which Knight has been snuggling in his sleeve proves to be an alibi for Mrs. Botkin at the time of the mailing in San Francisco of the first anonymous letter in June. [illegible] Knight caused every witness for the prosecution to swear most positively that the same person wrote the anonymous letters and addressed the package and wrote the decoy [illegible]. Yesterday [illegible] proved—and the [illegible] admitted it—that Mrs. Botkin was in Humboldt county at the time when the letter was mailed. The prosecution hopes to prove that the letter might have been mailed in an open bag, but Knight declares that he has testimony as to the arrival of mail steamers from Eureka which destroys that theory.

The defense began the presentation of its case with the testimony of Dr. George M. Terrill. This witness testified to being telephoned for on July 31st by Mrs. Botkin. He went to her room at the Victoria Hotel, and treated her for headache and nervousness. He did not know the exact hour of his visit, but was sure that it was between the hours of 3 and 5 P. M. The witness told that Mrs. Botkin made no effort to raise and go down town while he was there, a period of a half or three-quarters of an hour. In response to a question the witness said that an autopsy was the only absolute test in cases of arsenical poisoning.

Terrill was given a rigid cross-examination, his testimony being considered important, for the reason that he fixed the date of his visit as being about the time, even to the hour, of the purchase of the candy at Haas' store. The witness said he was sure of the date, as he had an operation at a hospital on that day. He made no entry of his visit to Mrs. Botkin, and although he had intended to make a charge he had forgotten to make an entry. The witness was asked if he had not said in an interview in Seattle that he had attended Mrs. Botkin the day before she left San Francisco to visit her husband in Stockton. The witness answered that he had not. Nor had he told a reporter that Mrs. Botkin was well enough at that time to do anything that any other person could do. "What I did say," the witness stated, "was that I did not think Mrs. Botkin was too ill to go out."

Assistant District Attorney Hosmer then made inquiry as to the witness' knowledge of arsenical poisoning, and forced him to admit ignorance as far as practical knowledge was concerned. The witness had never had a case of that kind, and he was under the impression that amorphous and crystalline arsenic were the same.

Thomas J. Ford, superintendent of mails, was the next witness. While he was on the stand the jurors received another course of instruction as to the workings of the Postoffice Department. The witness examined the postmark on the wrapper and said it looked like the San Francisco mark, though he would not swear positively and considered the postmark illegible. There was no way of telling the date and hour when the package was mailed. Knight then had the witness tell of the experiences of a package on a journey east-ward. Ford went into details, telling how a package went from hand to hand and was thrown about in mail sacks weighing from sixty to seventy pounds. The sacks [illegible] the packages [illegible] be piled with other sacks [illegible] weighing [illegible] and [illegible] Knight wanted [illegible] make a [illegible] and still be [illegible] [illegible] Dunning [illegible] the jury [illegible] and made out the [illegible] San Francisco, June [illegible], 189[illegible] [illegible] Superintendent Ford was [illegible] letter [illegible] remain in a San Francisco [illegible] twenty-four or thirty [illegible] saying it would be taken up within a [illegible] after it was deposited.

On cross-examination the witness said that all packages [illegible] by rough [illegible]. He thought such a [illegible] show evidences of wear and tear. In speaking of the postmark he said he would not swear that it was San Francisco. He called attention [illegible] supposed to read "Cal." [illegible] that after the "C" a [illegible] missing and [illegible] [illegible] a mark [illegible] or something attached to the stamp [illegible] in making the [illegible]

Ford said a package like the one in evidence [illegible] chocolate creams [illegible] [illegible] that such a package [illegible] at the [illegible] the fact that a package [illegible] dynamite secretly passed through the mails. With that Ford was excused.

John P. Dunning made a [illegible]

[illegible] on the stand [illegible] [illegible] and [illegible] [illegible]

Mrs. Grace Harris [illegible] [illegible] Knight asked several questions [illegible] said he wanted [illegible] that she [illegible] [illegible] and Knight said he would call other [illegible] purpose of identification.

William H. Rotaille [illegible] Mrs. Botkin [illegible] [illegible] that [illegible] Mrs. Botkin was [illegible] Humboldt county [illegible] San Francisco [illegible] [illegible] willing [illegible] that Mrs. Botkin [illegible]

While the [illegible] the defense [illegible] calling the [illegible] Humboldt county during the time [illegible] from June 1st to July 3d.

On cross-examination [illegible] asked as to the [illegible] of steamers [illegible] their facilities for carrying mail. When an objection was made to a question [illegible] stated that he wanted to show that a letter could be put into a steamer mail bag and would be brought to San Francisco before it was mailed. The court ruled that such testimony would have to be reserved for rebuttal.

Dr. W. P. McNutt was the next witness. In his opinion a post mortem examination was the only certain test in cases of arsenical poisoning.

Mrs. Grace Harris was recalled, and [illegible] withdrew his objection to the question as to why she had left the employ of Will & Finck. The witness said there was a general investigation [illegible] of theft having been made [illegible] she and several others were let out. "There was nothing proven," said the witness. Mrs. Harris said her testimony before the Grand Jury was confined to the handkerchief, no questions being asked as to the identity of the [illegible].

John H. Walkington, floor manager in the City of Paris, then told of the system under which clerks work in the place where he is employed. When a person makes several purchases to be delivered, he said, they get transfers from one department to another, and the address is taken only by the clerk who last waits on the customer.

On cross-examination he said there was nothing to prevent the first or any of the clerks from taking the address, but in a case like that related by Mrs. Harris the saleswoman would have to write on to take the address.

On redirect examination the witness said that if the Victoria Hotel had been given as an address there would be a duplicate of that address on record.

James W. Mullen, employed by Redington & Co., wholesale druggists, was put on the stand for the purpose of producing samples of powdered and lump arsenic. They were not admitted, as Knight had previously objected to the presentation of samples by Hosmer.

State Chemist Wolf of Delaware refused to identify the arsenic produced by the defense until he had made an examination. He again examined the samples offered.

William Lee, who supervises the delivery of packages for the City of Paris, testified that he kept a record of every package sent out. At the suggestion of Chief of Police Lees he had made a search for a record of a delivery to the Victoria Hotel, and had failed to find it.

On cross-examination he admitted the possibility of one of the delivery [illegible] being lost, but did not think it likely.

Dr. Terrill at the request of the prosecution then brought in his book of [illegible] and visits. It contained [illegible] of a visit to Mrs. Botkin. The witness said that in his Seattle interview he had stated that he attended the patient the day after her return from Stockton [illegible] instead of the day before [illegible]

Dr. William [illegible] [illegible]

[illegible]

[illegible] death from arsenical poisoning [illegible]

[illegible] of Mrs. Botkin [illegible]

[illegible]

All [illegible] will be [illegible] [illegible] examination which will [illegible]

MRS. BOTKIN'S DEFENSE IS FINISHED.

PRISONER ENDS HER NARRATIVE.

MERCY OF THE PROSECUTOR.

The Cross-Examination Is Not Long Nor Severe.

WITNESS MAKES A CHANGE OF TACTICS.

HER ATTORNEYS BANKING ON THE ALIBI AS TO UNSIGNED LETTERS.

A Queer Story About the Life of Dunning and the Women—Husband Approved of the Acquaintance.

IN SPITE of all the predictions, Mrs. Cordelia Botkin fared well on cross-examination. Like Mrs. Knoff, she had been warned to change her manner and she was much less affected, much less grotesque, much more womanly. She seemed to have read the newspaper criticisms of her manner and digested them, heartily as she must have disapproved of them. She made a much better impression on her second appearance than upon her debut, being gentler, more unassuming and not so positive. It was a noticeable fact that Knight did not hand any of the tangible evidence of the case to Mrs. Botkin. She was not required to handle the candy box, which she has never touched during the trial, nor the handkerchief nor the confections. Once or twice Mrs. Botkin wept a little, at which the jury seemed relieved, tears being the proper thing for a woman under these conditions. She wiped her eyes and her voice broke a little when she spoke of Dunning's ingratitude, and once she smiled glitteringly upon Hosmer.

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At another time she said she could not be sure about dates, as she was really incapable of giving them. Except for these frailties of memory, Mrs. Botkin's story went smoothly enough. Hosmer, who is a gentle-hearted man, did not try her with any of the exhibits of the case; nor did he try to see if her nerves would snap under the tension of angry questioning. He was even merciful in his inquiries about the relations of the prisoner and Dunning.

It was noticeable in the testimony that the place which belonged to Dunning was always his "room," while the prisoner's abode, whether one room or two, was always an "apartment." That is Mrs. Botkin's way of keeping up appearances. It reminded her hearers powerfully of the sentence passed upon her by the chambermaid of the Stockton hotel where she was arrested. The girl, a reader of "Lady Letitia's Love Letters" and literature of like class, remarked with round mouth and wide eyes: "Oh, she couldn't be guilty. Why, she is just like one of the fine ladies you read about in the story books."

And she is. In jail or anywhere else Mrs. Botkin will always have the airs of the fine lady. To her all pumpkins are coaches.

When Hosmer asked embarrassing questions Mrs. Botkin turned her round, full face away from the courtroom and squeezed a tear into her kerchief, which is always new and stiff. Her stout, black back was all that remained visible. Perhaps the fact that her profile is prettier than her full face had something to do with it.

The witness tried to explain her relations with Dunning, in whom her interest was purely motherly. According to her story, there was no impropriety, yet she admitted that she, a married woman living apart from her husband, and therefore doubly open to suspicion, allowed this unknown to scrape an acquaintance with her in the Park, to walk with her on the [illegible] afterward, and to talk to her at the [illegible]. Dunning asked permission to call, after these insufficient preliminaries, and came to see her in the afternoon. Almost immediately there was an invitation to dine, and [illegible] to a private room in a French restaurant. All this while Mrs. Dunning was still in the city. In extenuation Mrs. Botkin said that she went out with Dunning with her husband's [illegible]

paid Mrs. Price 25 cents, it being the only dinner she ever ate in her house. Mrs. Botkin stated that it was her custom to get her own breakfast on a gas contrivance that she had and to dine wherever she happened to be down town. That Sunday dinner, she stated, was served early, before the regular dinner for the house was prepared. On Monday Mrs. Botkin still felt far from well. About 4 o'clock she made herself partially presentable, to use her own words, and went down stairs to "a shop under the Victoria" in order to purchase some buns and some fruit. The grocer had no "buns," so Mrs. Botkin was obliged to put up with plain American bread. She crossed the street to get some fruit, bought a few toilet articles from the "chemist's shop" and returned to the Victoria. She almost fainted getting up the stairs, and Mrs. Price, who was in the hall, called to her reproachfully, and asked her why she had not sent the Japanese or Mrs. Price's little boy.

The prisoner told of Dunning's pitiable condition, of how he wrote her that he had drunk up all his salary in Salt Lake and should never be able to do anything there, and of how he asked her for funds so that he might return. These funds she sent, not desiring especially to have him here, but wishing to make it so that he could obtain employment.

One important statement made by Mrs. Botkin was that the anonymous letter sent to her by Dunning from Salt Lake was written in ink, was not in Mrs. Dunning's writing, with which she was familiar, and was the same as those admitted in evidence. This will probably be used in argument by the defense to account for the missing anonymous letter, to prove that Mrs. Dunning did not copy the letter before sending it to her husband, so that he might be able to detect the sender through the handwriting, and also to show that Dunning did not think the handwriting was Mrs. Botkin's at that time, though he now swears that he thinks it is.

Mrs. Botkin swore that she never addressed Mr. Dunning as "John P. Dunning," but always as "J. P. Dunning, Esq." She denied flatly that she ever sent Mrs. Dunning a box of candy, and denied that she had ever purchased arsenic in her life or that she knew Druggist Grey. She testified also that she consulted W. H. L. Barnes with the view of getting a divorce and that she never thought of marrying Dunning.

On cross-examination Mrs. Botkin told of a number of French restaurants where she and Dunning had dined, but she said that she more frequently paid for the meals than he did. She told how she would serve refreshments in her room after they had a game of whist or euchre. Asked of what these refreshments would consist, she said that she would "brew a pot of tea" or make a salad, that sometimes Mr. Dunning and Beverly would have beer together or an occasional "toaster" of whisky. In time Mrs. Botkin herself came to like the [illegible]

arrived from Eureka on the 17th or 18th was the Farallon, which does not carry mail and which left Eureka at 2:30 in the morning of June 11th and arrived here at 4 on the morning of the 18th.

Before Mrs. Botkin there were a couple of witnesses for the defense. One of them was Captain Callundan, called to tell that he knew Mrs. Grace Harris under another name at the time Will & Finck had trouble with thieving employes. The other witness was J. W. Bird, a brother-in-law of Kitty Deitner, who was called to testify as to her general reputation for honesty and veracity in the neighborhood in which she lives. Bird testified that the girl's reputation was exceedingly bad. He said that after her statement came out in the papers people around that neighborhood said: "How can you believe anything such a liar as Kitty Deitner says?" On cross-examination Hosmer asked Bird if it was true that he had made advances to Kitty which she rejected. Bird said that it was not he who made the advances, but Kitty. Bird became much excited and incoherent. He related how he went to Chief Lees and told him that Kitty Deitner would ruin his case, but the Chief said that she would make a good appearance before the jury. Bird said that all Kitty wanted was a trip East. Asked if he had said uncomplimentary things to Chief Lees about Kitty Deitner's mother and grandmother, he said that he did not recollect, but thought he might have said something about her mother, as she was his mother-in-law.

Bird testified that he was happily married—the first happily married person who has been on the stand in all this long and dreary case of jealousies, heart-burnings, infidelities and domestic infelicities.

THE TESTIMONY.

The taking of testimony in behalf of Mrs. Botkin was resumed yesterday morning with a slight variation from the expected programme. While the crowd impatiently waited for the defendant to take the stand and complete her story three minor witnesses were put on in an attempt to discredit important witnesses for the prosecution.

Captain J. J. Callundan, superintendent of Morse's patrol system, was called first. When asked if he was acquainted with Mrs. Grace Harris he replied, "I knew her under another name." He got no further, as the prosecution entered a vigorous and successful objection. Knight explained that his purpose was to impeach the testimony of Mrs. Harris by proving that she had confessed to theft committed while in the employ of Will & Finck. The explanation was of no avail, the Court ruling that the attempt to impeach testimony was not being made in the proper manner.

J. W. Bird then came on and testified as to the reputation of his sister-in-law, Kittie Deitner, for truth, honesty and integrity. He deemed it bad [illegible]

severed. If there was any understanding it was that they were always to be friends. Neither was there any understanding that they were ever to marry. The witness said she was bound by marriage ties of many years' standing, and so was he. She thought it better that such ties should not be broken. They had never discussed the matter and had not talked of Dunning abandoning his wife.

"I went out repeatedly with Mr. Dunning," said the witness. "My husband knew about it and permitted it. There was no secrecy in deceiving him, and our friendship was open."

Soon Mrs. Botkin drifted back in her story and told of Dunning's days of poverty. Before he left here to become a war correspondent, she said, his condition was pitiable and would have aroused the sympathy of any woman. He was in want and she did what she could for him. At this point the witness stopped and said she did not care to talk further of what she had done out of a feeling of sympathy.

Resuming her story, the witness said that Dunning was in Salt Lake five months. There his salary went for drink. He wrote to her telling her he thought that he could get a position in San Francisco. He wanted to reform and live down the past. She sent him funds to return. When he went to Salt Lake both thought they were parting for good.

Knight then made inquiries about the anonymous letter which Dunning had testified was copied and the copy sent to him by his wife. Mrs. Botkin said she had not kept Dunning's letter to her at the time he sent her what he called a copy of the anonymous letter. In her answer she had said that she also suspected Mrs. Seeley.

"Have you ever seen Mrs. Dunning's handwriting?" asked Knight.

"I have," answered the witness. "Mr. Dunning used to read portions of his wife's letters to the gatherings at 927 Geary street."

"Does her handwriting resemble that of the letter sent to you?"

"It does not; that letter was a perfect counterpart of these." As she replied Mrs. Botkin indicated the box containing the anonymous letters introduced in evidence.

Next came a series of direct questions bearing on vital points of the prosecution's case.

"Did you ever send a box of candy to Mrs. John P. Dunning?"

"I never did in my life," answered the witness without a change of tone or manner.

The witness then denied having asked Mrs. Knoff about mailing a package. She said she was familiar with the postal regulations and did not have to seek information. She said that Mrs. Knoff had talked to her about having packages sent from Stockton to San Francisco by boat so that they would be postmarked San Francisco.

"Have you ever written any kind of a letter to Mrs. John P. Dunning?" was Knight's next question.

"I never have," answered Mrs. Botkin decisively. Then she explained that when she wrote to Dunning she addressed the envelope, "J. P. Dunning, Esq." That was her custom, she said, and for further emphasis she remarked, "I never wrote the word John in my life."

"Did you ever see the box of candy introduced here before it was brought into court?"

"I did not."

"Did you on the 1st of June go into the [illegible] drug store and purchase arsenic?"

"I did not."

"Do you know Frank Grey?"

"I do not."

"Did you ever have any conversation with him?"

"I never have."

"Did you ever purchase arsenic and place it in chocolate candy?"

"I never did. I have never purchased arsenic in San Francisco or any other place."

The witness finished up her long list of denials by denying the purchase of the handkerchief, also the story of [illegible]

[illegible] of visiting a cafe "where they [illegible] the little drinking places." She [illegible] ning made a confidant of her and told [illegible] all about his family. She declared [illegible] spent very little money on her, and [illegible] "I more frequently paid for the [illegible] than he." She admitted that he had [illegible] her to theaters, saying "he had the [illegible] free." Dunning's change of residence [illegible] 927 Geary street, she said, was due [illegible] desire to obtain better conveniences [illegible] less expense. The witness said that [illegible] at 927 Geary street Dunning was with [illegible] a great deal in the house and at the [illegible]

"Did you take meals with him?" [illegible] Hosmer.

"He took his meals with me," [illegible] Mrs. Botkin.

The witness told of Dunning after [illegible] ing back from the races "without [illegible] penny." The social life at 927 Geary [illegible] was defined as consisting of dinners, [illegible] and refreshments, the latter largely [illegible] up of "bracers" mixed from whisky.

A flash of spirit followed Hosmer's [illegible] inquiry. He wanted to know whether [illegible] occupied the same apartment with Dunning. "He occupied his own room [illegible] occupied mine," she said, haughtily. [illegible] her excitement she forgot to say [illegible] ment. Further inquiries in this line [illegible] ruled out.

The witness said she had introduced Dunning to her husband at her [illegible] Both Botkin and herself referred to [illegible] ning as "Jack." She said she corresponded with Dunning while he was in Salt Lake City, writing once or twice a month [illegible] sometimes her letters were quite long. She was rather glad when he returned to San Francisco because he felt that he [illegible] an opportunity to improve his condition. When he returned she was living at [illegible] California street, at which place she [illegible] son to furnish him food when he had [illegible]. The witness said that before he [illegible] the Victoria Hotel Dunning [illegible] on a sofa at the Press Club. She [illegible] that she paid his rent at the hotel for [illegible] four days he remained there before [illegible] ing for the East.

Mrs. Botkin then told of her departure from this city on August 4th, the day [illegible] which the box of candy is supposed [illegible] have been mailed. She took the [illegible] mento-street cars, she said and got [illegible] the turntable at the ferry. She did [illegible] make any stops on the way. After [illegible] reached the ferry she checked her [illegible]. Then she took the boat which [illegible] left at 7:30 P. M., but said it might [illegible] been 4:30. She went to St. Helena by [illegible] of Vallejo Junction, and three days [illegible] went to Healdsburg. The witness [illegible] her month's visit to Humboldt [illegible] without adding anything to her direct [illegible] timony. In answer to a question [illegible] that she visited Mrs. [illegible] before [illegible] left San Francisco for St. Helena [illegible] [illegible] She wrote Mrs. [illegible] letter from Healdsburg. A question [illegible] the contents of the letter was ruled [illegible] Mrs. Botkin was then asked about [illegible] shopping trips to the City of Paris [illegible] goods store. She said she had been at [illegible] more frequently but had made [illegible] visits there during the last year.

The representatives of the prosecution [illegible] held a whispered consultation and [illegible] slow Hosmer said: "That is all."

Mrs. Botkin stepped lightly down [illegible] the stand and her chief counsel said [illegible] pleasantly: "That is our case."

"Any rebuttal?" was the [illegible] ance of Judge Cook, and Hosmer [illegible] explain why the prosecution would [illegible] an adjournment to Tuesday at [illegible]. As there were a few minutes [illegible] ness available, he called W. H. [illegible]. This witness was asked about whether steamer Humboldt carried mail. [illegible] objection was made to the [illegible] was explained that he [illegible] steamers plying between Eureka and San Francisco brought mail from the [illegible] put in sacks and that the mail [illegible] stamped until it reached San Fran[illegible]

"The mere fact that Mrs. Botkin [illegible] Eureka," said Hosmer, "would [illegible] prevented her from sending the [illegible] [illegible] dated June [illegible]

[illegible] to the City Hall. He is expected [illegible] state that on each of his trips from Humboldt county the mail pouch at the wharf contained from fifty to 600 letters. He will tell how he takes charge of the letters and posts them at the Ferry Postoffice on his arrival in this city.

All letters that are dropped in the open mail pouch on the Eureka wharf are supposed to be stamped by the purser with a postmark bearing the mark "Way." The anonymous letter of June 18th, which was sent to Mrs. Dunning, has no mark of this kind, but this fact does not phase the prosecution. They say that the purser is supposed to so stamp such letters, but that he seldom does.

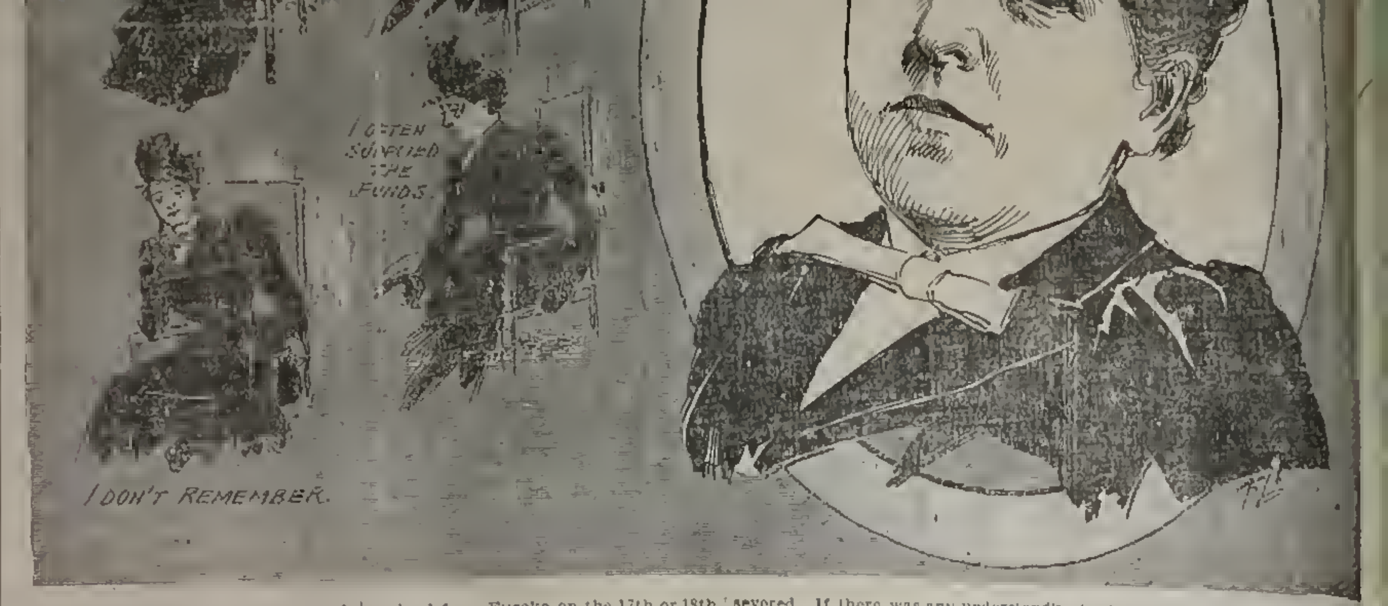
The defense is not troubled over this last move of the prosecution. They say the steamers Humboldt and Pomona are the only ones that carry the United States mail. They further claim that the prosecution has no facts on which to base its theory, and that the evidence will not be legitimate, because on the line of conjecture.

Mrs. Botkin expects to pass a rather pleasant Christmas. She is hopeful of a favorable termination of the case, and her sisters, Mrs. Roberts and Mrs. McClure, will do what they can to make the day cheerful.

CHANGE OF TACTICS.

HER ATTORNEYS BANKING ON THE ALIBI AS TO UNSIGNED LETTERS.

A Queer Story About the Life of Dunning and the Woman—Husband Approved of the Acquaintance.



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Mrs. Botkin had a plausible explanation of how Mrs. Price happened to see her in the hall of the Victoria with packages. The defendant had already said that she was not out of her room on Sunday, July 31, except to telephone to the doctor. She said yesterday that she did not board at the Victoria, because she did not like the food, but on Sunday, the 31st, her dinner was served at her bedside by the Japanese servant. For that Sunday dinner Mrs. Botkin town. That Sunday dinner, she stated, was served early, before the regular dinner for the house was prepared. On Monday Mrs. Botkin still felt far from well. About 4 o'clock she made herself partially presentable, to use her own words, and went down stairs to "a shop under the Victoria" in order to purchase some buns and some fruit. The grocer had no "buns," so Mrs. Botkin was obliged to put up with plain American bread. She crossed the street to get some fruit, bought a few toilet articles from the "chemist's shop" and returned to the Victoria. She almost fainted getting up the stairs, and Mrs. Price, who was in the hall, called to her reproachfully, and asked her why she had not sent the Japanese or Mrs. Price's little boy.

The prisoner told of Dunning's pitiable condition, of how he wrote her that he had drunk up all his salary in Salt Lake and should never be able to do anything there, and of how he asked her for funds so that he might return. These funds she sent, not desiring especially to have him here, but wishing to make it so that he could obtain employment.

One important statement made by Mrs. Botkin was that the anonymous letter sent to her by Dunning from Salt Lake was written in ink, was not in Mrs. Dunning's writing, with which she was familiar, and was the same as those admitted in evidence. This will probably be used in argument by the defense to account for the missing anonymous letter, to prove that Mrs. Dunning did not copy the letter before sending it to her husband, so that he might be able to detect the sender through the handwriting, and also to show that Dunning did not think the handwriting was Mrs. Botkin's at that time, though he now swears that he thinks it is.

Mrs. Botkin swore that she never addressed Mr. Dunning as "John P. Dunning," but always as "J. P. Dunning, Esq." She denied flatly that she ever sent Mrs. Dunning a box of candy, and denied that she had ever purchased arsenic in her life or that she knew Druggist Grey. She testified also that she consulted W. H. L. Barnes with the view of resisting a divorce and that she never thought of marrying Dunning.

On cross-examination Mrs. Botkin told of a number of French restaurants where she and Dunning had dined, but she said that she more frequently paid for the meals than he did. She told how she would serve refreshments in her room after they had a game of whist or euchre. Asked of what these refreshments would consist, she said that she would "brew a pot of tea" or make a salad, that sometimes Mr. Dunning and Beverly would have beer together or an occasional "bracer" of whisky. In time Mrs. Botkin herself came to like the fancy drinks that the men mixed, but more frequently she confined herself to tea. At 1256 California street Mrs. Botkin kept a free food bureau for Dunning. At that time he was without the wherewithal to pay room rent and was sleeping on a sofa at the Press Club.

Mrs. Botkin was then hurried forward in her story to August 4th, when she went to St. Helena. She said that she came down in the Sacramento-street cars, checked her luggage to Healdsburg on Mr. McClure's ticket, bought a ticket for St. Helena and took the boat. She denied that she mailed anything at the Postoffice. Mrs. Botkin said she had visited a Mrs. Carter on the morning of August 3d.

To the surprise of the courtroom this ended the cross-examination. Knight made a grand-stand play, inviting the jury to step up and question Mrs. Botkin, but no one had any questions to ask and the prisoner stepped down. Her sisters, who had listened to her recital, were crying softly. Miss Brown is away, but Mrs. Roberts of Eureka, who strongly resembles her, sat in her place.

"That's our case," said Knight simply.

Hosmer at once called W. H. Roberts in rebuttal, seeking to prove that a letter could have been mailed in Eureka and come here without postmark in time to be stamped June 18th. The defense meets this proof with records showing that the only steamer which arrived from Eureka on the 17th or 18th was the Farallon, which does not carry mail and which left Eureka at 2:30 in the morning of June 17th and arrived here at 4 on the morning of the 18th.

Before Mrs. Botkin there were a couple of witnesses for the defense. One of them was Captain Callundan, called to tell that he knew Mrs. Grace Harris under another name at the time Will & Finck had trouble with thieving employes. The other witness was J. W. Bird, a brother-in-law of Kitty Dettner, who was called to testify as to her general reputation for honesty and veracity in the neighborhood in which she lives. Bird testified that the girl's reputation was exceedingly bad. He said that after her statement came out in the papers people around that neighborhood said: "How can you believe anything such a liar as Kitty Dettner says?" On cross-examination Hosmer asked Bird if it was true that he had made advances to Kitty which she rejected. Bird said that it was not he who made the advances, but Kitty. Bird became much excited and incoherent. He related how he went to Chief Lees and told him that Kitty Dettner would ruin his case, but the Chief said that she would make a good appearance before the jury. Bird said that all Kitty wanted was a trip East. Asked if he had said uncomplimentary things to Chief Lees about Kitty Dettner's mother and grandmother, he said that he did not recollect, but thought he might have said something about her mother, as she was his mother-in-law.

Bird testified that he was happily married—the first happily married person who has been on the stand in all this long and dreary case of jealousies, heart-burnings, infidelities and domestic infelicities.

THE TESTIMONY.

The taking of testimony in behalf of Mrs. Botkin was resumed yesterday morning with a slight variation from the expected programme. While the crowd impatiently waited for the defendant to take the stand and complete her story three minor witnesses were put on in an attempt to discredit important witnesses for the prosecution.

Captain J. J. Callundan, superintendent of Morse's patrol system, was called first. When asked if he was acquainted with Mrs. Grace Harris he replied, "I knew her under another name." He got no further, as the prosecution entered a vigorous and successful objection. Knight explained that his purpose was to impeach the testimony of Mrs. Harris by proving that she had confessed to theft committed while in the employ of Will & Finck. The explanation was of no avail, the Court ruling that the attempt to impeach testimony was not being made in the proper manner.

J. W. Bird then came on and testified as to the reputation of his sister-in-law, Kittie Dettner, for truth, honesty and integrity. He deemed it bad, and Knight asked him no further questions. Assistant District Attorney Hosmer was not so kind. He asked numerous questions and dragged out skeletons which the witness would fain have concealed. Bird admitted having been to Chief Lees with stories of family troubles. The witness said there had been a clash between Miss Dettner and himself, but he denied having any prejudice against her. He spurned the idea of being in love with his wife's sister, and when asked if he had not sought to charm her while she was cashier in his store he grew excited and almost shouted, "If there were any approaches made they came from the other side." Bird said his opinion that Miss Dettner was untruthful had been expressed by the young lady's brother and by several neighbors. He quoted one of the neighbors as commenting on her statement to the police, "What can you do with a liar like Kittie Dettner?" Bird wanted to argue almost every question asked on cross-examination and was rebuked several times by the Court.

Mrs. A. F. Grant of Healdsburg went on the stand and testified as to meeting Miss Lizzie Livernash on a train. The witness, in response to a question by Knight, said that Miss Livernash had told her that she gained the confidence of Mrs. Botkin by representing herself to be a woman of the world. The cross-examination of Mrs. Grant was brief and without interest. At its close a new Mrs. Botkin, far different from the harsh and glib-tongued woman of the day before, went quietly to the witness' chair and meekly faced the jury.

Mrs. Botkin resumed her fateful story by telling briefly of her correspondence with Dunning. After he went away he wrote the first letter, she said, and he constantly kept her informed as to his changes of address. The witness was then asked as to Dunning's departure last April. She said she accompanied him to the Sixteenth-street station, Oakland. When they parted there was no understanding that their friendship was to be severed. If there was any understanding it was that they were always to be friends. Neither was there any understanding that they were ever to marry. The witness said she was bound by marriage ties of many years' standing, and so was he. She thought it better that such ties should not be broken. They had never discussed the matter and had not talked of Dunning abandoning his wife.

"I went out repeatedly with Mr. Dunning," said the witness. "My husband knew about it and permitted it. There was no secrecy in receiving him, and our friendship was open."

Soon Mrs. Botkin drifted back in her story and told of Dunning's days of poverty. Before he left here to become a war correspondent, she said, his condition was pitiable and would have aroused the sympathy of any woman. He was in want and she did what she could for him. At this point the witness stopped and said she did not care to talk further of what she had done out of a feeling of sympathy.

Resuming her story, the witness said that Dunning was in Salt Lake five months. There his salary went for drink. He wrote to her telling her he thought that he could get a position in San Francisco. He wanted to reform and live down the past. She send him funds to return. When he went to Salt Lake both thought they were parting for good.

Knight then made inquiries about the anonymous letter which Dunning had testified was copied and the copy sent to him by his wife. Mrs. Botkin said she had not kept Dunning's letter to her at the time he sent her what he called a copy of the anonymous letter. In her answer she had said that she also suspected Mrs. Seeley.

"Have you ever seen Mrs. Dunning's handwriting?" asked Knight.

"I have," answered the witness. "Mr. Dunning used to read portions of his wife's letters to the gatherings at 927 Geary street."

"Does her handwriting resemble that of the letter sent to you?"

"It does not; that letter was a perfect counterpart of these." As she replied Mrs. Botkin indicated the box containing the anonymous letters introduced in evidence.

Next came a series of direct questions bearing on vital points of the prosecution's case.

"Did you ever send a box of candy to Mrs. John P. Dunning?"

"I never did in my life," answered the witness without a change of tone or manner.

The witness then denied having asked Mrs. Ruoff about mailing a package. She said she was familiar with the postal regulations and did not have to seek information. She said that Mrs. Ruoff had talked to her about having packages sent from Stockton to San Francisco by boat so that they would be postmarked San Francisco.

"Have you ever written any kind of a letter to Mrs. John P. Dunning?" was Knight's next question.

"I never have," answered Mrs. Botkin decisively. Then she explained that when she wrote to Dunning she addressed the envelope, "J. P. Dunning, Esq." That was her custom, she said, and for further emphasis she remarked: "I never wrote the word John in my life."

"Did you ever see the box of candy introduced here before it was brought into court?"

"I did not."

"Did you on the 1st of June go into the Owl drug store and purchase arsenic?"

"I did not."

"Do you know Frank Grey?"

"I do not."

"Did you ever have any conversation with him?"

"I never have."

"Did you ever purchase arsenic and place it in chocolate candy?"

"I never did. I have never purchased arsenic in San Francisco or any other place."

The witness finished up her long list of denials by denying the purchase of the handkerchief, also the story of Mrs. Grace Harris that she purchased two handkerchiefs and had them sent to the Victoria Hotel.

Mrs. Botkin then testified that she had consulted W. H. L. Barnes in regard to resisting a divorce suit in case one was brought by her husband. She said there was no understanding that she was to go to New York and join Dunning. For his own sake she was glad when he went away and she had hoped that he would prosper.

The witness then took a shy at the testimony of Mrs. Birdie Price, who is positive that she saw her enter the hotel with two small bundles on Sunday, July 31, the day when the candy was purchased. Mrs. Botkin's attack was in the way of an explanation.

"I never go out of my apartments on Sundays," she said. "I was not out on July 31st. The next day, between 3 and 4 o'clock, I made myself presentable and went to the shop under the Victoria Hotel to get some buns and some fruit. I did not care for the food of the hotel. I was not able to get the buns, and got a loaf of bread instead. I got the fruit and then went to the chemist's shop near by and purchased a few articles of toilet. On my way up stairs, as I was returning to my apartments, I met Mrs. Price."

Mrs. Botkin then spoke in praise of Mrs. Dunning, saying she thought her too good for her husband and rather narrow in her ideas. She denied again that she had ever discussed marriage with Dunning, and with that her direct examination closed.

Then came the cross-examination, and with it a disappointment for the expectant crowd. Hosmer was a kindly inquisitor, and only once did his inquiries arouse a spirit of antagonism in the witness.

In response to questions Mrs. Botkin in brief answers retold her story of meeting Dunning, how he requested to call and how he became a constant visitor at her rooms. While his family was here she did not go out with him. She gave the names of several restaurants where she had dined with Dunning, and also spoke naively of visiting a cafe "where it ... the little drinking places." She said Dunning made a confidant of her and told all about his family. She declared ... spent very little money on her and ... "I more frequently paid for the ... than he." She admitted that he had taken her to theaters, saying "he had the ... free." Dunning's change of residence ... 927 Geary street, she said, was due ... desire to obtain better conveniences ... less expense. The witness said that ... at 927 Geary street Dunning was with ... a great deal in the house and ... the ...

"Did you take meals with him?" ... Hosmer.

"He took his meals with me," ... Mrs. Botkin.

The witness told of Dunning after ... ing back from the ... "without ... penny." The social life at 927 Geary ... was defined as consisting of dinners, ... and refreshments, the latter largely ... up of "bracers" mixed from whisky.

A flash of spirit followed Hosmer's ... inquiry. He wanted to know whether ... occupied the same apartment with ... ning. "He occupied his own room ... occupied mine," she said, haughtily ... her excitement she forgot to say ... ment. Further inquiries in this line ... ruled out.

The witness said she had introduced Dunning to her husband at her ... Both Botkin and herself referred to ... ning as "Jack." She said she corresponded with Dunning while he was in Salt Lake City, writing once or twice a month ... sometimes her letters were quite long. She was rather glad when he returned to San Francisco because he felt that he ... an opportunity to improve his condition. When he returned she was living at ... California street, at which place she ... gan to furnish him food when he had ... The witness said that before he went to the Victoria Hotel Dunning was sleeping on a sofa at the Press Club. She ... that she paid his rent at the hotel ... four days he remained there before ... ing for the East.

Mrs. Botkin then told of her departure from this city on August 4th, the day on which the box of candy is supposed to have been mailed. She took the Sacramento-street cars, she said, and got ... the turntable at the ferry. She did not make any stops on the way. After ... reached the ferry she checked her trunk. Then she took the boat, which she thinks left at 3:30 P. M., but said it might have been 4:30. She went to St. Helena by way of Vallejo Junction, and three days ... went to Healdsburg. The witness told of her month's visit to Humboldt ... without adding anything to her direct testimony. In answer to a question she ... that she visited Mrs. Carter before ... left San Francisco for St. Helena on August 4th last. She wrote Mrs. Carter a letter from Healdsburg. A question as to the contents of the letter was ruled out. Mrs. Botkin was then asked about ... shopping trips to the City of Paris dry goods store. She said she had been to the place frequently, but had made very ... visits there during the last year.

The representatives of the prosecution held a whispered consultation and at its close Hosmer said: "That is all."

Mrs. Botkin tripped lightly down from the stand and her chief counsel said impressively: "That is our case."

"Any rebuttal?" was the laconic ... ance of Judge Cook, and Hosmer ... explain why the prosecution would ... an adjournment to Tuesday at that ... As there were a few minutes and one ... ness available, he called W. H. Roberts. This witness was asked about whether the steamer Humboldt carried mail. When ... objection was made to the question ... mer explained that he wished to show ... steamers plying between Eureka and San Francisco brought mail from the ... port in sacks and that the mail was ... stamped until it reached San Francisco.

"The mere fact that Mrs. Botkin was ... Eureka," said Hosmer, "would not ... prevented her from sending the anonymous letter which is dated June 11th and postmarked June 18th."

The witness was allowed to answer and said that he had heard of letters being ... tied that way. As the prosecution did not ... claim that the letter came down on the Humboldt further questions were ruled out.

Knight grew jovial and Hosmer said: "We shall show on what steamer the letter did come."

"That is another matter," remarked Judge Cook. He then ordered an adjournment until 10 o'clock Tuesday morning.

DECEMBER 25, 1898.

WILL ATTEMPT TO TRACE THE LETTER TO HER.

Prosecution Claims It Can Prove Mrs. Botkin Mailed It.

Asserts That Anonymous Communication Was Sent From Eureka.

When Mrs. Botkin's trial is resumed Tuesday morning the prosecution will present evidence to try and establish the fact that Mrs. Botkin mailed the anonymous letter sent to Mrs. Dunning and postmarked in San Francisco June 17th last. The contention of the prosecution is that Mrs. Botkin mailed the letter at Eureka, but through the laxity of the purser of the steamer Farallone it was not postmarked until after deposited in the Postoffice here. Mrs. Botkin expects to spend a pleasant Christmas, and her sisters, Mrs. Roberts and Mrs. McClure, will do what they can to make the day cheerful.

The trial of Mrs. Cordelia Botkin will be resumed on Tuesday morning at 10 o'clock. The prosecution is prepared to put in its rebuttal testimony as soon as the jury roll is disposed of. The attorneys for the defense will be largely guided in the presentation of rebuttal testimony by the evidence submitted by the prosecution. Both the prosecution and the defense feel confident that the case will be submitted to the jury Thursday.

The prosecution still holds to the belief that Mrs. Botkin wrote the anonymous letter postmarked San Francisco, June 18th, and an effort will be made to claim her as the author.

Before the defense submitted its testimony it was the theory of the prosecution that Mrs. Botkin was in this city on June 18th, and that she attended personally to mailing the anonymous letter directed to Mrs. Dunning. But since it has been shown, beyond question, that Mrs. Botkin was not in this city and could not have posted the letter here, the prosecution has been figuring on a possibility and looking around for another theory.

At last they have found it. They are now willing to admit that Mrs. Botkin was in Humboldt county on the day the letter was postmarked in this city. But they say that there is every reason to believe that she dropped the letter into the open mail pouch at the steamer just before the vessel cleared the wharf.

The prosecution has been making careful inquiry during the past three days about the occurrences at the wharf in Eureka on the 11th of last June. They have also been investigating the postal customs of the place.

Their inquiry produced the information that the steamer Farallone left that day for San Francisco, and that it is the custom to leave the mail pouch, which is stationed near the gangway, open until a few minutes before the steamer starts, in order to give people who were too late to get their letters into the mail through the postoffice an opportunity of posting them.

The prosecution will claim that all of the steamers that ply between this port and Eureka carry the United States mail. The purser of the Farallone will be subpoenaed as soon as he reaches port on Tuesday and taken to the City Hall. He is expected to state that on each of his trips from Humboldt county the mail pouch at the wharf contained from fifty to 500 letters. He will tell how he takes charge of the letters and posts them at the Ferry Postoffice on his arrival in this city.

All letters that are dropped in the open mail pouch on the Eureka wharf are supposed to be stamped by the purser with a postmark bearing the mark "Way." The anonymous letter of June 18th, which was sent to Mrs. Dunning, has no mark of this kind, but this fact does not phaze the prosecution. They say that the purser is supposed to so stamp such letters, but that he seldom does.

The defense is not troubled over this last move of the prosecution. They say the steamers Humboldt and Pomona are the only ones that carry the United States mail. They further claim that the prosecution has no facts on which to base its theory, and that the evidence will not be legitimate, because on the line of conjecture.

Mrs. Botkin expects to pass a rather pleasant Christmas. She is hopeful of a favorable termination of the case, and her sisters, Mrs. Roberts and Mrs. McClure, will do what they can to make the day cheerful.

FRIENDS OF M'GLADE CALL AT THE JAIL.

Of course the circumstances in which I happen to be placed interfered with the enjoyment of the Christmas dinner, but it served quite well even in the jail. My folks sent me the dinner and a number of friends visited me during the day. I enjoyed the meal and the conversation with my friends and was gratified to hear from them that I can leave here to-night or to-morrow. PETER M'GLADE.

MRS. ANNA BECKER, WHOSE DEVOTION CONTROLS HER DESTINY.

TRUE wifely devotion animated Mrs. Anna Becker's journey to San Francisco, for she has just arrived from New York to offer what comfort she may to her husband, Charles Becker, known on two continents as the "Prince of Forgers," before he goes to San Quentin to serve a term of seven years for forging a $22,000 check on the Crocker-Woolworth Bank. During Becker's first trial his wife sat beside him every day, and when the Supreme Court granted a new trial she was assured that there was no danger of his conviction because of the lack of legal evidence, so she returned to her business interests in the East in order to earn more money to pay the lawyers who were defending him. A second trial was had and the jury disagreed, but all at once the entire phase of the case was altered by all of Becker's accomplices turning State's evidence against him. There was nothing left for him to do but to plead guilty and throw himself on the mercy of the court. This change came so suddenly that Becker had to act quickly, and his wife was not able to sit beside him at the supreme hour of his misfortune. But she telegraphed that she would come across the continent to be near him, as soon as steam could fetch her, and the only favor he asked from the court was that he might remain in the County Jail long enough to eat his Christmas dinner with his wife. This concession was granted, so Mr. and Mrs. Becker will dine together to-day, and then Becker will take his departure for the State Prison. Mrs. Becker does not consider that she is doing more than any wife should. She says she married her husband for better or worse, that nothing but death can separate them, and that so long as she lives she will devote her most earnest efforts to ameliorate his lot and to secure the amnesty to which she feels that he is entitled, as all of his accomplices seem in a fair way to go free.

CHRISTMAS OF MRS. BOTKIN.

CHRISTMAS Day this year was unlike that of all previous years for Mrs. Cordelia Botkin. In the events of the past few weeks there has been nothing to indicate to her the approach of the glad holiday season. With the evidence for and against her now all in, and her fate hanging in the balance, there was neither mirth nor joy for her on the coming of the festal day. She has to look forward to another week before her judges and the decision of the issue on which her life depends.

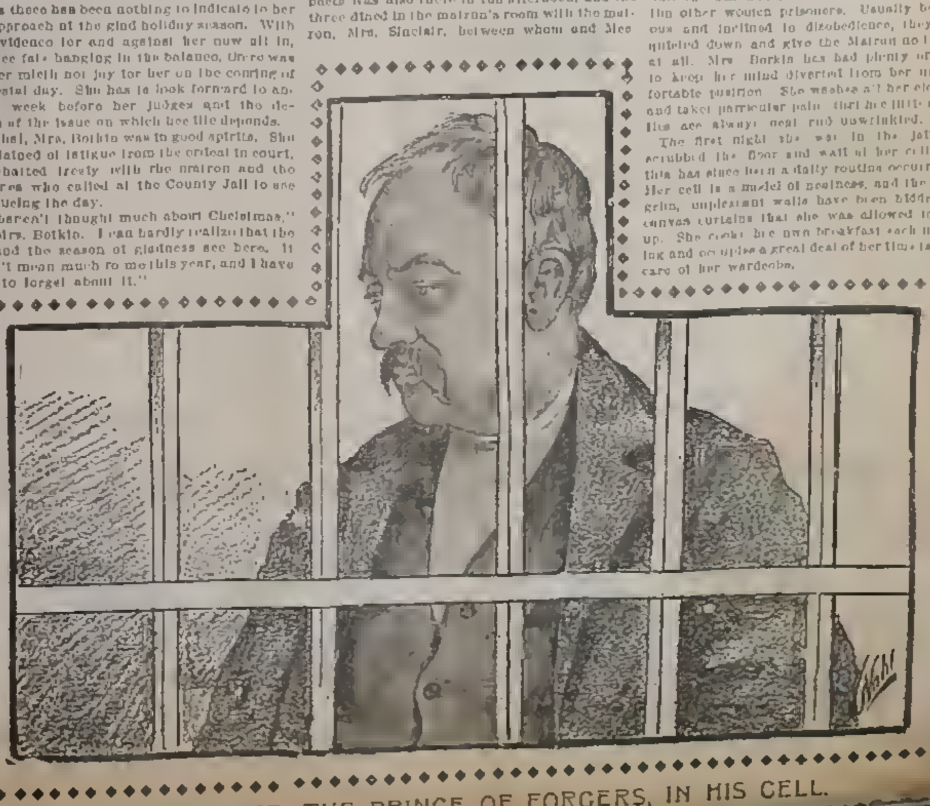
Withal, Mrs. Botkin was in good spirits. She complained of fatigue from the ordeal in court, but chatted freely with the matron and the relatives who called at the County Jail to see her during the day.

"I haven't thought much about Christmas," said Mrs. Botkin. "I can hardly realize that the day and the season of gladness are here. It doesn't mean much to me this year, and I have tried to forget about it."

Mrs. Botkin was visited by her sister, Mrs. W. H. Roberts, who brought a well-filled hamper containing Christmas dinner. Mr. Roberts was also there in the afternoon, and the three dined in the matron's room with the matron, Mrs. Sinclair, between whom and Mrs. Botkin there has developed a very warm friendship.

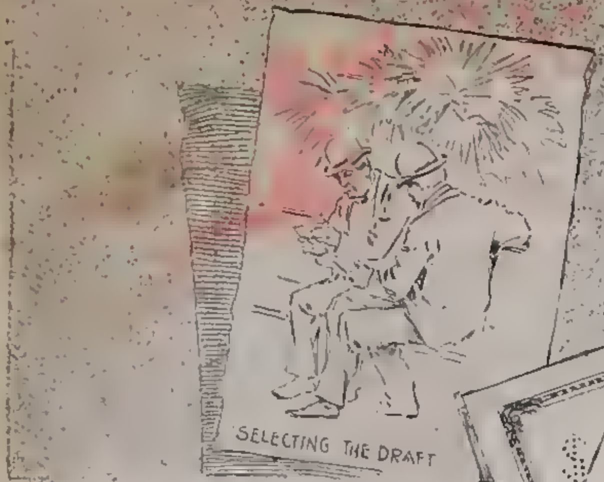
Since Mrs. Botkin has been in the County Jail she has had a marvelous influence over the other women prisoners. Usually boisterous and inclined to disobedience, they have quieted down and give the Matron no trouble at all. Mrs. Botkin has had plenty of work to keep her mind diverted from her uncomfortable position. She washes all her clothing and takes particular pains that her little string ties are always neat and unwrinkled.

The first night she was in the jail she scrubbed the floor and walls of her cell, and this has since been a daily routine occurrence. Her cell is a model of neatness, and the bare, grim, unpleasant walls have been hidden by canvas curtains that she was allowed to put up. She cooks her own breakfast each morning and occupies a great deal of her time taking care of her wardrobe.

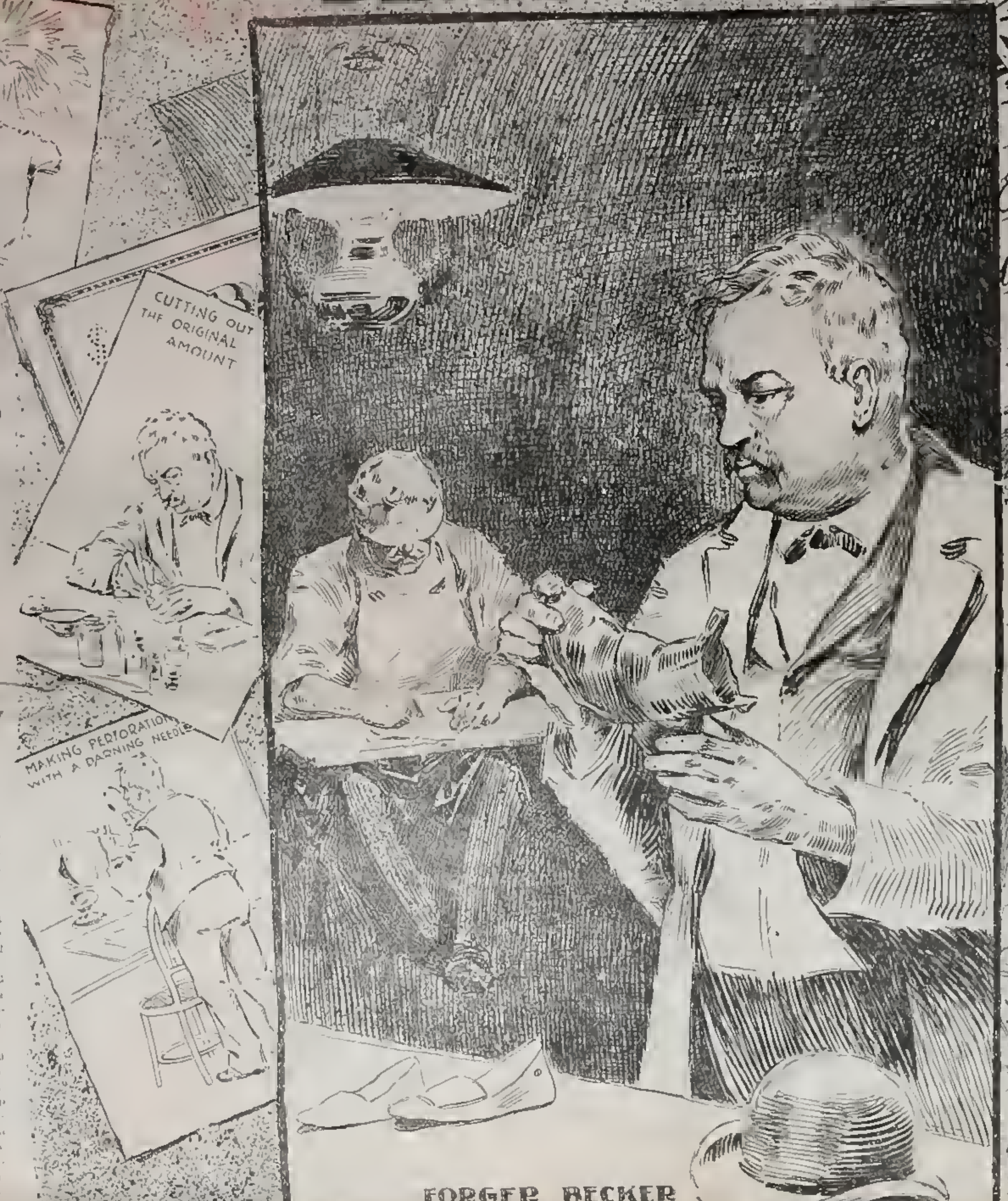


CARL BECKER, THE PRINCE OF FORGERS, IN HIS CELL.

HOW I FORGED THE $22000 DRAFT



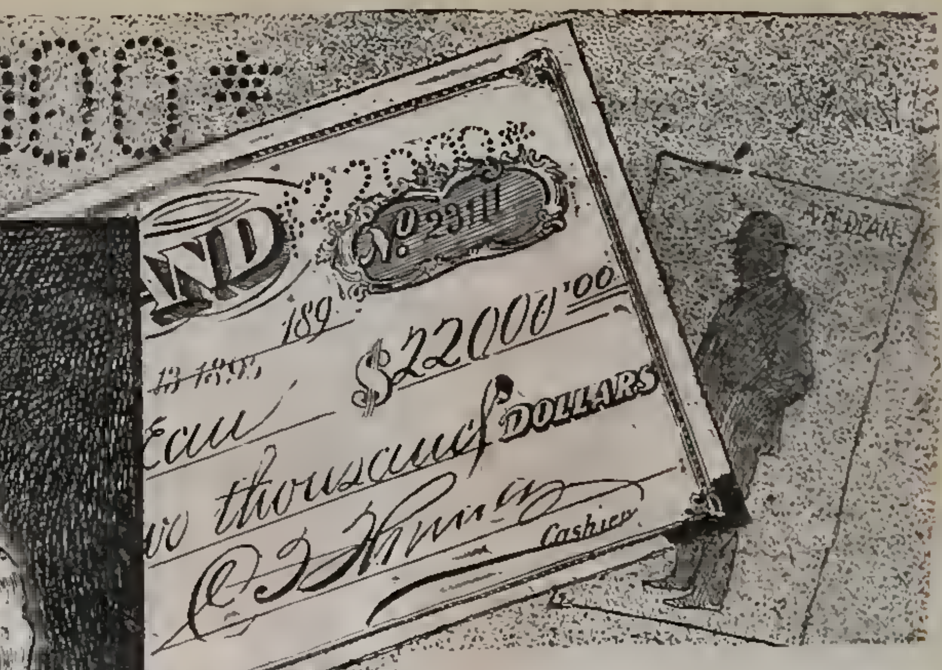
SELECTING THE DRAFT

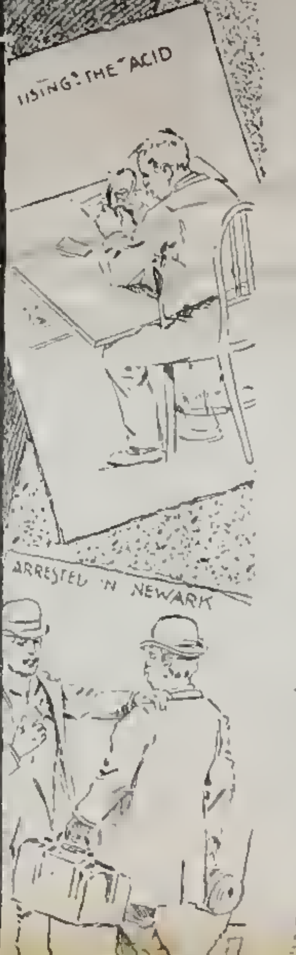


CUTTING OUT THE ORIGINAL AMOUNT

MAKING PERFORATIONS WITH A DARNING NEEDLE

FORGER BECKER LEARNING HIS LESSON





USING THE ACID

ARRESTED IN NEWARK

Warning to Bankers From the Greatest of Forgers, Who Tells How He Made the Big Forged Draft.

BY CHARLES BECKER.

This Is My Only Full Confession.

THE time has come when I feel willing to tell just how I raised that book of Woodland draft from $12 to $22,000. Whatever [illegible] motive [illegible] it will be clear that this statement will prove the sincerity of my resolution never to engage in the manipulation of banking paper again.

Banking officials and others who have to guard against deception in matters of this kind will confirm my statement that the [illegible] out of my manner of raising this check will greatly aid them in preventing a recurrence of the same trick. At any rate, the effect will be to put them on their guard and to make the skill of the forger less effective. If I had any idea of resuming this kind of a life after serving my sentence nobody could induce me to give this thing away, but I have made up my mind that it doesn't pay, and so it is my intention to go into some small business by which I can make an honest living, for my habits are simple and it will not take much to keep me and my wife for the remainder of our lives.

Two methods of manipulation were necessary in fixing up the Woodland draft. In the first place there were the perforated [illegible] in the paper that had to be disposed of in a [illegible] way. [illegible] is a photographic copy of the draft [illegible] in making my explanations. Several [illegible] have been made that I filled up those perforations [illegible] pulp, but that must have come from the [illegible] I never heard anything of the kind. My [illegible] [illegible] reading

the cents and put in three more ciphers, letting them slope down, as I assumed a man writing hastily might do, closing the figures as the drawer of the draft showed his custom to be, by writing two small ciphers like these, "00," over two short lines. These might be considered unimportant details, but they all count in a work of this importance. The writing of the word "twelve" was very prominent and considerable ink was used, which caused some work in taking out the stain, but it finally yielded, and my task was finished, all but painting the letters necessary to complete the words "twenty-two thousand." It would have been impossible to have written those letters with the finest pen that I ever saw, so I used a camel's-hair brush.

The date shows very faint in the photograph, because it was stamped in colored ink that was not acceptable to the camera. I made no change in that, of course.

The work of altering this draft from $12 to $22,000 took me about three hours and a half, taking the time for drying the patches. I made no record of it, but in thinking over the matter I place that as about the time occupied. My work was done at the Galindo Hotel, in Oakland, where I stopped all the time I was in this part of California, for, you see, I never was in San Francisco until I was brought back under arrest.

My connection with this operation came about in a very natural way. Creegan knew what I could do and one day I received a letter asking me to join him in Chicago. When we met he said he had a man in San Francisco getting ready to plant some paper, so we started for the Coast. As I was not feeling well I stopped at Sacramento, but afterward came on to Oakland. Creegan met me across the bay and said that things were progressing well, and a few days later he handed me the draft. We were sitting on a bench in the Oakland City Hall park about noon one day, when he opened a book and showed me the draft. The book was not the "Bankers' Magazine," as some of the witnesses said, but was a novel. The detectives put in that story about the "Bankers' Magazine" for spectacular purposes. This draft was with a lot of others, and it was not my first choice, because there was another which bore in fine lines the legend "Under $1,000." When Creegan found out that this would take more time in order to change the legend, he overruled my preference and we took the Woodland paper. You see, the other seemed to be better safeguarded and therefore I considered it easier to pass by changing it to "Under $30,000," or any other appropriate figure. Anybody could have seen us handling the paper in the Oakland park, but nobody took an interest in our movements, so I went to my room and did the work. I never saw Dean or McClusky, and Creegan was the only person I knew in the deal. After getting the money he met me in Oakland and gave me $2,500. That was all I ever got out of the $20,000 which was drawn on my work. They said they gave $5,000 to Dean, $5,000 to Creegan, $2,000 to McClusky and $5,000 to some shadowy person called Eddy, who they said lived at the Palace Hotel and put up $1,000 to help along the game. That is one point I never could understand [illegible]

JURORS MAY ASK FOR ALL THE EXHIBITS.

DECEMBER 27, 1898.

An Unusual Proceeding Expected in the Botkin Case.

Believed the Jury Will Examine the Specimens of Handwriting.

CASE RESUMED TO-DAY

The Prosecution Will Make an Attempt to Impeach the Testimony of Dr. Terrill.

A very unusual thing is likely to happen when the Botkin case is submitted to the jury. The twelve men who are to decide the fate of the accused woman may, and in all probability will, ask to have all the exhibits used during the trial placed at their disposal.

The defense is not calculating on the jurors asking for the exhibits, but the prosecution is disposed to think they will do so. The prosecution bases its belief on the fact that in several closely contested cases of the magnitude of the Botkin case, the jurors have demanded the privilege of going over and making personal and careful inspection of the articles used as evidence; they say this has been the case particularly where the question of handwriting was one of the issues involved.

The Botkin case will this morning be resumed in Judge Cook's courtroom. The prosecution has its rebuttal testimony arranged and the witnesses will be put on the stand as soon as court opens. There will be some half a dozen witnesses. It is the expectation of the prosecution to consume but an hour's time with this testimony.

The prosecution will raise three points in its rebuttal testimony. It will endeavor to show that Dr. Terrill is mistaken in believing that he attended Mrs. Botkin on the afternoon of July 31st. They will claim that he made a professional call on her the following day, Monday, August 1st. A witness will be produced to point out to the physician his error.

The second issue raised will be in regard to the anonymous letter of June 18th. The prosecution regards it of the utmost importance to establish the fact that Mrs. Botkin is the author of the epistle that was sent to Mrs. Dunning in Dover. The handwriting experts they put on the stand testified that the writer of the anonymous letter surely wrote the address on the box of chocolates, and it would never do to let the jury believe that Mrs. Botkin's presence in Humboldt county on that date would make it impossible for her to have sent the letter. So the purser of the steamer Farallone will be put on the stand to tell how letters in Eureka are dropped in an open mail pouch until within a few minutes of the departure of the vessel.

The prosecution has no witnesses who will claim that Mrs. Botkin was at the steamer on June 17th, just before the vessel sailed, and there will be no one to swear that she was seen to drop a letter in the pouch. But this does not phase the prosecution. They consider their theory a good one, and they propose to abide by it. There is a possibility that she was there, they argue, and a probability, almost amounting to a certainty, that she slipped into the open mail sack a letter addressed to Mrs. Dunning. The purser will tell how the letters mailed in the pouch are postmarked in San Francisco at the Ferry postoffice.

The last effort of the prosecution in the rebuttal line will be to prove that Mrs. Botkin admitted buying powdered arsenic. Chief Lees may be put on the stand to testify that when he questioned Mrs. Botkin about buying arsenic after her admission of the purchase was made, she would neither affirm or deny the purchase, but referred him to her attorneys.

The defense is not worrying over any testimony the prosecution may offer in rebuttal. Dr. Terrill, they say, is sure of his date, because he dined with H. S. Foote on the 31st of July and went directly to the attorney's house after calling on Mrs. Botkin.

Charles Wheeler, the Humboldt attorney, who came down to assist in making Mrs. Botkin's defense, has returned to his home in the North. He has not formally withdrawn from the case, but he will take no further part in it. George A. Knight and Frank McGowan will finish the case. Mr. McGowan was all of yesterday and last evening deep in law books. It is not yet decided whether he or Mr. Knight will make the opening statement.

Attorney-General White of Delaware will open the argument of the prosecution; Assistant District Attorney Hosmer will make the closing speech.

Nothing of unusual interest happened yesterday to break the tedium of Mrs. Botkin's monotonous life at the County Jail. The Rev. Dr. McClure and his wife made her a visit and took with them a small hamper of delicacies sent from Humboldt by Miss Dora Brown.

There was a rumor last night to the effect that Mrs. Botkin had received a number of Christmas gifts, among them a box of Haas' candy from a friend in Sacramento. The rumor was unfounded.

FRIDAY MORNING, DECEMBER 30, 1898.

Miss Virginia Fair.

From her latest photograph by Aimau, N. Y.

MARIE HOWE,

The Popular Young Character Actress of the Alcazar Co

... sign reading

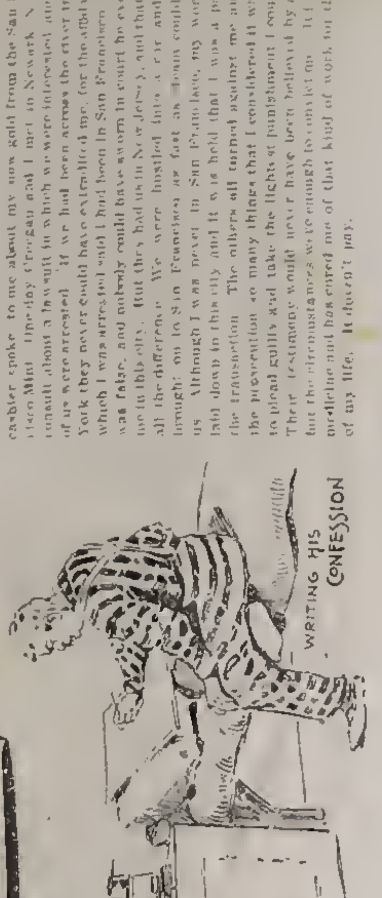
SHOES MENDED WHILE YOU WAIT

And I admired the skill of the workman as he proceeded to repair the break in the leather. He took a sharp knife and cut the hole right out, making, of course, a larger hole, which was cut on the bias, or bevel. Then he took another piece of leather as much like the leather in the upper of my shoe as he could find, and with his knife cut it out to fit the hole, making the bevel on the patch just the same as the bevel in the leather of the shoe. With a little waterproof cement he joined the patch to the shoe, gave it a minute to dry, and there was not one man in a dozen who could have seen the place where the shoe had been mended. So I said to myself that this was the right way to get rid of those perforations in a check, and used this method in my next job. In this Woodland draft [illegible] remembered that the original amount was put in with a dollar mark on one side, with a star on the other, and that two pieces or naughts were perforated. My idea was to leave as much of the paper in its original state as possible, so as not to disturb the natural "feel" and flexibility. The first thing that I did was to cut out the figure "1" and the "$," leaving the original figure "2." In making the incision with a sharp knife I was careful to cut on the bevel like the [illegible] did in patching my shoe. Then I prepared a patch to fit the hole by using some of the small checks which Creegan had furnished me. You see, it was necessary to have paper just like that used in the original draft, for it is of a delicate purple pink tint, and any other substance would be quickly detected. It would be useless to try to substitute the original paper from the same company, even if I could get it, for in the printing of the blank form there is a slight moistening of the paper that changes its color, and that must be taken into consideration.

The paper, as I have said before in speaking of this case, is what is known as the "Safety Banknote Paper," because it has been said that no draft made out on it could be tampered with, but that, of course, is a mistake, as we see here, for this was raised from $12 to $22,000, and passed the inspection of the officers of two banks and the clearing house. After I got the first part of the figures changed I had to take on the big, queer-looking star and make another patch. Here the dark shading of the letters in the name of the bank helped me, for it would be difficult to notice where the pieces of paper were joined after the letters were restored by the use of a brush and the proper ink to correspond with the rest of the printing. Some of the experts gave it as their opinion that water colors were used on this draft, but they only disclosed their ignorance, for the use of water colors would be fatal if the bankers took the trouble to hold the paper up to the light, but I must say that Expert Gumpel seemed to be fair. Water colors would show dark, would not be translucent, and this would arouse suspicion, and even a slight suspicion is all that is necessary to make the best forgery in the world a failure. In whatever lettering I did on this draft I used aniline colors. The next step was to make perforations that would pass muster at the bank. It would be out of the question for a man to travel around the country with a stamping or perforating machine, for if arrested on any kind of a charge having such a machine in his room or trunk would be almost enough to convict him of having a counterfeiter's tools in his possession. In this case I had the original figures for a pattern, and with them as a guide I made a model for my other characters. Taking a darning-needle, I broke it off so as to give it a square surface. Taking a piece of stiff, tough paper, I placed it on a block of boxwood, such as is used for wood engraving, cut across the grain. The slightest tap with a small hammer sent this improvised punch through the paper, making a perforation as clear-cut as if made by a regular perforating machine. That peculiar star I reproduced exactly as it appeared on the original draft, and that was one of the safeguards on which a person who was familiar with the paper of the Woodland Bank would rely, so it made the payment of the draft all the safer. The more safeguards that a draft contains the easier is its negotiation.

When it came to putting the figures into the other corner of the check by means of perforations, the job of patching was somewhat more extensive, because I had to set the dollar mark back in order to keep it from overrunning the paper. Here again the heavy shading of the paper helped me at the beginning of the patch, but so far as that was concerned I didn't particularly care for such accidental assistance. But again that peculiar star of the Woodland bank's perforating machine came into play and made the paper look all right without putting me to any great amount of trouble.

Changing the body of the draft, that is, the writing of it, was entirely a different operation, of course, and required a different kind of skill, but as I have tried to master the art of the papermakers, as well as being an engraver and designer, the process was not tiresome. Having plenty of specimens of the so-called "safety paper," and it [illegible] excellent so far as it goes, the effect of acids on this particular make of paper was easily ascertained. I first attacked the figure "1" and changed it into a "2" by the simple addition of the necessary lines. If you will inspect the draft after your attention is called to the first figure "2" you will detect the straight line of the original figure "1" and will see that it is not exactly like the banker's own figure "2" that follows. Using the acid that my experiments told me would not discolor the paper, I took out the small "no" that stood for ...



... I left on the night train for New York. Creegan and I met several times in Philadelphia and New York. Once in Philadelphia he got me to change $2,000 for him at the sub-treasury. I was required to tell who I was, and gave my real name and signature, just as I have signed it here. Creegan told Chief Lees of that, and if I had been tried again all that would have been proved, together with the fact that the cashier spoke to me about my new gold from the San Francisco Mint. One day Creegan and I met in Newark, N. J., to consult about a lawsuit in which we were interested, and both of us were arrested. If we had been across the river in New York they never could have extradited me, for the affidavit on which I was arrested said I had been in San Francisco, which was false, and nobody could have sworn in court he ever saw me in this city. But they had us in New Jersey, and that made all the difference. We were hustled into a car and were brought on to San Francisco as fast as steam could fetch us. Although I was never in San Francisco, my work was laid down in this city and it was held that I was a party to the transaction. The others all turned against me and told the prosecution so many things that I considered it was best to plead guilty and take the lightest punishment I could get. Their testimony would never have been believed by a jury, but the circumstances were enough to convict me. It's bitter medicine and has cured me of that kind of work for the rest of my life. It doesn't pay.

Charles Becker

TO ARGUMENT NOW, THEN TO THE JURY.

Mrs. Botkin Soon To Know Her Fate.

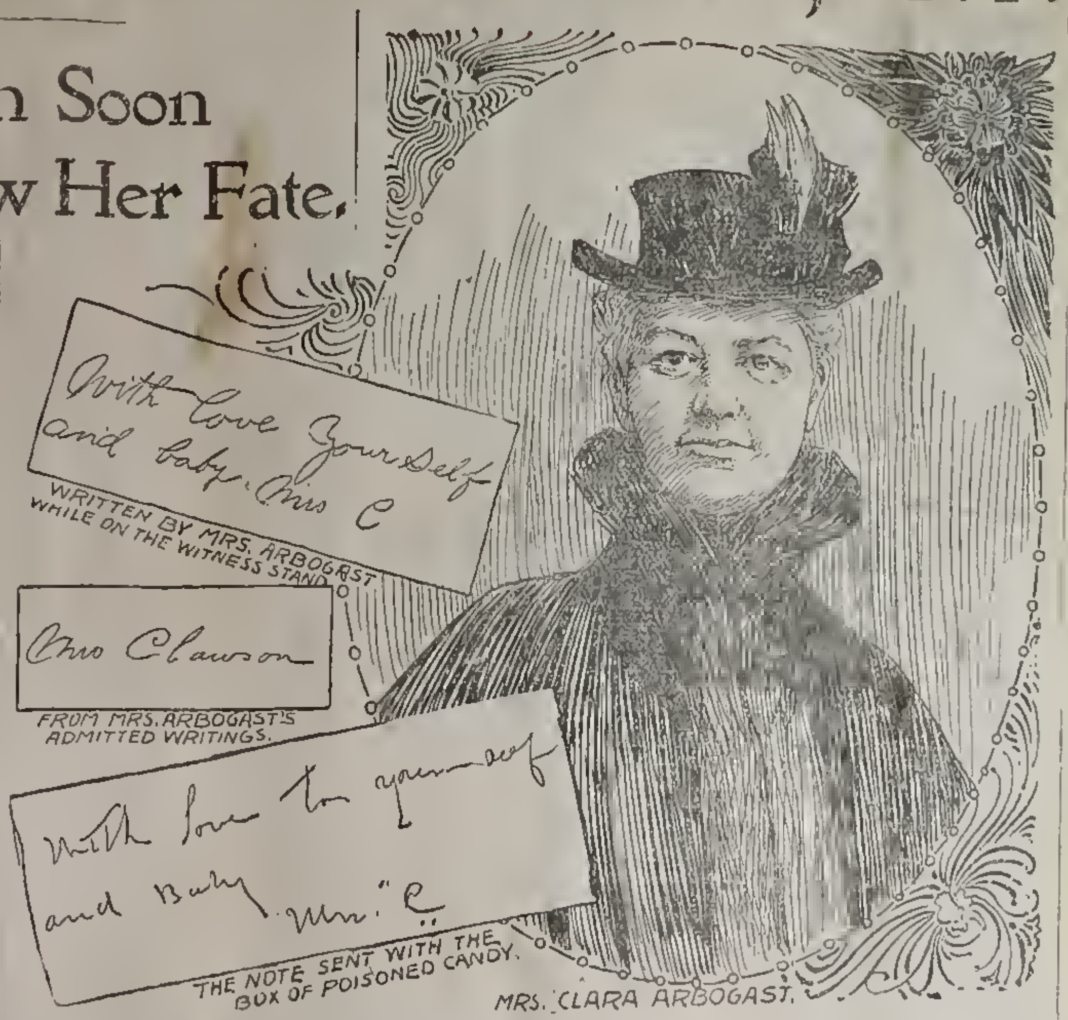
TESTIMONY SUBMITTED.

Mrs. Arbogast Appears as a Witness for the People.

TESTIMONY TO PROVE DR. TERRILL WRONG.

A TWO-DAYS' LIMIT TO TALK IS AGREED UPON BY ATTORNEYS.

Next Friday or Saturday May See a Verdict Returned in This Celebrated Poisoning Case.



All the evidence for and against Mrs. Botkin is in. Whether the spider threads the prosecution has woven about her be strong or weak the web can never be added to now. The case is closed, and though some of the advertised attractions did not appear, there have been sensations enough for the ordinary mortal. Two days will be allowed for the knitting into argument. Then the patient and long suffering jury will do its turn.

The woman for whom the defense has been arduously searching came calmly on the stand yesterday at the beck of the prosecution, and Mrs. Botkin and Mrs. Arbogast were, for the first time, face to face. The rivals glared at each other, Mrs. Arbogast calm and triumphant, Mrs. Botkin baffled and handicapped. As might be expected, Botkin, in his last choice, is diametrically opposed to his first. The wife of his youth is short and plump and dark; the love of his age is tall and thin and a blonde. Mrs. Arbogast is not only old enough to be a grandmother, but is a grandmother, and she does not look her age any more than Mrs. Botkin does. Whatever the Botkin case may have been as a moral advertisement of San Francisco, the women of the case certainly do not look their age by twenty years.

When the Junoesque Mrs. Arbogast, who has been used by the defense as the missing witness and made to figure as a sort of scapegoat on which to cast the sins of everybody, came gliding toward the stand there was a decided stir and bustle in the court. The wily Hosmer did not call her name in clarion tones. On the contrary, he whispered it mildly to a bailiff, and the tall woman in brown, with the very flaxen hair, was well on in her path before it was even suspected who she was.

It has been a clever coup of the prosecution—the idea of calling to the stand all the women even remotely suggested by the defense as the possible guilty persons—and submitting to them the disputed writings in the case. Mrs. Arbogast's coming was even more important than Mrs. Seeley's, for Mrs. Arbogast is the woman upon whom the defense has all along caused to rest the penumbra of remote suspicion—the woman with a motive for getting Mrs. Botkin into trouble. For Mrs. Arbogast Welcome Botkin withdrew his financial and moral support from the case. But Mrs. Arbogast, calmly smiling and not at all perturbed, with all the resources and experience of the woman who keeps a lodging-house in San Francisco, absolutely denied the motive. She wouldn't admit that Botkin ever came to see her, though she was willing to say that he sometimes stayed at her house, the Balboa, when he came to town on business. Sometimes, she said, he stayed at the Grand, on which occasions she never visited him. She denied ever having discussed his domestic relations with him, though she had heard that he was married. They occasionally wrote to each other, but their letters were merely those of friends and passed at long intervals.

"Was your friendship platonic or plutonic?" asked Knight, and the bewildered witness, upon whom the joke was entirely lost, answered, in a fog, "They were not love letters."

Like all the other women in the case, Mrs. Arbogast has had a somewhat turbulent matrimonial experience and Mr. Knight did not ask her to define love letters. The knowledge was presumed. And so the sixth wheel in this triangular case of infidelity labored through her testimony and made rather a good witness. She did not break on cross-examination, not even when Knight pounced upon her, asked her to [illegible]

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Hosmer declaimed hotly to the effect that the lump arsenic from the Star drug store was in evidence, but the Judge looked the matter up and held against him. The arsenic bought at the Owl drug store was powdered.

And through it all—even the sudden appearance of her successful rival—Mrs. Botkin sat affecting interest in other things, a little white rose on her breast and a new lace handkerchief, for which she has a fad and without which she has never appeared, held stiffly in her hand. The courtroom was stampeded. There was a line without the door that serpentined away through the halls, and would have been two blocks long had it ever straightened itself out.

The main effort of the prosecution in rebuttal was toward breaking down the Humboldt alibi for the first anonymous letter, this testimony having caused the prosecution as many sleepless nights as the Grace Harris testimony has the defense. The efforts to show that the letter might have come down on the Farallon were not brilliantly successful, as the testimony of the purser leaves eight hours unaccounted for, between the time when a letter on the Farallon would have been deposited and the time when the letter is postmarked. The effort to break down Dr. Tyrrell was more successful, he being contradicted in part by a servant girl at the Victoria, though the doctor remained positive to the end.

Mrs. Grace Harris, the saleswoman who claims to have sold the handkerchief, made one of her periodical reappearances on the stand. This time she was recalled at the instance of Juror Buckingham, who wished to know something about the interminable address and transfer tags. Mrs. Harris explained for the hundredth time, and, for a wonder, got away from the stand without any stabs at her morals. She reiterated her testimony to the effect that there should be a record at the City of Paris, both as to the cash sale of handkerchiefs and the address tag.

As the customer had already made purchases in another department, the second delivery tag may have been destroyed. The customer had given her address as the corner of Hyde and California streets, and the witness, knowing the place to which the customer referred, wrote "Victoria Hotel" on the delivery tag.

Mrs. Clara Arbogast, the woman whose name has figured in the case in connection with that of Welcome A. Botkin, husband of the defendant, was called to the stand as a witness in re-

writing was then introduced in evidence without objection from the prosecution.

On further cross-examination the witness said she had known Botkin for two years. She was aware of the fact that he was married. The witness was landlady of the Balboa lodging-house for a year and a half, and when Botkin came down from Stockton he occasionally roomed at her place. She denied that Botkin was in the habit of coming down from Stockton every week and remaining at her place from Friday to Monday. She said she first met Botkin in Stockton, where she went "for her health."

"Ah, went to Stockton for your health, did you?" queried Knight, sarcastically.

In speaking of the "friendly" letters received from Botkin the witness said that the letters were of such a nature that she had not hesitated to read them to her family. She had never received presents from Botkin and had never given him any.

When asked as to where she had been residing lately the witness said she had not been out of the State. She had sold the Balboa and had taken a vacation at Mount Diablo. She had not been in concealment, but had made trips to San Francisco every week. The witness said that her husband was in Oregon. She stated that she had seen Botkin since his wife's arrest, but not since the opening of the trial. The witness said she knew Mrs. Seeley quite well, having been acquainted with her about a year and a half.

Knight hurriedly went to his office for several samples of Mrs. Arbogast's handwriting, which he has been carrying about him for weeks, on one of which he endeavored to get Expert Ehenschimmel to pass. Mrs. Arbogast identified these as in her handwriting. They were admitted in evidence as exhibits for the defense. The prosecution also introduced a sample of the witness' handwriting and she was then excused from the stand.

Dr. George M. Terrill followed. He was asked if he had not had difficulty in locating Mrs. Botkin's room on the day he was called to attend her. He replied that there was no response when he rang the bell. He met a lady on the stairs who told him to make inquiries in the dining-room. He asked as to the location of the room in which he had been summoned by telephone message. The witness admitted having told the girl he did not know the name of the person who sent for him, and that he asked if there was a sick woman in the hotel. He did not remember having told the police officer who subpenaed him as a witness for the defense that he could not recall the date of his visit to Mrs. Botkin. On cross-examination he said he had no doubt as to the date being July 31st.

Miss Maggie Smith, servant girl at the Victoria Hotel, was the next witness. She identified Dr. Terrill, saying he had asked her if there was a lady sick in the hotel. She replied, "Yes, Mrs. Botkin," and at his request she directed him to Mrs. Botkin's room. The witness did not remember the date, but was sure that the call was not made on Sunday, as she was in charge of the house at the time of his call, and she was never given that responsibility on Sunday. Another circumstance made her doubly sure. She was preparing vegetables for soup when Dr. Terrill called and that was not a part of her Sunday work.

On cross-examination the witness said she knew Mrs. Botkin was sick, as she had prepared food which was sent to her room. On Sunday she had sent food at 5 o'clock to Mrs. Botkin's room by the Japanese servant. When asked if

question, but said he did not remember such a troupe by name, as the vessel often carried theatrical troupes. The witness stated that a letter to be carried by the Farallon from Eureka would have to be left at the office of the agent of the company on the wharf at that place.

Abe Marx, clerk of the Merchants' Exchange, identified the record of the Exchange, which showed that the Farallon arrived at 4:10 A. M. on June 18, 1897. He said the vessel, when reported, was off Meiggs' wharf, and that she probably reached her dock half an hour to forty minutes later.

Peter Gorlingle, postal clerk and night foreman of city distribution of mail, was called to testify as to the condition of packages after traveling across the continent, but such testimony was declared inadmissible.

S. A. Smith, purser of the Pomona during 1897, testified that the Pomona carried mail and that no letters were marked on the way down from Eureka.

Policeman John Reinstoury testified as to the location of Station D, where the package to Mrs. Dunning is supposed to have been mailed, and also to that of the baggage-room of the San Francisco and Northern Pacific Railroad, where Mrs. Botkin checked her trunk on August 4th.

Dr. T. R. Wolf testified briefly as to various kinds of arsenic shown him.

Policeman Peter A. Gillen, who served the subpoena on Dr. Terrill, testified as to a conversation with that witness. He said Dr. Terrill remarked that he could not call to mind the time he visited Mrs. Botkin. As there did not seem to be anything the matter with her, and as he did not expect a fee, he had made no record of the visit.

"We rest," said Hosmer, as Gillen stepped down from the stand.

William J. Corcoran was then called by the defense. He brought with him the passenger list of the Farallon for the down trip ending June 18, 1897, and with it refreshed his memory. He remembered the Columbia Opera Company, and said its members came aboard at Eureka at 11 o'clock on the night of June 16th. The vessel left Eureka about 2 o'clock on the morning of the 17th. He did not know whether the Farallon got into Eureka from Yaquina bay on the afternoon or night of the 16th.

Mrs. W. H. Roberts, sister of Mrs. Botkin, was the last witness. She said that she resided at Eleventh and M streets in Eureka during June, 1897. The office of the agent of the Farallon was at First and E streets. She remembered the Columbia Opera Company as she talked with her sister, Mrs. Botkin, about attending its last performance in Eureka, but did not go as her husband left the house before they thought of securing seats. The witness said that on that date, the 16th of June, her sister was not out of the house.

Mrs. Roberts was not cross-examined. At the conclusion of her testimony Knight said "That is our case."

This morning Attorney-General White of Delaware will open the argument for the people, it being the understanding that his statement of the case shall be fair and full, so as to give the defense a chance to argue the case freely. He will be followed by Knight in the afternoon for the defense. Mr. McGowan will go on with the argument for the defense on Thursday morning, and Hosmer will close. The case should go to the jury by Friday morning, and wise ones think that Mrs. Botkin's fate will be decided before Saturday night. Though there is no hard and fast rule, it is understood that the attorneys will endeavor to limit themselves to a half day and so

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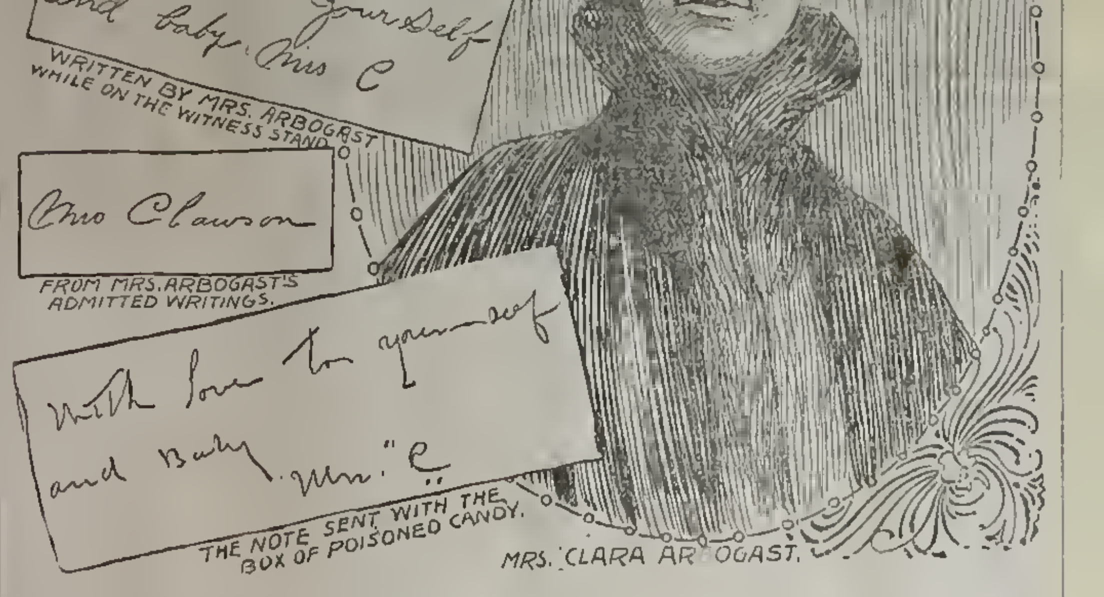

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Besides the meteoric transit of Mrs. Arbogast, the day was enlivened with several passages at tongues between George Knight and District Attorney Hosmer. The long days of the trial, possibly the Christmas cheer, have frayed these gentlemen's tempers. Yesterday they growled a good deal. Knight had made some grand-stand play which particularly exasperated Hosmer, and that gentleman remarked, "Oh, you play to the gallery," to which Knight replied contemptuously, "Well, you couldn't play to anything."

It was amusing when Knight had a witness from Humboldt county to hear the Toms and Bills and Bobs ripple out. This was not the prosperous city attorney, but the country lawyer recalling the scenes of his earlier and humbler years. This was the favorite son who wouldn't mind being named for Senator and if some of the familiar names were misplaced nobody in the courtroom knew the difference, and the geniality warmed the witnesses through and through.

All the loose ends of the case were gathered up and the dropped stitches were sought to be woven into an orderly chain by both sides. Whether the fabric will ravel or not can only be told after the jury has been alone with it for a while. The poison bobbed up again in the case. Though the prosecution did not, as had been promised, bring forward the man who is said to have introduced Mrs. Botkin and Frank Grey, or the woman who saw Mrs. Botkin in the car, there was a good deal in the case about arsenic. Professor Wolf was called to the stand at the suggestion of Judge Cook, who reminded the defense that it had given the professor something to analyze and had never called him back to obtain his results. The defense would gladly have got out of it, but it did not like to show the white feather, and so welcomed Wolf with a great display of cordiality. Wolf gave his testimony somewhat grudgingly. The jury took another university extension lecture on arsenic, and at the end probably knew less about it than in the beginning. Wolf explained for the one hundred and fifteenth time the difference between lump and powdered arsenic, and at the end of his testimony showed that while two kinds of arsenic were found in the candy, it had been proved that Mrs. Botkin bought but one and that the sort of which the candy shows least.

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The main effort of the prosecution in rebuttal was toward breaking down the Humboldt alibi for the first anonymous letter, this testimony having caused the prosecution as many sleepless nights as the Grace Harris testimony has the defense. The efforts to show that the letter might have come down on the Farallon were not brilliantly successful, as the testimony of the purser leaves eight hours unaccounted for, between the time when a letter on the Farallon would have been deposited and the time when the letter is postmarked. The effort to break down Dr. Tyrrell was more successful, he being contradicted in part by a servant girl at the Victoria, though the doctor remained positive to the end.

Mrs. Grace Harris, the saleswoman who claims to have sold the handkerchief, made one of her periodical reappearances on the stand. This time she was recalled at the instance of Juror Buckingham, who wished to know something about the interminable address and transfer tags. Mrs. Harris explained for the hundredth time, and, for a wonder, got away from the stand without any stabs at her morals. She reiterated her testimony to the effect that there should be a record at the City of Paris, both as to the cash sale of handkerchiefs and the address tag.

As the customer had already made purchases in another department, the second delivery tag may have been destroyed. The customer had given her address as the corner of Hyde and California streets, and the witness, knowing the place to which the customer referred, wrote "Victoria Hotel" on the delivery tag.

Mrs. Clara Arbogast, the woman whose name has figured in the case in connection with that of Welcome A. Botkin, husband of the defendant, was called to the stand as a witness in rebuttal for the prosecution. She began her testimony by saying that she did not know Mr. Botkin. As to Mrs. John P. Dunning, she was not aware of her existence until the newspapers brought the attention of the public to the Dover poisoning case. After the witness had said she was acquainted with W. A. Botkin she was asked.

"Did you ever urge Mr. Botkin to get a divorce from his wife?"

"I never did," answered the witness.

The anonymous letters, the note inclosed in the candy box and the wrapper which inclosed the package sent to Mrs. Dunning were shown to Mrs. Arbogast, and as each was passed to her she denied all knowledge of the handwriting, saying none of it had been penned by her.

Knight began his cross-examination in a dramatic way. Taking a pencil and a piece of paper to the witness, he asked her to write at his dictation. The witness took up the pencil and Knight said:

"Now write 'With love to yourself and baby, Mrs. C.'" As these were the words of the greeting sent to Mrs. Dunning with the death-laden package, the crowd grew intensely interested.

Mrs. Arbogast wrote as requested, showing no apparent excitement. When she had concluded, Knight asked:

"Is this your natural handwriting?"

"Yes, but a little nervous," was the reply.

The sample of Mrs. Arbogast's handwriting was then introduced in evidence without objection from the prosecution.

On further cross-examination the witness said she had known Botkin for two years. She was aware of the fact that he was married. The witness was landlady of the Balboa lodging-house for a year and a half, and when Botkin came down from Stockton he occasionally roomed at her place. She denied that Botkin was in the habit of coming down from Stockton every week and remaining at her place from Friday to Monday. She said she first met Botkin in Stockton, where she went "for her health."

"Ah, went to Stockton for your health, did you?" queried Knight, sarcastically.

In speaking of the "friendly" letters received from Botkin the witness said that the letters were of such a nature that she had not hesitated to read them to her family. She had never received presents from Botkin and had never given him any.

When asked as to where she had been residing lately the witness said she had not been out of the State. She had sold the Balboa and had taken a vacation at Mount Diablo. She had not been in concealment, but had made trips to San Francisco every week. The witness said that her husband was in Oregon. She stated that she had seen Botkin since his wife's arrest, but not since the opening of the trial. The witness said she knew Mrs. Seeley quite well, having been acquainted with her about a year and a half.

Knight hurriedly went to his office for several samples of Mrs. Arbogast's handwriting, which he has been carrying about him for weeks, one of which he endeavored to get Expert Eisenschimmel to pass. Mrs. Arbogast identified these as in her handwriting. They were admitted in evidence as exhibits for the defense. The prosecution also introduced a sample of the witness' handwriting and she was then excused from the stand.

Dr. George M. Terrill followed. He was asked if he had not had difficulty in locating Mrs. Botkin's room on the day he was called to attend her. He replied that there was no response when he rang the bell. He met a lady on the stairs who told him to make inquiries in the dining-room. He asked as to the location of the room to which he had been summoned by telephone message. The witness admitted having told the girl he did not know the name of the person who sent for him, and that he asked if there was a sick woman in the hotel. He did not remember having told the police officer who subpenaed him as a witness for the defense that he could not recall the date of his visit to Mrs. Botkin. On cross-examination he said he had no doubt as to the date being July 31st.

Miss Maggie Smith, servant girl at the Victoria Hotel, was the next witness. She identified Dr. Terrill, saying he had asked her if there was a lady sick in the hotel. She replied, "Yes, Mrs. Botkin," and at his request she directed him to Mrs. Botkin's room. The witness did not remember the date, but was sure that the call was not made on Sunday, as she was in charge of the house at the time of his call, and she was never given that responsibility on Sunday. Another circumstance made her doubly sure. She was preparing vegetables for soup when Dr. Terrill called and that was not a part of her Sunday work.

On cross-examination the witness said she knew Mrs. Botkin was sick, as she had prepared food which was sent to her room. On Sunday she had sent food at 6 o'clock to Mrs. Botkin's room by the Japanese servant. When asked if Mrs. Botkin was sick in bed on that Sunday, the witness replied that she knew Mrs. Botkin went out on that day.

"How do you know she went out?" asked Knight.

"Because I saw her come in," was the unexpected answer. The witness said she had seen Mrs. Botkin at the time she met Mrs. Price, the landlady, on the stairway. At this Knight, apparently satisfied that he was on dangerous ground, suddenly changed the line of inquiry.

The servant girl again declared that she was positive Dr. Terrill did not call on Sunday. She said he came soon after the Sunday to which she had referred. According to her recollection, his visit was made either on Monday or Tuesday. The witness said that the police had made no inquiries of her until after Dr. Terrill had given his testimony in behalf of the defense.

William J. Corcoran, purser of the steamer Farallon during the months of June and July, 1897, testified as to the Farallon plying between Yaquina bay and San Francisco, touching at Eureka on all trips. Agents would take mail at the different ports. It was placed in charge of the purser. All mail received on the return trip was taken to Station D, in this city, where it was postmarked for the first time.

The witness was asked if the Columbia Opera Company was not brought down by the Farallon on the trip in question, but said he did not remember such a troupe by name, as the vessel often carried theatrical troupes. The witness stated that a letter to be carried by the Farallon from Eureka would have to be left at the office of the agent of the company on the wharf at that place.

Abe Marx, clerk at the Merchants' Exchange, identified the record of the Exchange, which showed that the Farallon arrived at 4:10 A. M. on June 18, 1897. He said the vessel, when reported, was off Meiggs' wharf, and that she probably reached her dock half an hour to forty minutes later.

Peter Gorlingle, postal clerk and night foreman of city distribution of mail, was called to testify as to the condition of packages after traveling across the continent, but such testimony was declared inadmissible.

S. A. Smith, purser of the Pomona during 1897, testified that the Pomona carried mail and that no letters were marked on the way down from Eureka.

Policeman John Reinsbury testified as to the location of Station D, where the package to Mrs. Dunning is supposed to have been mailed, and also to that of the baggage-room of the San Francisco and Northern Pacific Railroad, where Mrs. Botkin checked her trunk on August 4th.

Dr. T. K. Wolf testified briefly as to various kinds of arsenic shown him.

Policeman Peter A. Gillen, who served the subpoena on Dr. Terrill, testified as to a conversation with that witness. He said Dr. Terrill remarked that he could not call to mind the time he visited Mrs. Botkin. As there did not seem to be anything the matter with her, and as he did not expect a fee, he had made no record of the visit.

"We rest," said Hosmer, as Gillen stepped down from the stand.

William J. Corcoran was then called by the defense. He brought with him the passenger list of the Farallon for the down trip ending June 18, 1897, and with it refreshed his memory. He remembered the Columbia Opera Company, and said its members came aboard at Eureka at 11 o'clock on the night of June 16th. The vessel left Eureka about 2 o'clock on the morning of the 17th. He did not know whether the Farallon got into Eureka from Yaquina bay on the afternoon or night of the 16th.

Mrs. W. H. Roberts, sister of Mrs. Botkin, was the last witness. She said that she resided at Eleventh and M streets in Eureka during June, 1897. The office of the agent of the Farallon was at First and E streets. She remembered the Columbia Opera Company as she talked with her sister, Mrs. Botkin, about attending its last performance in Eureka, but did not go as her husband left the house before they thought of securing seats. The witness said that on that date, the 16th of June, her sister was not out of the house.

Mrs. Roberts was not cross-examined. At the conclusion of her testimony Knight said "That is our case."

This morning Attorney-General White of Delaware will open the argument for the people, it being the understanding that his statement of the case shall be fair and full, so as to give the defense a chance to argue the case freely. He will be followed by Knight in the afternoon for the defense. Mr. McGowan will go on with the argument for the defense on Thursday morning, and Hosmer will close. The case should go to the jury by Friday morning, and wise ones think that Mrs. Botkin's fate will be decided before Saturday night. Though there is no hard and fast rule, it is understood that the attorneys will endeavor to limit themselves to a half day apiece.

THE BOTKIN CASE GOES TO THE JURY TO-DAY.

ARGUMENTS NEAR AN END.

Impassioned Pleas for and Against the Accused.

THE DELAWARE LAWYER ASKS FOR A CONVICTION.

KNIGHT TAKES HIS FLING AT WITNESSES FOR THE PROSECUTION.

Assistant District Attorney Hosmer Will Conclude the Closing Speech This Morning.

One more day and the Botkin case will be matter of history. It reached the valedictory stage yesterday. The lawyers wore their best clothes; their relatives and friends, with bright, expectant faces, sat in the front seats to hear them orate; the courtroom was filled with a buzzing, holiday crowd. It reminded one, for all the world, of closing day at a school, two boys on a side and the burden of proof on the affirmative, with a judicial school-teacher behind the desk to keep the peace and to see that no one stepped over the line.

To Mrs. Botkin, however, it was no playday affair. The lawyers might be enjoying the chance of a lifetime, but Mrs. Botkin was the prize for which they fought—her life the thing they snatched at. Every metaphor against her, however mixed, stabbed her. Every summary of testimony, however lame, went through her armor; and when she fell into the hands of her friends she was scarcely better off.

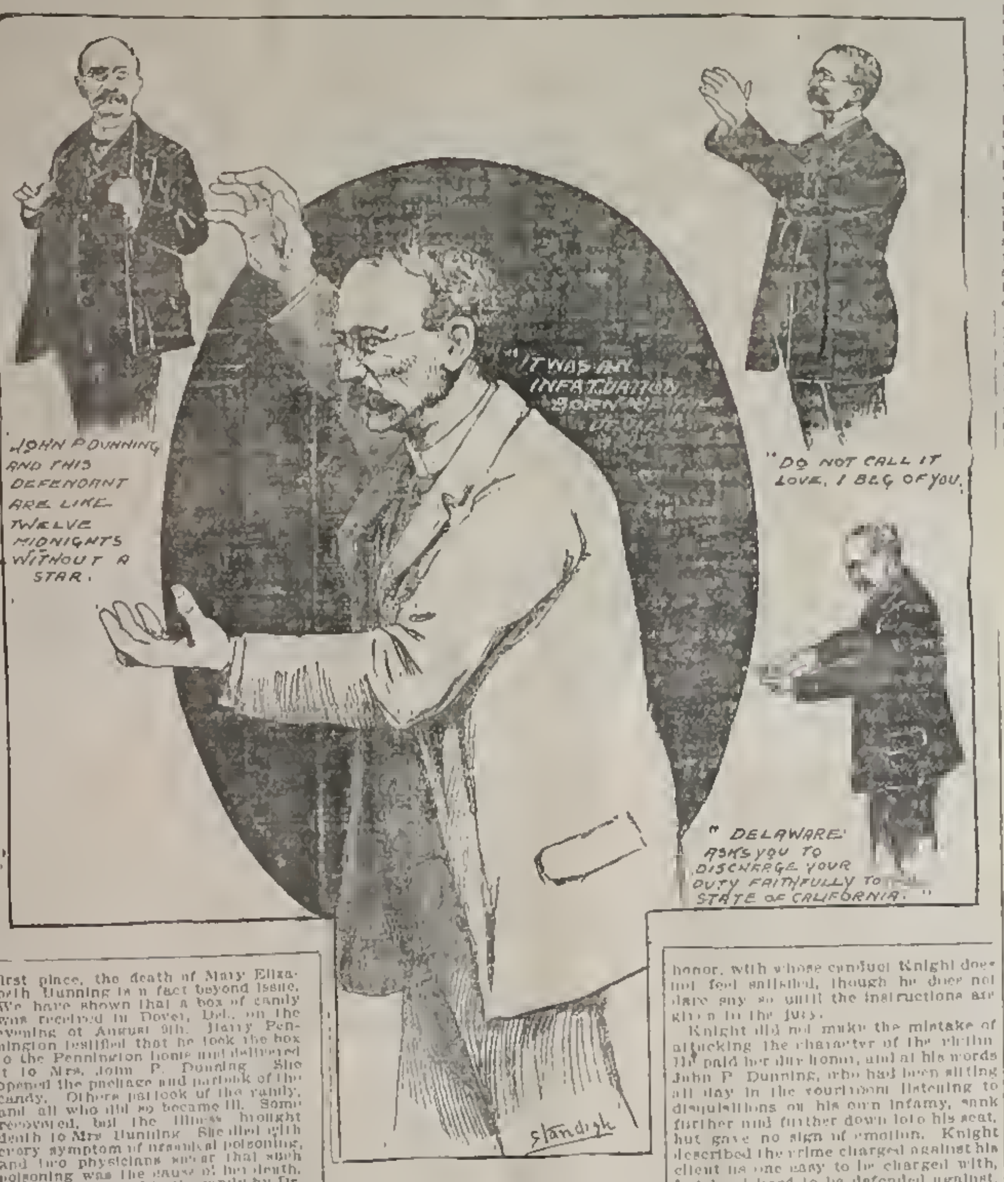
Where Attorney-General White of Delaware called her a "poor, degraded woman" and asked for an eye for an eye and a tooth for a tooth, and the life of a California woman to wipe away the death of a woman in Delaware, Mr. Knight compared his client to women of Biblical history, who were not so good as they might have been; besought the jury to forget her sins and not to adjudge her a murderess because she had been untrue to her marriage vows. This, too, caused Mrs. Botkin to shrink and shudder. When White had finished with her she burst into convulsive weeping, and it was some time before her sisters could comfort her or bind a thicker veil over her red and swollen face. When the deputy sheriff, who is her constant escort, came to take her away at the noon recess he had all he could do to get her down the stairs, so weak and fainting was her condition. The staff of her pride had failed her and Mrs. Botkin had "broken down" at last.

By the time the jury brings in its verdict, it is the general opinion, she will be on the verge of collapse. Her nerves are gone.

The crowd yesterday afternoon was the greatest in the history of the case. Fully 500 people, standing in line for two blocks, failed to obtain entrance. The courtroom was jammed and through the swinging doors came fragments of hoarse cries that sounded like the Roman populace in "Julius Caesar." Through the din, Knight talked uninterruptedly for three hours. His speech was interesting, calm, forceful, eloquent, temperate, kept carefully within bounds and only straying once or twice into dangerous paths. Sometimes the attorney for the defense was genuinely pathetic, always he was sincere. If he passed one or two climaxes that might have been genuinely dramatic, only to end with an anti-climax at the last, he but did what many a greater orator has done before him.

On all sides it was conceded that Knight had done very well and the crowd was repaid for coming. Prominent attorneys did the orator the compliment of sitting in the stifling courtroom all the afternoon to hear him. D. M. Delmas was there, as was Garret McEnerney and W. H. Alford. Judge Lawlor dropped in to sit in back with Cook. All the Knight family had come to hear the head of the house talk. At the close there was a little buzz of congratulation and Mrs. Botkin tearfully thanked her attorney.

In the morning it was Attorney-General White of Delaware who held the boards. The gentleman is thin and tall and spare, his memory for names is not good, and he was very nervous. A greater antithesis to Knight could not be imagined. One was easy, self-confident, a swashbuckler—the other timid, embarrassed, doubtful. It is not a pleasant task to have the opening statement of the prosecution's case, and White was acutely conscious that he was not at home, but before a strange jury in a strange place. Dover seemed very far from San Francisco at that moment. White looked as though he had been burning the midnight oil. He is a type where Knight is ... gale. The Delaware style of oratory is the pulpit variety, and the Attorney-General talked as though he had matriculated in theology at some period of his career.



ATTORNEY-GENERAL WHITE IN ACTION.

first place, the death of Mary Elizabeth Dunning is a fact beyond issue. We have shown that a box of candy was received in Dover, Del., on the evening of August 9th. Harry Pennington testified that he took the box to the Pennington home and delivered it to Mrs. John P. Dunning. She opened the package and partook of the candy. Others partook of the candy, and all who did so became ill. Some recovered, but the illness brought death to Mrs. Dunning. She died with every symptom of arsenical poisoning, and two physicians swear that such poisoning was the cause of her death. Arsenic was found in the candy by Dr. Wolf and by Thomas Price.

We have shown from the wrapper that the box came from San Francisco. You can make nothing else out of the postmark. We have sought by two chains to prove the identity of the sender of the candy, the first a chain of handwriting and the second a chain of actions.

White then talked of the anonymous letters, the wrapper of the package and the note to Mrs. Dunning. He drew comparisons between the note of the poisoner and a postscript admitted to be the writing of Mrs. Botkin, and said the peculiarities in the writing of the word "love" were alone sufficient to prove that Mrs. Botkin wrote the note. It was argued that the purpose of the anonymous letters was to induce Mrs. Dunning to get a divorce. They breathed a tone of friendship, and, as they might figure in court, they were disguised. The wrapper was also addressed in a disguised hand, but the writer, thinking that the note would never become an accuser, had written it in a more natural hand. Therefore, if Mrs. Dunning recognized the writing of the anonymous letters in the note she would think of the friendly tone of those letters and fear no evil. Attorney-General White then went on to say:

> Three expert witnesses swear that all the writings are the work of the same person. In addition we have similar testimony from Mrs. Ruoff and John P. Dunning. If any one should be familiar with the handwriting of the defendant it is John P. Dunning, and he is positive that she wrote the anonymous letters and the note and addressed the wrapper. With this testimony there can be no doubt that the defendant sent the box of candy. Then there is a lateral chain to corroborate what is already proven. Miss Henderson of Haas' candy store swears that on July 31st she sold a box of chocolate candy to a woman whom she believes was the defendant. She explains why she remembers the date and the transaction. Miss Dittmer corroborates her testimony and is only less strong in that she does not distinctly remember the customer.

The handkerchief was declared to be another link from the fatal package. Strong emphasis was laid on Mrs. Harris' testimony that she had sold the handkerchief to a woman whom she identified as Mrs. Botkin. Reference was next made to the portion of one of Haas' candy-box seals found in the room occupied by Mrs. Botkin. The anxious inquiries of the defendant to Mrs. Ruoff and Miss Liversach were deemed evidences of guilt. The speaker then dwelt on the anonymous letters, saying the evidence showed that Mrs. Botkin had told Mrs. Ruoff that there were three anonymous letters. John B. Pennington had testified that only himself and the writer had known of the third anonymous letter, and it was held that Mrs. Botkin, in her conversation with Mrs. Ruoff, had shown guilty knowledge of the contents of that letter.

Arsenic was the next subject discussed. The speaker reviewed the testimony of Frank Gray of the Owl Drug Store, who testified as to a sale of powdered arsenic to Mrs. Botkin on June ... He then referred to Dan ... of the Star Drug Store, who had made a sale of lump arsenic to a woman resembling Mrs. Botkin. As Green could not identify the defendant nearly all his testimony ... When White

bond between Dunning and his wife must be broken.

The speaker implored the jury not to call this infatuation love, and then delivered a little lecture upon the tenderest and gentlest of passions. He told how Mrs. Botkin had gently tapped at the tie between Dunning and his wife, and had endeavored to influence Mrs. Dunning to a divorce. Having failed, she was obliged to resort to what White called "heroic" measures. Some people would have called them desperate measures, but White said heroic. He went on to relate how Mrs. Botkin's affinity had gone to the wars. She wrote a letter to Governor Budd, hoping to be sent to Cuba as a Red Cross nurse, to join him even at the cannon's mouth. At this time the devil spoke to Mrs. Botkin, the Attorney-General declared, whispering to her to buy poison, to put it in a box of candy with a loving note and send it to Mrs. Dunning. White said that Mrs. Botkin lacked sympathy for Mrs. Dunning; that when "she was flaunting in San Francisco haunts of sin with her dear husband (Mrs. Dunning's husband)" she never thought of the wife in Delaware. In closing the speaker said:

> Your sympathies have doubtless been excited in this case. Won't you share them with the woman who died and the little girl whose mother was taken from her? Delaware has asked vengeance for the life so ruthlessly taken, and California could not have done more if the person slain was of her own people. We have had the aid of a police force the work of which must challenge the admiration of the world. We have had all assistance possible, and, whatever your verdict, when I tell the people of Delaware what California has done for them they will be satisfied. All we ask now is that you discharge your duty faithfully to the State of California; faithfully to that poor departed woman and faithfully to yourselves.

Knight departed from the time-honored custom of sugaring the jurymen. He peppered them. He told them that he was aware they were all prejudiced against Mrs. Botkin—that they would not be human if they were not—that he was aware that their wives were all against Mrs. Botkin, it being the nature of women to attack one of their own kind when in trouble. In fact, he assured them that they were—most of them—bad men, but he would forgive them if they did the fair thing. He recalled the fact that he had only used ten of his twenty peremptory challenges, to show that he was convinced of the justice of his cause and that he had nothing to fear from any man. He bullied them and flattered them indirectly and adroitly, and the jury shifted its legs like that self-complacent one in "Pudd'nhead Wilson," and smiled inwardly to think how popular it was with both sides of the case. And, having toasted one side of the jury and frozen the other, Knight went on to make the worse appear the better reason.

There is something grotesque in this ... Where White had seen ... before a jury ... "the chain of circumstantial evidence," "the chain dovetailing," as he said, and ... Knight could see but shallow ... connection be-

honor, with whose conduct Knight does not feel satisfied, though he does not dare say so until the instructions are given to the jury.

Knight did not make the mistake of attacking the character of the victim. He paid her due honor, and at his words John P. Dunning, who had been sitting all day in the courtroom listening to disquisitions on his own infamy, sank further and further down into his seat, but gave no sign of emotion. Knight described the crime charged against his client as one easy to be charged with, but hard hard to be defended against. He referred to the Maybrick case as a parallel, and adroitly played on the race feeling of some of his hearers by referring to the Dreyfus case as another in point.

Then Knight made a strong play. He became furiously excited, and said:

> The fumes of a Russell trial may stink through this door, the infamy of the acquittal of Figel may be fresh in the public mind, but Mrs. Botkin shall never be a vicarious atonement for the infamy of a police department. She is here asking equal rights of the State of California—a defenseless woman, without a dollar in the world—ready to bow her head to the guillotine of fate if proven guilty.

Then followed the analysis of motive:

> Did Mrs. Botkin want Mrs. Dunning's husband?
>
> From his own testimony she had him.
>
> Was it love for him that prompted this crime?
>
> She had the dissolute brute. He was an incumbrance upon her. She fed and nourished him, and put shoes upon his feet—and he swore to it himself. Did she want him?
>
> She had him.

Knight demanded to be shown any place in the record where a breach between Mrs. Botkin and Dunning was shown. He said that even the sniffi... witness, Mrs. Ruoff, had testified that Mrs. Botkin said in their last interview that she made it impossible for Botkin to secure a divorce for another year, and that she would never divorce him. According to Dunning himself marriage had never been mentioned between them.

The speaker wished to know if the jury thought Mrs. Botkin made up her mind to murder in June, when she bought the poison, and then carried the arsenic around two months before she used it.

"My God, gentlemen," he inquired, with the force of a volcanic explosion, "are you going to conjecture like that?"

Knight then devoted himself to the extradition of Mrs. Botkin, and wanted to know if the Police Department would have sent to Delaware, along with Grace Harris, Mr. Walkington and the wrapping clerk from the City of Paris store. He spoke of Mrs. Harris as a woman of the town and a convicted thief. Then followed a fiery attack on the Police Department. Knight alluded to the suppression of the Farallon ... as one of the most infamous things ever perpetrated in a court of justice.

Then Knight did a clever thing. He called the jury up like so many schoolboys, and the jurors named blushed like youngsters caught eating apples in the schoolroom. On Knight's roll of honor were the men whom he suspects of being prejudiced against Mrs. Botkin and he paid particular attention to Mr. Daniels, the friend of Chief Lees and said to be something of a handwriting expert himself.

From this phase Knight passed to the difficulties of identification and the ... of the candy girls, with their subsequent shadowing of Mrs. Botkin. The girls he said were but the plastic material upon which the Police Department worked, the girls being anxious to write a book entitled "The Poisoner's Conundrum, or, The Candy Girl's Revenge."

For all handwriting experts, and especially for Daniel Ames, between whom and Knight there is a grudge ... as that between

... deemed unfavorable to the prosecution. Knight thought that if John P. Pennington was much of a man he must have made some political enemies and he did not think it impossible that some enemy had done this. Particular stress was laid on the fact that Mrs. Dunning would not have neglected an anonymous letter that stung her as this one did.

That brought Knight back to Dunning again. He sneered at him as a hero who professed that he would rather go to jail than betray a woman who had loved him. "That is," shouted Knight, "talking of gentlemanly conduct and breeding! If he could he dare the woman who put bread in his mouth why not the other nine who also stand unprotected?"

The peroration was eloquent. Knight pointed out that his client was a woman who would have to suffer whether she were convicted or not. He referred to the words of Christ, "Let him who is without sin cast the first stone." No woman, he said, was ever wholly bad. She always looked back and longed for her former estate. Mrs. Botkin's morals should be left out of the question. He referred to the placing of the candy seal in the room as a trick so gross that it would excite ridicule anywhere outside of San Francisco.

"I do not appeal for mercy," said Knight, in closing. "I demand justice. I am defending this woman without a dollar of compensation or any expectation of any. I am doing it because I know my cause is just and I feel it is right. I ask you to render a verdict of not guilty because the case is not proven and we are innocent."

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Knight is fond of vigorous Anglo-Saxon. He likes to call things by their true names, but when he alluded to Maggie Smith, the domestic at the Victoria, as "that fried piece of bacon," there were those that said there was a coarse streak in Knight's nature that would out.

White began his speech with the conventional tribute to the jury. He remarked frequently that he had never seen "such a mass of intelligence in a jury box" not even in Delaware. He has several characteristic gestures which he used with full effect as soon as he had swung into the full current of his speech. Sometimes he thrust his thumbs inside the armholes of his vest and felt for his suspenders. Finding them safely in position, he seemed relieved, and withdrew his hands, only to thrust them deep into his trousers' pockets. Later he folded his hands in the attitude of prayer, which went well with his voice, which alternately swelled and fell in pulpit cadence. He said, in part:

The chain of circumstantial evidence in this case is a long one, reaching from the Golden Gate to the Diamond State. It is not ... to state the circumstances ... conviction of the defendant. In the first place, the death of Mary Elizabeth Dunning is a fact beyond issue. We have shown that a box of candy was received in Dover, Del., on the evening of August 9th. Harry Pennington testified that he took the box to the Pennington home and delivered it to Mrs. John P. Dunning. She opened the package and partook of the candy. Others partook of the candy, and all who did so became ill. Some recovered, but the illness brought death to Mrs. Dunning. She died with every symptom of arsenical poisoning, and two physicians swear that such poisoning was the cause of her death. Arsenic was found in the candy by Dr. Wolf and by Thomas Price.

We have shown from the wrapper that the box came from San Francisco. You can make nothing else out of the postmark. We have sought by two chains to prove the identity of the sender of the candy, the first a chain of handwriting and the second a chain of actions.

White then talked of the anonymous letters, the wrapper of the package and the note to Mrs. Dunning. He drew comparisons between the note of the poisoner and a postscript admitted to be the writing of Mrs. Botkin, and said the peculiarities in the writing of the word "love" were alone sufficient to prove that Mrs. Botkin wrote the note. It was argued that the purpose of the anonymous letters was to induce Mrs. Dunning to get a divorce. They breathed a tone of friendship, and, as they might figure in court, they were disguised. The wrapper was also addressed in a disguised hand, but the writer, thinking that the note would never become an accuser, had written it in a more natural hand. Therefore, if Mrs. Dunning recognized the writing of the anonymous letters in the note she would think of the friendly tone of those letters and fear no evil. Attorney-General White then went on to say:

Three expert witnesses swear that all the writings are the work of the same person. In addition we have similar testimony from Mrs. Rueff and John P. Dunning. If any one should be familiar with the handwriting of the defendant it is John P. Dunning, and he is positive that she wrote the anonymous letters and the note and addressed the wrapper. With this testimony there can be no doubt that the defendant sent this box of candy. Then there is a literal chain to re-enforce what is already proven. Miss Heney of Haas' candy store swears that on July 31st she sold a box of chocolate candy to a woman whom she believes was the defendant. She explains why she remembers the date and the transaction. Miss Dittmer corroborates her testimony and is only less strong in that she does not distinctly remember the customer.

The handkerchief was declared to be another telltale from the fatal package. Strong emphasis was laid on Mrs. Harris' testimony that she had sold the handkerchief to a woman whom she identified as Mrs. Botkin. Reference was next made to the portion of one of Haas' candy-box seals found in the room occupied by Mrs. Botkin. The anxious inquiries of the defendant to Mrs. Rueff and Miss Livernash were deemed evidences of guilt. The speaker then dwelt on the anonymous letters, saying the evidence showed that Mrs. Botkin had told Mrs. Rueff that there were three anonymous letters. John B. Pennington had testified that only himself and the writer had known of the third anonymous letter, and it was held that Mrs. Botkin, in her conversation with Mrs. Rueff, had shown guilty knowledge of the contents of that letter.

Arsenic was the next subject discussed. The speaker reviewed the testimony of Frank Grey of the Owl Drug Store, who testified as to a sale of powdered arsenic to Mrs. Botkin on June 21. He then referred to David Green of the Star Drug Store, who had made a sale of lump arsenic to a woman resembling Mrs. Botkin. As Green could not identify the defendant nearly all his testimony was ruled out. When White mentioned Green's name Knight made vigorous objection, saying there was nothing in the record to show that the defendant had ever purchased lump arsenic.

A wrangle ensued and Knight asked that all of Green's testimony be stricken out. He was told that he was too late with his motion and that counsel could read such portions of the testimony as were not stricken out. The Court ruled that Green's testimony could only be referred to as showing that lump arsenic was on sale in San Francisco.

White went into the details of the case, showing how link by link the chain had been completed. He placed little weight on Dr. Terrill's testimony that he attended Mrs. Botkin on July 31st, the day on which the candy was purchased. He believed the witness to be mistaken as to the date and called attention to the testimony of the servant girl of the Victoria Hotel who was positive that Dr. Terrill's visit was not made on Sunday.

The question of motive was then gone into. White said:

I will show you the motive. I place John P. Dunning and this defendant together. There they are, twelve midnights without a star. How this alliance was formed I do not know. The defendant was bound by legal ties to her husband. John P. Dunning was bound by legal ties, and I hope by ties of affection, to his wife. This legal bond between Dunning and his wife must be broken.

The speaker implored the jury not to call this infatuation love, and then delivered a little lecture upon the fiercest and gentlest of passions. He told how Mrs. Botkin had gently tapped at the tie between Dunning and his wife, and had endeavored to influence Mrs. Dunning to a divorce. Having failed, she was obliged to resort to what White called "heroic" measures. Some people would have called them desperate measures, but White said heroic. He went on to relate how Mrs. Botkin's affinity had gone to the wars. She wrote a letter to Governor Budd, hoping to be sent to Cuba as a Red Cross nurse, to join him even at the cannon's mouth. At this time the devil spoke to Mrs. Botkin, the Attorney-General declared, whispering to her to buy poison, to put it in a box of candy with a loving note and send it to Mrs. Dunning. White said that Mrs. Botkin lacked sympathy for Mrs. Dunning; that when "she was flaunting in San Francisco haunts of sin with her dear husband (Mrs. Dunning's husband)" she never thought of the wife in Delaware. In closing the speaker said:

Your sympathies have doubtless been enlisted in this case. Won't you share them with the woman who died and the little girl whose mother was taken from her? Delaware has asked vengeance for the life so ruthlessly taken, and California could not have done more if the person slain was of her own people. We have had the aid of a police force the work of which must challenge the admiration of the world. We have had all assistance possible, and, whatever your verdict, when I tell the people of Delaware what California has done for them they will be satisfied. All we ask now is that you discharge your duty faithfully to the State of California; faithfully to that poor depraved woman and faithfully to yourselves.

Knight departed from the time-honored custom of sugaring the jurymen. He peppered them. He told them that he was aware they were all prejudiced against Mrs. Botkin—that they would not be human if they were not—that he was aware that their wives were all against Mrs. Botkin, it being the nature of women to attack one of their own kind when in trouble. In fact, he assured them that they were—most of them—bad men; but he would forgive them if they did the fair thing. He recalled the fact that he had only used ten of his twenty peremptory challenges, to show that he was convinced of the justice of his cause and that he had nothing to fear from any man. He bullied them and flattered them indirectly and adroitly, and the jury shifted its legs like that self-complacent one in "Pudd'nhead Wilson," and smiled inwardly to think how popular it was with both sides of the case. And, having toasted one side of the jury and frozen the other, Knight went on to make the worse appear the better reason.

There is something grotesque in this Tweedledee and Tweedledum business before a jury. Where White had seen a chain of circumstantial evidence, "the chain dore-chilling," as he said, and stretching its grim length across a continent, Knight could see but shattered links, with no earthly connection between them. The words of the speakers were as diametrically opposed as the speakers and their manners. Knight did not mar the lines of his pretty Prince Albert—his talking clothes—by seeking his vest arm holes—not he. Instead, he played the bass drum on a lot of law books piled up before him and beat the air into froth with his eloquent arms. He had some effective stage business with a sealed box of chocolates for properties. These he opened with melodramatic fervor, breaking some of them open to show that a fissure would be apparent. He also showed, what has never been brought out before, that Mrs. Botkin could easily have laid a folded handkerchief and a slip of a note on top of a full box of candies had she desired, and that, having mentioned that she intended to add something to the box, it was absurd to think that the candy girl had sealed it.

Shortly after Knight commenced Mrs. Botkin dropped into his chair, and he, standing by her side, made a strong play of looking down upon her and pointing at her.

One of Knight's impressive points was that he had chosen these jurors by their faces knowing that they could not be influenced by a "District Attorney or the shrug of the shoulder of a Judge." This was a direct slap at his honor, with whose conduct Knight does not feel satisfied, though he does not dare say so until the instructions are given to the jury.

Knight did not make the mistake of attacking the character of the victim. He paid her due honor, and at his words John P. Dunning, who had been sitting all day in the courtroom listening to disquisitions on his own infamy, sank further and further down into his seat, but gave no sign of emotion. Knight described the crime charged against his client as one easy to be charged with, but hard hard to be defended against. He referred to the Maybrick case as a parallel, and adroitly played on the race feeling of some of his hearers by referring to the Dreyfus case as another in point.

Then Knight made a strong play. He became furiously excited, and said:

The fumes of a Rosser trial may stink through this door, the infamy of the acquittal of Figel may be fresh in the public mind, but Mrs. Botkin shall never be a vicarious atonement for the infamy of a police department. She is here asking equal rights of the State of California—a defenseless woman, without a dollar in the world, ready to bow her head to the guillotine of fate if proven guilty.

Then followed the analysis of motive:

Did Mrs. Botkin want Mrs. Dunning's husband?

From his own testimony she had him.

Was it love for him that prompted this crime?

She had the dissolute brute. He was an incumbrance upon her. She fed and nourished him, and put shoes upon his feet—and he swore to it himself. Did she want him?

She had him.

Knight demanded to be shown any place in the record where a breach between Mrs. Botkin and Dunning was shown. He said that even the swift witness, Mrs. Rueff, had testified that Mrs. Botkin said in their last interview that she made it impossible for Botkin to secure a divorce for another year, and that she would never divorce him. According to Dunning himself marriage had never been mentioned between them.

The speaker wished to know if the jury thought Mrs. Botkin made up her mind to murder in June, when she bought the poison, and then carried the arsenic around two months before she used it.

"My God, gentlemen," he inquired, with the force of a volcanic explosion, "are you going to conjecture like that?"

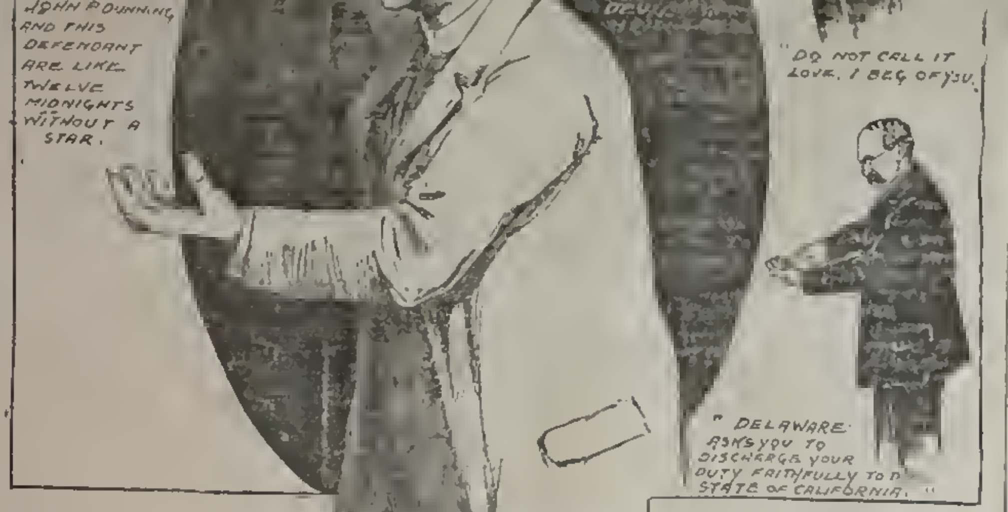
Knight then devoted himself to the extradition of Mrs. Botkin, and wanted to know if the Police Department would have sent to Delaware, along with Grace Harris, Mr. Watkinson and the wrapping clerk from the City of Paris store. He spoke of Mrs. Harris as a woman of the town and a convicted thief. There followed a fiery attack on the Police Department. Knight alluded to the suppression of the Farallon passenger list as one of the most infamous things ever perpetrated in a court of justice.

Then Knight did a clever thing. He called the jury up like so many schoolboys, and the jurors named blushed like youngsters caught eating apples in the schoolroom. On Knight's roll of honor were the men whom he suspects of being prejudiced against Mrs. Botkin, and he paid particular attention to Mr. Daniels, the friend of Chief Lees, and said to be something of a handwriting expert himself.

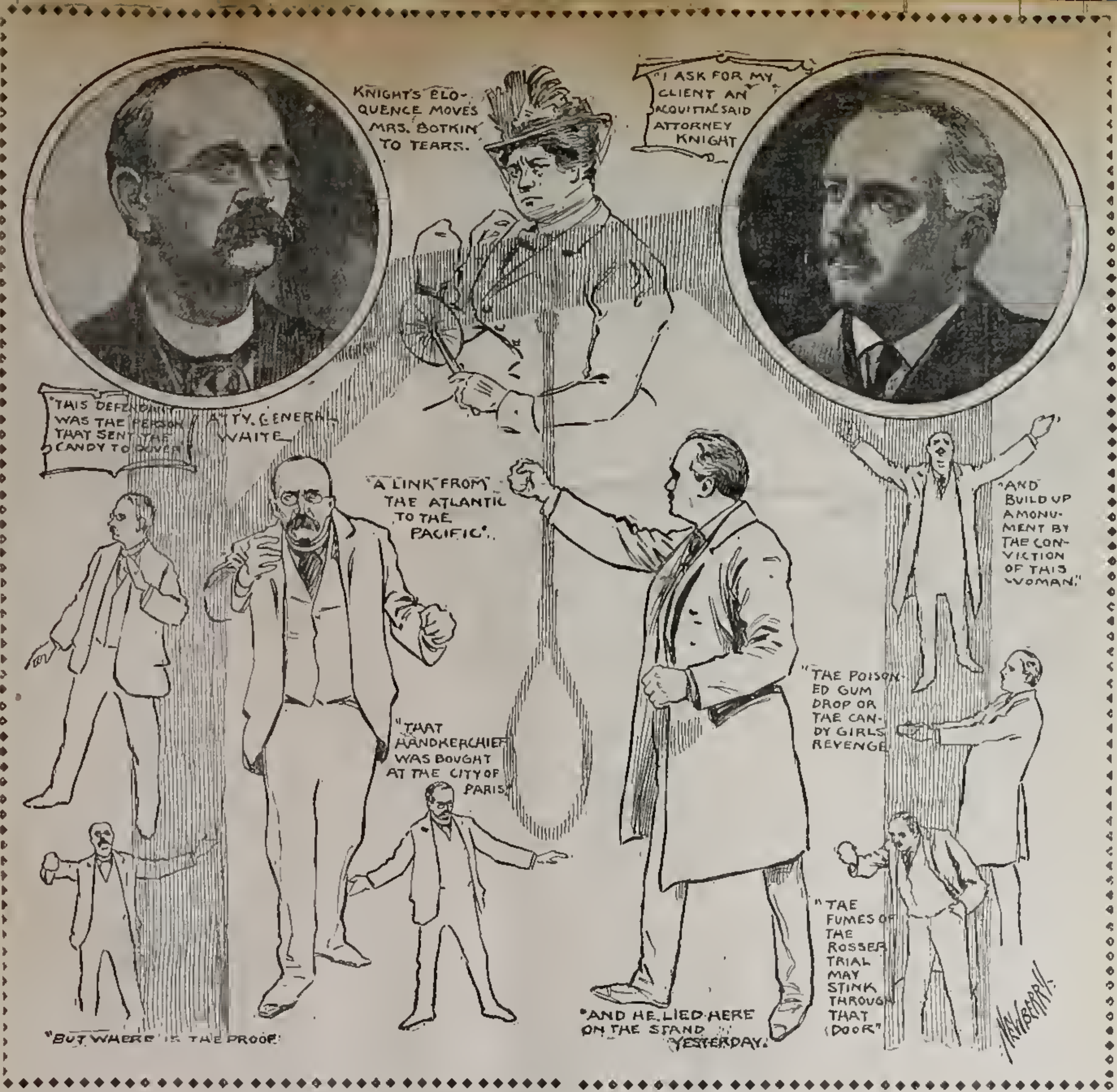
From this phase Knight passed to the difficulties of identification and the silliness of the candy girls, with their subsequent shadowing of Mrs. Botkin. The girls, he said, were but the plastic material upon which the Police Department worked, the girls being anxious to write a book entitled "The Poison Gumdrop; or, The Candy Girl's Revenge."

For all handwriting experts, and especially for Daniel Ames, between whom and Knight there is a grudge ancient and honorable as that between the Montagues and Capulets, the attorney had a string of epithets as long as the circumstantial chain across the continent. Knight said that the Bar Association of New York was taking measures to protect itself against these "hired liars."

After the Eureka alibi had been given its full force, Knight dwelt upon the lump arsenic in the case and the fact that the record did not show that Mrs. Botkin ever purchased lump arsenic. Knight snarled at Witness Wolf from Delaware and accused him of trying to muddle the jury. The next thing was the assertion that there was no proof of the corpus delicti, with some legal citations for the Judge—a citation that came all the way from Florida. Knight pooh-poohed the idea that there Delaware doctors were sufficiently skilled to show of what a person died. He thought perhaps Dr. Bishop might have concealed the arsenic in the candy, after losing his patient, in order to conceal his own ignorance. He questioned the proof of whether or not the candy-box was ever mailed. Certainly, he said there was no proof that Mrs. Botkin mailed it. The ironing of the wrapper of the candy-box came in for special condemnation. The charge was made that the purpose of the ironing was to obliterate



ATTORNEY-GENERAL WHITE IN ACTION.



ATTORNEYS WHITE AND KNIGHT DURING THEIR ARGUMENTS IN COURT.

GUILTY AS CHARGED.

A JURY made up of representative men has declared Cordelia Botkin guilty of murder. The verdict will receive approval. Justice will be satisfied with the fixing of the penalty at imprisonment for life. While morally on the plane with one of the other sex, and as a defendant, equal before the law, there is an irrepressible tendency to show deference to a woman even though the blood of innocence be on her head. This is in token of a sentimentality inborn, and the advocate of capital punishment would pause before consenting to its violation. Therefore the community, weary of travesty, impatient of the immunity of the transgressor, will say to the jury that it has done well.

After the preliminaries relative to possible extradition, the trial from the first moved with remarkable celerity. There was little wasted time save that devoted to abusing witnesses for the State. The attorneys for the prisoner must have felt that they had a hopeless fight, or different tactics would have been adopted. They would not have devoted hours to points which could avail them nothing unless by confusing the twelve in the box, and the twelve were not of the material to be confused.

Among assassins the Botkin woman is almost unique. Apparently shallow, there was shown to be in her composition a depth of guile hard to comprehend. With the gallows looming up before her, she seemed to be frivolous, unconcerned, at times forgiving. She lied with a nonchalance meant to be winning. She posed as everything she was not; she was innocence, virtue, kindness. No evil thought had entered her mind. Yet all the time she knew the unblemished victims of her plot, a plot as diabolical as ever directed by the fury of thwarted lust, lay dead in a distant State. She is a monster, devoid of conscience, of sympathy, of the nobler impulses. Her egotism has crowded out the good there may have been in her. To others it worked death, to her it worked a ruin far worse than death.

To have permitted this social viper to escape would have been a new shame upon the fair fame of the State in which justice has received many a blow in the house of its friends. There will be in the end of this evil doer a salutary lesson. No crime can be so cunningly devised that the criminal may not be hunted down. An idle word may lead to exposure, a guilty conscience betray. The most despicable, deliberate and cowardly murder possible is that in which poison is the chosen instrument. There will be no sane pity lavished on Mrs. Botkin. She challenged fate and it has overtaken and overcome her.

TEN YEARS OLD AND A FORGER.

Tacoma Produces a Remarkable Case of Criminal Precocity.

[Special Dispatch to "The Examiner."]

TACOMA, December 30.—George Henry Gilman Johnson, aged ten years, stood on the raised platform fronting Justice Mattison's desk in the police court to-day, unconcernedly listening while four business men of Tacoma made formal complaint charging him with being a forger and a constant menace to the safety and morality of the other boys of the town.

Johnson is very small for his age and he had to be placed on the raised platform so Justice Mattison could see him.

Johnson is charged with forging George Shaw's name to several orders on which he received various small sums of money. When taken to the city jail the boy showed no signs of emotion, preserving a stoical demeanor the whole time. He calmly told the officers he had spent the money for a revolver and cartridges with which to shoot at a mark. He stated that a schoolboy companion showed him how to write the orders while they were in school. He thought, to use his own language, "it would be a slick way to make lots of money easy," and proceeded to put the plan into execution.

The boy's father was not willing that a charge of incorrigibility be entered against his child and Justice Mattison committed him to the Superior Court.

LAST WORD FOR THE DEFENDANT.

DECEMBER 30, 1898.

McGowan Talks the Whole Day.

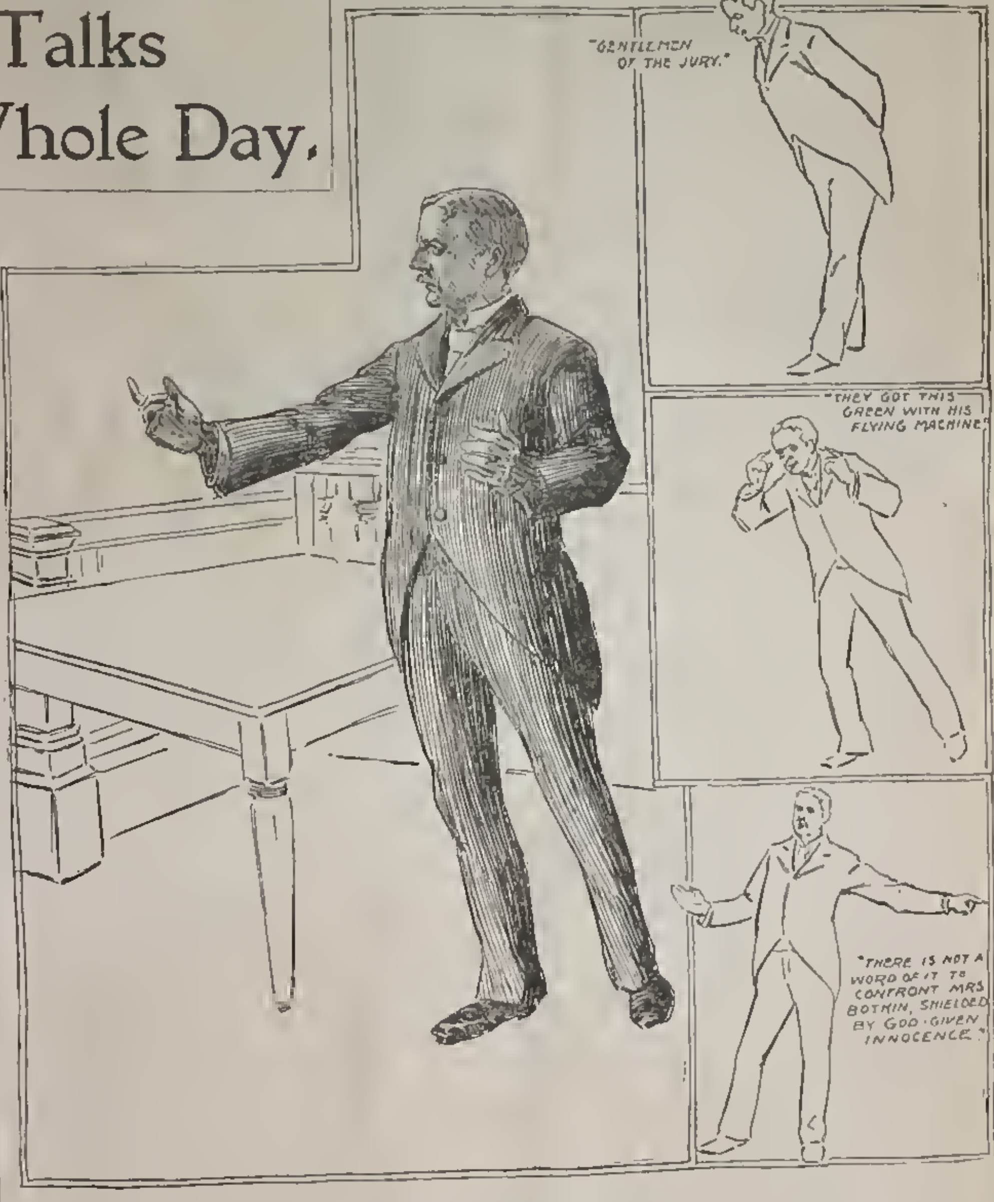
JEERS SOME, PRAISES ONE.

Pictures Mrs. Botkin as an Exemplar of Goodness.

DUNNING IS PAINTED AS ALL THAT IS VILE.

RIDICULE OR COARSE EPITHET FOR THE PROSECUTION'S WITNESSES.

Hosmer Will Begin the Closing Argument in Behalf of the People This Morning.



Frank McGowan Addresses the Jury.

The last word has been said for Mrs. Botkin. There remains only the searing denunciation of the prosecution, and no one who watched Hosmer yesterday, cynical, saturnine, sarcastic, doubts but that his excoriation will be to the point. Many unpleasant things may be said about Mrs. Botkin, and after the wholesale roasting McGowan gave to almost every witness of the prosecution, there is no reason why Hosmer should stay his hand. His retainers were not spared, why should he give quarter? The jury may be charged to-night, or the judicial words that lay down the law, outside whose narrow bounds no juror is allowed to tread, may not be said until to-morrow, but, whenever it is, the jurors will go to their room with the prosecution's last words ringing in their ears. With men the last word is not supposed to count, but with the most of humanity the last man is the best fellow.

A settled sadness has fallen upon Mrs. Botkin. She is like one in a nightmare. She shakes her head as one in a dream and the tears stream from her eyes. Yesterday her tears dropped silently all day. She has been transformed from a brisk little Xantippe into a melting Niobe. She has been accused of being stony-hearted, but the flintiness has gone. These tears are not simulated. There are bags beneath her eyes and her whole features have set in a despairing mold. She and her two sisters, all three shrouded in heavy nun-like veils, sit in a drooping row and weep silently through the days. It is like a funeral.

A good-sized crowd came in the morning and a much larger crowd in the afternoon, for which Hosmer had been billed, in anticipation of which he, too, had changed his raiment and appeared in whatever glory may attach to a long coat and silk hat. McGowan absorbed the entire day in his argument, and Hosmer, being a man who likes to give tit for tat, says that he does not think he can finish in a half-day, and so it is quite possible that there will be another whole day of talk.

McGowan has been in Legislatures and has stumped the State in political campaigns. He talks very well in private life, with a pretty humor and a lambent flame of sarcasm, and is very effective. But yesterday he discarded the easy repartee of every-day life. He stood in front of the jury-box like a baseball pitcher, and, with all the gyrations of a "phenom," curved rhetorical nosegays into the jury-box. His speech showed evidence of careful preparation. There were none of the haphazard sentences of Attorney-General White, breaking down simultaneously at every point like the "one-hoss shay." Nor was it the earnest talk of Knight, who rears the careful scaffolding of a speech only to throw it all away when he stands face to face with the jury and catches the inspiring lilt of the occasion. About McGowan there was little that was off-hand. When he was spontaneous he was not at his best. Some people thought the four hours of speaking pyrotechnic and sophomoric—too much like a graduating oration, with sonorous periods and careful interlarding of quotations. But then Marc Antony's speech would be laughed at nowadays. When McGowan finished there was a burst of applause from the lobby

on all matters of policy. McGowan made points that Knight would have glossed over, and the senior attorney looked a trifle worried at times.

As for the prosecution it was not present, except as embodied by the watchful Hosmer, who sat with open ears and narrowed eyes. Delaware was conspicuously absent. The truth to tell, Delaware was a bit huffy. It had seen its favorite son assailed in the public prints and it felt aggrieved. It considered that it had not been treated with interstate comity.

And so Delaware waited until afternoon, when it expected to hear Hosmer and was forced to listen to McGowan's stinging denunciations instead. White showed his diminished head. He merely put in a formal appearance to show that he was still alive after the caustic criticisms that had been passed upon him, and, after a few moments, quietly left the courtroom. White thinks that some prophets are more honored in their own country than away from it. "Californy" is too keenly critical for him.

McGowan has a singularly clear and distinct enunciation, and not one word he said was lost—not even when his voice sank to the solemn tones of a funeral oration or soared in the melodramatic flights of the campaign orator. There was none of Knight's man-handling, straight-from-the-shoulder talk, but a more studied, politer speech. If some of the metaphors had seen long and honorable service and were worn smooth as pebbles in a brook, at least the figures were not mixed and tangled like the Attorney-General's frightened attempts to embroider his discourse.

It took McGowan some time to get into action. For an hour or so he trained his guns in target practice and then bore down upon the enemy and said:

> Every technicality known to an astute attorney has been employed by the prosecution to thwart the defense in the presentation of evidence in behalf of Mrs. Botkin, but on our side there has been no effort at delusion, no attempt at concealment. If the woman were guilty there would have been a vicious technical fight, in which no quarter would have been given and none expected. She need not have offered you a scintilla of evidence. She could have stood on her legal rights and defied the prosecution to prove her guilt beyond a reasonable doubt. Instead of that she, confident in her own innocence, has met the prosecution on every issue. Only an innocent defendant meets accusation in that way.

Mr. McGowan went on to say that there never was a case in which there ... reasonable doubts. He

of intelligence, which he slobbers over with praise?" Referring to motive he said:

> You may search the case from its inception and you can find no motive for crime, no motive to induce a woman to take life for the first time, no motive for committing a deed which has horrified the world. Dunning is not physically, mentally or morally a man for whom a woman would commit murder. This defendant fed him, clothed him, but even he will not say that she ever proposed that he leave his wife. No reasoning, however strained, can gather from the evidence that Mrs. Botkin sought to get this valuable man as a husband. There is nothing to show that she ever wanted him to come back after he left her to go to Cuba. Instead, according to testimony, she told Miss Livernash that she felt relieved when he went away.

McGowan thought it extremely unlikely that any one with the mental and moral advantages of California would be likely to commit a murder unless he had murdered before in some less favored clime. He actually said that in California all the men were intelligent and all the women noble and kind. He took issue with Knight in saying that Mrs. Botkin had no blot on her 'scutcheon. Where the senior counsel had painted Mrs. Botkin's morals in tones of gray and lavender, McGowan would consent to nothing but gleaming white.

McGowan referred to Dunning's "sin-polluted lips," spoke of him as a "craven-hearted cur" and as the only man brazen-faced enough to raise his hand to a heaven he believed to be empty and say, "Thou art the woman." Dunning was the man of "adamantine cheek, with a foul heart and a rotten mind," a "man beyond reproach," a "mass of putrid matter."

Referring to the nine muses of Dunning's affection, McGowan said: "In that number there is one whose heart rose in vindictiveness against the debauchery of John P. Dunning. Here is the dreadful secret—locked behind Dunning's lips."

McGowan thought it absurd that if Mrs. Botkin intended to commit a crime she should not give an assumed name in buying arsenic and should attract attention to herself in the candy store by doing unusual things and selecting an unusual box. He referred to the doubtfulness of the candy girls' identification, to the contradictions in time between them and Mrs. Price and Maggie Smith. McGowan referred to the latter as a "goggle-eyed [illegible] wolloper," and, later, as "the vegetable-soup witness." He contrasted the little servant of the Vic... ...rda with the honorable Southern fam... ... Dr. Terrill on his way

Miss Livernash was referred to as a "journalistic buccaneer," who admitted that Mrs. Botkin was hysterical during part of the interviews, and then came into court to swear her life away. He represented the reporter as crawling on her stomach like a serpent and trying to worm herself into Mrs. Botkin's confidence.

McGowan theorized on Mrs. Arbogast's strong motive for committing such a crime and throwing suspicion on Mrs. Botkin. He closed by references to Mrs. Botkin's good family, an old and honorable one in the northern forests, and said:

> I once saw a human being drop through a gallows trap to the darkness of eternity. I thought then, "Oh, if there has been a mistake. How it will torture those who have passed judgment on the unfortunate one." There is uncertainty in all things human. We ask only that you do your duty. We want you to render a verdict founded on justice and sanctioned by law; such a verdict that in the future will enable you to look your fellow men in the face and say, "I did my duty as God gave me light to see it." We ask you to write a verdict that will bring joy to the aged mother, who with uplifted hands is praying that an American jury will restore to liberty her innocent daughter.

And all the while Hosmer, with a sardonic smile, was taking notes in a little red book. There'll be blood-letting to-day.

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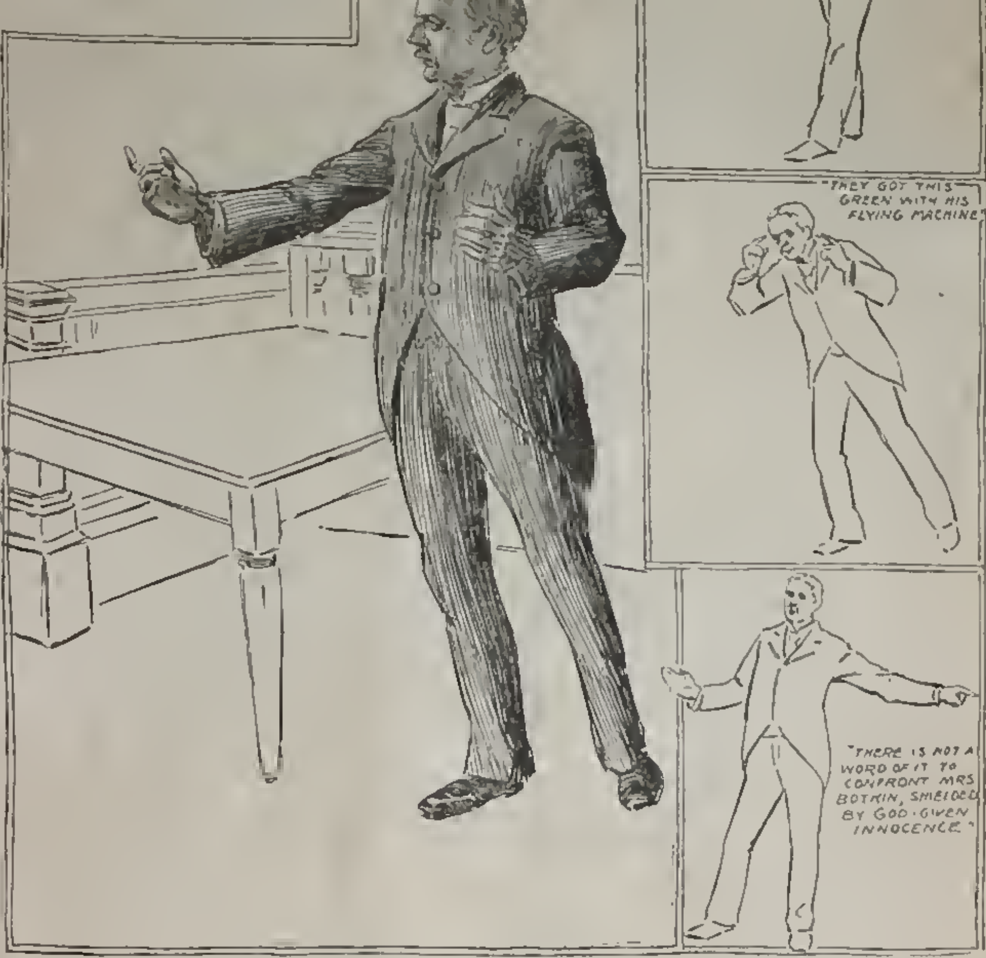

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The speech was too long and it was verbose. The jury fretted under it. Points that were good could have been put more concisely, and valuable deductions were smothered in verbiage.

There were some faults of phraseology in McGowan's speech, just as there had been in those of the men who preceded him. His predicates and subjects were not always running mates, one frequently paced to the other's gallop and there were some startling disparities of number and tense. The unbridled past participle sometimes gave McGowan a merry chase, and reminded the hearers of the eccentric grammar of Delaware. There were also some oddities of pronunciation. He says "stomick" and "irreliability."

At apt characterization of the prosecution's witnesses McGowan was at his best. Dunning was fried, grilled, broiled, stewed, baked, parboiled, fricasseed, roasted and steamed. When it became so hot that Dunning could not stand it, he left the room and showed a timorous head again just in time to hear himself called a "lecherous mass of putrid flesh." McGowan could not let Dunning slink away out of the case. He returned again and again to take another fall out of him. It was like kicking a corpse. There are limits beyond which denunciation may not go and be effective. The fickle crowd, once it has its fill, begins to veer like a weather cock and say, "The man's persecuted."

Some thought this was what made Knight fidget in his chair and glower, for Knight and McGowan do not agree on all matters of policy. McGowan made points that Knight would have glossed over, and the senior attorney looked a trifle worried at times.

As for the prosecution it was not present, except as embodied by the watchful Hosmer, who sat with open ears and narrowed eyes. Delaware was conspicuously absent. The truth to tell, Delaware was a bit huffy. It had seen its favorite son assailed in the public prints and it felt aggrieved. It considered that it had not been treated with interstate comity.

And so Delaware waited until afternoon, when it expected to hear Hosmer and was forced to listen to McGowan's stinging denunciations instead. White showed his diminished head. He merely put in a formal appearance to show that he was still alive after the caustic criticisms that had been passed upon him, and, after a few moments, quietly left the courtroom. White thinks that some prophets are more honored in their own country than away from it. "Californy" is too keenly critical for him.

McGowan has a singularly clear and distinct enunciation, and not one word he said was lost—not even when his voice sank to the solemn tones of a funeral oration or soared in the melodramatic flights of the campaign orator. There was none of Knight's man-handling, straight-from-the-shoulder talk, but a more studied, politer speech. If some of the metaphors had seen long and honorable service and were worn smooth as pebbles in a brook, at least the figures were not mixed and tangled like the Attorney-General's frightened attempts to embroider his discourse.

It took McGowan some time to get into action. For an hour or so he trained his guns in target practice and then bore down upon the enemy and said:

> Every technicality known to an astute attorney has been employed by the prosecution to thwart the defense in the presentation of evidence in behalf of Mrs. Botkin, but on our side there has been no effort at delusion, no attempt at concealment. If the woman were guilty there would have been a vicious technical fight, in which no quarter would have been given and none expected. She need not have offered you a scintilla of evidence. She could have stood on her legal rights and defied the prosecution to prove her guilt beyond a reasonable doubt. Instead of that she, confident in her own innocence, has met the prosecution on every issue. Only an innocent defendant meets accusation in that way.

Mr. McGowan went on to say that there never was a case in which there were so many reasonable doubts. He accused the police of tampering with the evidence and changing circumstances to fit their theory. He argued that it had never been proved that Mrs. Dunning died of arsenical poisoning, and pointed out the fact that Dr. Bishop's two patients died, their cases aggravated by his medicines, while those who avoided his prescriptions recovered, and yet in the testimony of these "know-nothing doctors" rested all the evidence of arsenical poisoning. He called attention to Dr. Wolf, who, while in Delaware, found lump arsenic in the candy. He said that the police, in order to make out a case that would fit with a purchase of powdered arsenic, had to find powdered arsenic in the candy. Therefore, the nearer the candy approached the Golden Gate the nearer it came to powdered arsenic, and when it at last reached here, Professor Price found powdered arsenic after the candy had been for some time in the custody of the police. He said there was not a scintilla of evidence to connect the defendant with lump arsenic—the sort that Miss Bateman picked from her teeth.

McGowan did not believe that the candy box ever crossed the continent until it crossed in a Pullman car with Detective McVey. He thought that the wrapper was ironed out to conceal the fact that it had been folded too many times to fit the police theory. He trod on pretty hot embers when he said that Mrs. Botkin had probably read in the papers that there were three anonymous letters, which accounted for her statement to Miss Livernash. Then McGowan took a gentle fall out of the Attorney-General of Delaware. Referring to his speech he remarked. "Why present this flimsy argument to this mass of intelligence, which he slobbers over with praise?" Referring to motive he said:

> You may search the case from its inception and you can find no motive for crime, no motive to induce a woman to take life for the first time, no motive for committing a deed which has horrified the world. Dunning is not physically, mentally or morally a man for whom a woman would commit murder. This defendant fed him, clothed him, but even he will not say that she ever proposed that he leave his wife. No reasoning, however strained, can gather from the evidence that Mrs. Botkin sought to get this valuable man as a husband. There is nothing to show that she ever wanted him to come back after he left her to go to Cuba. Instead, according to testimony, she told Miss Livernash that she felt relieved when he went away.

McGowan thought it extremely unlikely that any one with the mental and moral advantages of California would be likely to commit a murder unless he had murdered before in some less favored clime. He actually said that in California all the men were intelligent and all the women noble and kind. He took issue with Knight in saying that Mrs. Botkin had no blot on her 'scutcheon. Where the senior counsel had painted Mrs. Botkin's morals in tones of gray and lavender, McGowan would consent to nothing but gleaming white.

McGowan referred to Dunning's "sin-polluted lips," spoke of him as a "craven-hearted cur" and as the only man brazen-faced enough to raise his hand to a heaven he believed to be empty and say, "Thou art the woman." Dunning was the man of "adamantine cheek, with a foul heart and a rotten mind," a "man beyond reproach," a "mass of putrid matter."

Referring to the nine muses of Dunning's affection, McGowan said: "In that number there is one whose heart rose in vindictiveness against the debauchery of John P. Dunning. Here is the dreadful secret—locked behind Dunning's lips."

McGowan thought it absurd that if Mrs. Botkin intended to commit a crime she should not give an assumed name in buying arsenic and should attract attention to herself in the candy store by doing unusual things and selecting an unusual box. He referred to the doubtfulness of the candy girls' identification, to the contradictions in time between them and Mrs. Price and Maggie Smith. McGowan referred to the latter as a "goggle-eyed gut walloper," and, later, as "the vegetable-soup witness." He contrasted the little servant of the Victoria with the honorable Southern family of Dr. Terrill—Dr. Terrill on his way to dine with Judge Foote, who later became "General" Foote. At this time, he said, "Mrs. Botkin was lying on her divan engaged in being sick." Suddenly McGowan asked the jurymen what day it was, two months ago, when they saw their best friend coming to their house. Each man's face was a blank. McGowan seemingly forgot that this parallel would apply as well to Dr. Terrill, who had made no record in his visit book as to the indefinite candy girls and boarding-house folk.

McGowan referred bitterly to the "salting" of Mrs. Botkin's room and disposed of Rosello as "the little jumping-jack of a witness who peddles obscene literature." He said sarcastically that it was not fair to allow Rosello to find the candy seal when the honor fairly belonged to the detectives. In analyzing Mrs. Harris' testimony he pointed out that it was strange, since there was such a resemblance between Mrs. Botkin and the witness' mother, that Mrs. Harris should not recollect the name. He commented on the significant omission to present any photograph of Mrs. Harris' maternal ancestor. He remarked the significant absence of records in the City of Paris and ended by calling Mrs. Harris "one of the boys, who tips the festive glass."

Mrs. Ruoff was the "flippant witness, who evidently belongs to the church militant, and from her conduct with the whisky-bottle to the church alcoholic." He called her "that $40 witness, burning with malice and hatred, like Judas Iscariot of old, wishing to earn her forty pieces of silver." It was of her that he said. "Oh, father Abraham, how these Christians love one another!"

Miss Livernash was referred to as a "journalistic buccaneer," who admitted that Mrs. Botkin was hysterical during part of the interviews, and then came into court to swear her life away. He represented the reporter as crawling on her stomach like a serpent and trying to worm herself into Mrs. Botkin's confidence.

McGowan theorized on Mrs. Arbogast's strong motive for committing such a crime and throwing suspicion on Mrs. Botkin. He closed by references to Mrs. Botkin's good family, an old and honorable one in the northern forests, and said:

> I once saw a human being drop through a gallows trap to the darkness of eternity. I thought then, "Oh, if there has been a mistake. How it will torture those who have passed judgment on the unfortunate one." There is uncertainty in all things human. We ask only that you do your duty. We want you to render a verdict founded on justice and sanctioned by law; such a verdict that in the future will enable you to look your fellow men in the face and say, "I did my duty as God gave me light to see it." We ask you to write a verdict that will bring joy to the aged mother, who with uplifted hands is praying that an American jury will restore to liberty her innocent daughter.

And all the while Hosmer, with a sardonic smile, was taking notes in a little red book. There'll be blood-letting to-day.

5,389 Want Ads were published by the Sunday Examiner during the Month of December.

In the other papers........2,746
and 2,370 respectively
Total in other two papers 5,116

The Examiner.

VOL. LXVII. SAN FRANCISCO: SATURDAY MORNING, DECEMBER 31, 1898. NO. 184.

THE WEATHER.

FORECAST MADE AT SAN FRANCISCO FOR THIRTY HOURS ENDING MIDNIGHT, DECEMBER 31, 1898:

FOR SAN FRANCISCO AND VICINITY—Fair Saturday; brisk northwest wind.

W. H. HAMMON,
Forecast Official.

MRS. BOTKIN, THE POISONER, FOUND GUILTY OF MURDER.

CONDEMNED TO A LIFE IN STATE PRISON.

Came Within One Vote of a Verdict of Hanging by the Neck.

ALL FOR HOSMER

The Deputy District Attorney Makes a Masterful Analysis of the Testimony.

Last night the jury that tried Cordelia A. Botkin for the murder of Mary Elizabeth Dunning brought in a verdict of murder in the first degree. They fixed the penalty at imprisonment for life. Had it been a man, the decision would have been for hanging. Men do not hang women in California. As it was, she was once within one vote of the gallows. The jury was out just four hours and fourteen minutes.

Some time after receiving the verdict of the jury Mrs. Botkin fainted, but soon was revived, and was escorted to a cell in the branch County Jail.

Now another legal battle will be on. The question of jurisdiction will be raised—the question whether a California court can condemn for a mur-

MRS. BOTKIN HAD THE UTMOST CONFIDENCE THAT THE JURY WOULD RETURN A VERDICT CLEARING HER OF ALL COMPLICITY IN THE TRAGEDY.

The verdict was a greater surprise to me than I can make any one understand. I was confident that the jury would restore to me my freedom. My reason for this confidence was based on the testimony introduced during the trial.

I have often thought, as I looked into the faces of the jurors, that my fate was in the hands of twelve honest, fearless men, and I had no feeling of apprehension, even when the prosecution was using its utmost skill to prejudice the minds of those men against me. But it seems that the twelve men I thought capable of discerning between the false and the true, the right and the wrong, were not as fearless as I credited them with being.

I cannot but feel, and I think all thinking and intelligent people will agree with me, that in the verdict there is an entire absence of justice. Can it be that the failure of justice in the Rosser case and in the Figel case influenced this jury and brought forth the cruel verdict rendered to-night? Can it be that these men felt that it was time for some one charged with crime to be convicted, and so made me an example and a victim?

Is this our American justice to make me—a woman—a scapegoat? But, however shocked and disappointed I may be to-night, I am not discouraged. I yet feel that I shall be vindicated. The verdict does not terminate the matter.

The public will one day know that I am not the sort of woman the verdict of this jury would lead the people to believe. I can now do nothing but wait my time, trusting in a higher justice than was understood by the twelve men who were intrusted with the high duty of passing on a human life.—*Statement by Mrs. Botkin.*

FAINTS AFTER HEARING THE VERDICT,

Soon Revives and Is Led Away to Her Cell in the Jail.

SHE WILL APPEAL

The Crowd About the Bulletin Board Cheered the Announcement of the Verdict.

prisonment or the death penalty was still a problem.

"What is your verdict?" again the voice of the Judge was heard in measured tones.

Foreman Kennedy arose and proferred a slip of paper, which was taken by Stenographer Drew, who handed it to Clerk Tolle. Without reading it Mr. Tolle delivered the fateful screed to Judge Cook, who scrutinized it carefully, and passed it back to the clerk, with instructions to record it. When this brief clerical duty was finished Clerk Tolle said:

"Gentlemen of the Jury, listen to your verdict as it stands recorded: 'We, the jury, find Cordelia Botkin guilty of murder of the first degree and fix the penalty at imprisonment in the State Prison for the remainder of her life.'"

There was an audible "Ah!" in the crowd, notwithstanding the warnings of the Court and bailiff that no demonstration would be permitted, no matter which way the verdict was rendered.

The feeling in the audience appeared to be

Now another legal battle will be on. The question of jurisdiction will be raised—the question whether a California court can condemn for a murder consummated in Delaware.

Aside from the verdict, the event of the day was the masterful presentation of the case of the prosecution by Deputy District Attorney John A. Hosmer.

After an impartial charge from Judge Cook, the reading of which consumed an hour and twelve minutes, the case was given to the jurors at 5:06 p. m. Almost immediately after they reached their room and had elected Juror Kennedy foreman, they sent word back that they would go to dinner before considering the case at length, and the crowd dispersed. Mrs. Botkin was taken to the Sheriff's office.

The jurors returned at 7 o'clock and soon proceeded to ballot on a verdict.

The first ballot stood ten for hanging and two for life imprisonment. The second ballot was eleven for hanging and only one for life imprisonment. Mrs. Botkin was within one vote of the gallows.

But the one stood firm, and after much discussion the other eleven went over to him. So, though the verdict was "murder in the first degree," the punishment was fixed at imprisonment for life. The verdict was handed in at 9:20 p. m.

At first Mrs. Botkin seemed to receive the verdict with as much stolidity and unconcern as did Durrant. But after a few minutes she swooned and fell over into the arms of her sister, Mrs. McClure. As she revived she said:

"Why didn't you give me an American jury? I told you to give me an American jury."

Attorney Knight says that on Saturday next he will move for a new trial, and then take an appeal. He places great reliance on the point that a California court has no jurisdiction to try a case of murder where the death occurred in another State.

When the announcement of the verdict was flashed on "The Examiner" bulletin board last night the crowd [illegible].

After her arrival at the branch County Jail Mrs. Botkin broke down completely and for some time gave vent to her anguish in sobbing and occasional shrieking.

THE FAINTING OF MRS. BOTKIN AFTER HEARING THE VERDICT OF GUILTY.

J. D. DEANE IS SATISFIED.

The verdict was a surprise to me, but it was an agreeable surprise, for I had been led to believe from common report that it was impossible to convict a guilty person in San Francisco. This impression has been corrected by the verdict that has been rendered. I am not vindictive, for the punishment of this woman could not bring back to me my dead wife; but I believe the verdict is in accordance with the testimony and evidence in the case, and am therefore satisfied.—J. D. Deane, in an interview.

AWAITING THE VERDICT.

Curious Throngs at Night in the Courtroom and Corridors.

After the jury, at 5.06 o'clock, retired for deliberation so many people crowded the corridor in the neighborhood of the jury room that several policemen were detailed to keep them back. Almost at once the jurors were allowed to go to dinner, and it was nearly 7 o'clock before they returned to the City Hall, when they repaired to their chamber.

No hint of the way in which the vote stood was given by the jurors at this time, though there was evidence that they had not been able to agree at the outset of their balloting, for at 8 o'clock a messenger arrived with Juror Buckingham's valise, containing his night shirt and toilet articles. Five minutes later two more gripsacks were delivered to Bailiff Whelan, and he conveyed them to the jury room.

At 7 o'clock the court room doors were opened, and the throng pressed in, filling every available seat in the gallery and in the main auditorium. Then began a time of waiting. There was at first a little nervousness, but presently the people settled down to quiet conversation, and some of the men sought solace in smoking, but this was quickly suppressed by the bailiff.

One woman who has attended every session of the trial from the beginning of the impanelment of the jury, and who gave her name as Mrs. Schwartz, was asked what she thought the verdict would be and what she thought it ought to be. To both questions she replied that she could not make up her mind, saying that she had not been able to fathom the feelings of the jurors by studying their faces and that in her own soul she was not able to say whether Mrs. Botkin ought to be convicted or acquitted.

It was 7.10 o'clock when Mrs. Botkin arrived, accompanied by the officers, her lawyers and her sisters.

At 7.30, the time when the jury was expected to report or ask for further instructions, a hush fell upon the crowd, but this was momentary, for Clerk Tolle informed those in the vicinity of his desk that Judge Cook had resolved not to send for the jury until they manifested a desire to communicate with him, and that if they did not agree by 10 o'clock they would be locked up for the night.

Not the slightest intimation was given of what was going on in the jury room, and the time dragged heavily. Mrs. Botkin sat in her accustomed place, talking to George Knight, her attorney, once in a while turning to her sister and passing some remark on the apparent delay of the jury in making up their minds; but generally her conversation was of other matters.

Naturally Mrs. Botkin was nervous, for the strain was very great, and she showed it in her face. Most of the time she held her sister's hand, and gently plied her fan, for the atmosphere was close.

A feeling became prevalent that the jury would fail to agree, and half of the people in the gallery left, but only men took their departure. Not a woman stirred, but on the contrary they forced themselves forward to take the places vacated by the men.

There was beginning to develop a feeling of impatience, when suddenly at 9.15 the electric bell connecting with the jury room gave two sharp, quick rings, and instantly expectancy was on tiptoe.

Judge Cook, who was in his chambers, was informed that the jury had given a signal of desiring to be heard, and he dispatched the bailiff to ask if an agreement had been reached. An affirmative answer was returned, and the excitement in the crowd became more intense. The Judge ascended the bench and the attorneys took their places, all of them being present. Assistant District Attorney J. A. Hosmer and Attorney-General White of Delaware representing the prosecution, while George A. Knight and Frank McGowan sat by Mrs. Botkin.

The jurors filed in and took their places in the box.

"Gentlemen, have you agreed on a verdict?" asked Judge Cook.

Men and women were standing up, jostling and pressing to get nearer the center of interest, but there was not a sound. In the hush that fell on the throng it seemed almost that the deep breathing of the prisoner could be heard. There seemed to be something in the air that foretold of conviction, but whether it would be life im-[illegible] was rendered.

The feeling in the audience appeared to be more sympathetic than otherwise. If there was any savage exultation over the conviction of this fellow mortal it was not shown by word or deed. The feeling was that of deep sadness, so far as it could be observed, though at the first utterances permitted after adjournment of court there were quiet expressions to the effect that justice had been meted out. After the verdict was made known there was a general acquiescence, where before no definite opinion seemed to prevail.

Mrs. Botkin sat with her hand upon her left side, as if in pain, as the jurors entered the box, but after they had taken their seats she resumed an easy position, and when the word "guilty" was uttered by the clerk she made no sign beyond a slight twitching of the eyes and a short gasp, as if her heart had for the instant failed and her breath was gone. Then she rallied, and cast a defiant glance toward the jurors, but at once turned to her sister, Mrs. McClure.

Attorney Knight filed his formal objection to the verdict on all the legal grounds and Judge Cook set a week from to-day as the time for passing sentence, at which time Mr. Knight gave notice that he would move for a new trial.

Fifteen minutes after the jury had left the room, and while waiting for the wagon which was to convey her to the Branch County Jail, Mrs. Botkin fainted. Sheriff Whelan quickly handed a glass of water to Mrs. McClure, in whose arms she was resting. Mr. Knight fanned the unconscious woman, and the Rev. Mr. McClure and Mrs. Roberts also offered assistance. When Mrs. Botkin recovered consciousness five minutes later she blurted out:

"Why didn't you give me an American jury? I told you I wanted an American jury."

FATHER OF THE DEAD WOMEN SPEAKS.

It would hardly be becoming in me to make any statement or voice any opinion in regard to the result of the trial, but I can say that I believe the jury has done its duty fairly and conscientiously. That is all I can say.—J. B. Pennington, father of Mrs. Dunning and Mrs. Deane, in an interview.

ATTORNEY WHITE COMMENDS JURY.

Having a high opinion of the men sworn to try the case, I could not see how they would fail to convict her. I apprehended, however, that the punishment would be fixed at life imprisonment.

Perhaps the revelations as to Dunning's character and the impression this made upon the jury was what led them to decide upon the lesser punishment.

But I am satisfied with the verdict, and commend the jurors for having done their duty.—Attorney-General R. C. White of Delaware in an interview.

DUNNING NEVER DOUBTED THAT MRS. BOTKIN WAS THE WOMAN WHO CRUELLY MURDERED HIS WIFE.

The only comment I care to make upon the verdict of guilty against Mrs. Botkin, is that it is certainly in accord with the testimony which I gave in the case myself. I have no feeling of exultation in the matter. I did not take this long journey to San Francisco to testify in the case in any spirit of vengeance, for the punishment of a hundred women will not give me back my wife or restore the mother to the child.

I knew before I came here the miserable, degrading story that I would have to tell, and I could have escaped it all by refusing to come. But I had no wish to shield the murderer of my wife, and I felt it my duty to come here and tell the unhappy story which has brought so much shame and disgrace upon me and to atone in some measure for my faults and follies of the past.

From the first moment that I learned the circumstances attending the death of my wife and sister-in-law, I never had the shadow of a doubt as to who it was that caused their cruel murder.

From the first I have given the authorities, both in Delaware and California, all the assistance in my power. I have been subjected to criticism of the most virulent kind, particularly during the last few days, when Mrs. Botkin's attorneys were making their arguments. There was not one word of truth in many of the things they said about me, but I will reply to none of them and will make no effort to defend myself against their unjust attacks.

I will leave here as soon as possible, return to my old home, where this whole horrible story is told by two graves in the little country church-yard, along the banks of the Delaware river. Then I will devote the remainder of my life to the happiness of all I have left, the little girl who bears on her face the imprint of her angel mother and who climbs upon my knee and asks me if her mamma has gone to heaven.

JOHN P. DUNNING.

ARGUMENT OF HOSMER.

Brilliant Presentation of the Great Case by the Prosecutor.

John Allen Hosmer, slicked and brushed and clean, prosecutor in the case where Mrs. Cordelia Botkin was charged with murder, made a name for himself yesterday. It was this dark man's first chance at a cause which filled all the public eye. Hitherto his superiors in office have stepped in to take the honors of the cases which meant advertisement and position. Specially engaged attorneys often have clouded his dreams of filling the general view. He has frittered away the years in an effort to drive common scoundrels into a common jail.

But yesterday there was nothing to hinder. The Attorney-General of Delaware, who had opened the case for the prosecution was a something to be brushed away. The shouters for the defense had mouthed their best abstractions, had called the demons from the nether deeps and the angels from the farther blue, had summoned all the gusty metaphors and clangorous hyperboles—and then had left the case to him.

And John Allen Hosmer, prosecutor in the case of the people against Cordelia Botkin, charged with murder, without one thrill of voice, with no engaging gesture, in cold

Call

O, SATURDAY, DECEMBER 31, 1898. PRICE FIVE CENTS.

MRS. CORDELIA BOTKIN IS GUILTY OF THE CRUEL DELAWARE MURDERS

Jury Fixes Penalty for the Heinous Crime at Imprisonment for the Term of the Inhuman Perpetrator's Natural Life----The Condemned Woman Receives the Verdict With Tearless Eyes and Unnatural Composure.

Her Attorneys Affirm That the Verdict Is Not in Keeping With either the Law or the Evidence Submitted by the Prosecution in This Case, Which Has Attracted the Attention of the Whole World Owing to the Viciousness of the Methods Employed by This Modern Borgia—Sentence Will Be Pronounced on the Seventh Day of January.

We find the defendant, Cordelia Botkin, guilty of murder in the first degree, and fix her punishment at imprisonment for the term of her natural life.

WITH these words a jury fastened upon Mrs. Cordelia Botkin yesterday one of the most cruel crimes of the century—the murder of Mrs. John P. Dunning and Mrs. Joshua Deane at Dover, Del., on the night of August 9. This modern Borgia sent through the mails a box of chocolate bonbons, the contents of which were

There was a peremptory tone to its ring and those experienced in the ways of juries at once said it meant a verdict had been decided upon and that it was not likely to be favorable to Mrs. Botkin. A moment before those in the courtroom stood about in little groups discussing the possibility of the jury being out all night. This seemed likely as valises full of clothes were being brought in from time to time.

At the premonitory signal from the bell a hush fell upon those in the room. Mrs. Botkin fidgeted about in her chair and apparently could find no comfortable attitude. Her hand went to her head and she fingered nervously at her mouth. Attorneys Knight and McGowan were in their accustomed places, as were her sisters, Mrs. McClure and Mrs. Robarts, and their husbands.

The silence was oppressive. It was could utter no words of sympathy or cheer to the condemned woman. The prisoner's face was sphinx-like and betrayed no motion, no feeling. The room was cleared. No one seemed brave enough to break in upon Mrs. Botkin and disturb her thoughts, whatever they may have been. She sat perfectly upright with her hands on the table opening and shutting as though clutching at something unseen by human eyes. She fanned herself automatically and suddenly went off into a faint. But this was but momentarily, and she was soon herself again.

Her attorneys consoled her with the statement that the verdict was not in keeping with the law or the evidence, and they hinted at great pressure having been brought to bear on the jury through the public sentiment that had been aroused by the miscarriage of justice in the Rosser and other cases lately.

George H. Knight was the most disappointed person in the courtroom (not even excepting the prisoner herself) when the decision was handed in. Immediately after the verdict he was asked to express his opinion about it, and said:

"Well, all I have to say is that it is against the law and against the evidence."

When asked if he expected it he replied emphatically that he did not, although later on he was heard to say, with an assurance that was no doubt assumed, that he rather looked for it; but he would not give the reason for his nesses with impunity when trying a case before a jury of business men. If it teaches him and men of his kind that those tactics are not the proper ones to employ, the lesson will not have been wasted."

When Mrs. Botkin was ready for the road her sisters asked as a favor that they be allowed to accompany her on the journey to the Branch Jail at Ingleside. This boon was readily granted by Sheriff Whelan. When the time came to move Mrs. Botkin had recovered her wonted composure and gave no outward sign of the emotions within her. She gathered her skirts about her and with the grand air which had become a habit with her she said, "I'm ready." With her little escort she left the room and made her way out of the building by the exit near the Hall of Records. From here they went to Market street and thence down Seventh to the Mission-street cars. She walked between a Deputy Sheriff, who has been her custodian from the first, and Brother-in-law Robarts. Some of the loungers on the street corners recognized her as she passed, but to the majority she was but an ordinary personage.

The greater portion of the day was given over to the closing argument of Mr Hosmer. At its conclusion a recess of ten minutes was taken before Judge Cook commenced to deliver his charge to the jury. The hum of conversation commenced immediately and was not hushed until the jurymen commenced to file back to their seats. For the second time during the trial Mrs. Botkin removed her veil.

The great strain to which her overstrung nerves had been subjected during the long day showed in her face, and she looked her two-score years. The charge, which Judge Cook read from manuscript, required an hour in its presentation. The woman's attorneys knew that portions of it decided certain disputed points in the testimony favorable to her and they were confident, or affected an air of confidence, in the outcome of the jury's deliberations.

Not so Mrs. Botkin. Her face assumed an ashen pallor and her lips twitched almost continuously.

There Was an Impressive Silence in the Courtroom as the Clerk Read the Words Condemning Mrs. Botkin.

Perpetrator's Nat... Witarless Eyes and Unnaural Composure.

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When Mrs. Botkin was ready for the road her sisters asked as a favor that they be allowed to accompany her on the journey to the Branch Jail at Ingleside. This boon was readily granted by Sheriff Whelan. When the time came to move Mrs. Botkin had recovered her wonted composure unit gave no outward sign of the emotions within her. She gathered her skirts about her and with the grand air which had become a habit with her she said, "I'm ready." With her little escort she left the room and made her way out of the building by the exit near the Hall of Records. From here they went to Market street and thence down Seventh to the Mission-street cars. She walked between a Deputy Sheriff, who has been her custodian from the first, and Brother-in-law Roburts. Some of the loungers on the street corners recognized her as she passed, but to the majority she was but an ordinary personage.

The greater portion of the day was given over to the closing argument of Mr. Hosmer. At its conclusion a recess of ten minutes was taken before Judge Cook commenced to deliver his charge to the jury. The hum of conversation commenced immediately and was not hushed until the jurymen commenced to file back to their seats. For the second time during the trial Mrs. Botkin removed her veil.

There Was an Impressive Silence in the Courtroom as the Clerk Read the Words Condemning Mrs. Botkin.

justice in the Rosser and other cases lately.

George H. Knight was the most disappointed person in the courtroom (not even excepting the prisoner herself) when the decision was handed in. Immediately after the verdict he was asked to express his opinion about it, and said:

"Well, all I have to say is that it is against the law and against the evidence."

When asked if he expected it he replied emphatically that he did not, although later on he was heard to say, with an assurance that was no doubt assumed, that he rather looked for it; but he would not give the reason for his change of sentiment.

"There have been errors of law made in this case," he continued, "and on that we will base our appeal for a new trial."

When asked for a particular instance of those errors he said: "The Judge erred when he did not state in his charge, as I requested him to do, that there was absolutely and positively no evidence that Mrs. Botkin had purchased any lump arsenic in the Owl drug store."

The attorney then abused one of the jurors. "Why, this juryman," he said, "owes a large amount of money to members of the police force, but I will not say any more, and I have advised my client to keep a discreet silence."

Knight assumed a general air of indifferent terity throughout his conversation on the subject, but it was apparent he did not express his real feelings at the verdict.

If the jury came in for criticism from Mr. Knight he in turn was criticized by them. As they were leaving the room after being dismissed one of them remarked, "This will teach George Knight that he cannot bulldoze wit-

The great strain to which her overstrung nerves had been subjected during the long day showed in her face, and she looked her two-score years. The charge, which Judge Cook read from manuscript, required an hour in its presentation. The woman's attorneys knew that portions of it decided certain disputed points in the testimony favorable to her and they were confident, or affected an air of confidence, in the outcome of the jury's deliberations.

Not so Mrs. Botkin. Her face assumed an ashen pallor and her lips twitched almost continuously.

She could not cry, although there was at all times a suspicion of moisture in her eyes. For a time she watched the Judge and then bent a steady gaze on the jurymen, as though to learn from their faces what the fates had in store for her. The solemnity of the closing words of the charge did not seem to strike home to her heart. As the jurymen left the courtroom to commence their deliberations Mrs. Botkin leaned her head on the back of her chair and her lips moved as if in prayer. The pallor on her features, which seemed swollen, increased and for a time it seemed as if she would faint.

Her faithful sister came to her relief and in a moment she stood up and moved about in a sprightly manner. At the suggestion of the Sheriff she was taken to his office, where she and her relatives could commune in privacy.

The charge of Judge Carroll Cook was an important one. If there was any leaning, the tendency was toward the woman on trial for her life. In opening the Judge congratulated the jurymen that their duties would soon end and thanked them for their atten-

heavily charged with arsenic. The prosecution weaved a remarkable web of circumstantial evidence about the woman upon whom suspicion was first directed and she was convicted last night. As a motive for the crime they showed her infatuation for John P. Dunning, the husband of one of the unfortunate victims.

Her manner when the verdict was announced was in keeping with her actions from the start. There was no sob—no piteous moan as of a heart and spirit crushed by the enormity of the crime thus brought home to her. The leaning which she has toward the melodramatic was with her to the end. As Oscar Tolle read the verdict of the jury with all its dreadful import she watched him as though transfixed and as immovable as stone. When the jury was being polled she bent a look of supreme disdain upon the men who had weighed the evidence against her and had said "thou art the woman."

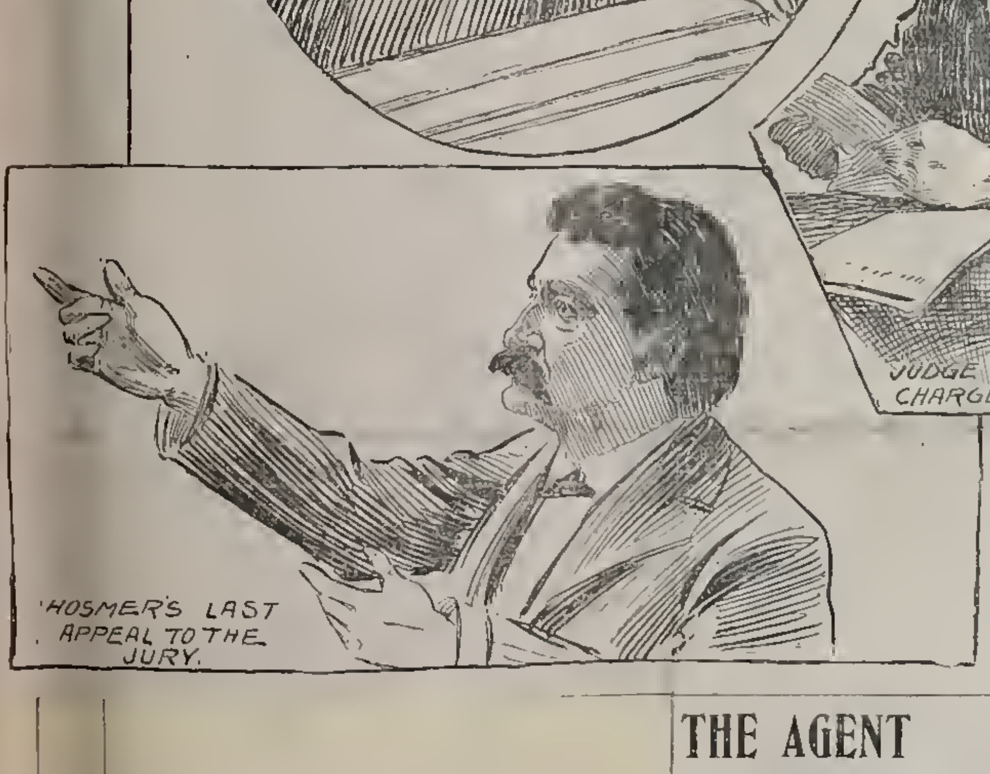
At fourteen minutes past nine the courtroom bell which is connected with the jury-room rang out sharp and clear. Some minutes before the door opened and the jury filed in. The relatives and supporters of the woman accused sat with their backs toward the door and gave no token of their knowledge that the men were coming in. Those who could see the faces of the jurymen knew at once what the verdict was at which they had arrived. There was a set expression which told of an unpleasant duty performed in keeping with the trust and responsibility reposed in them. They were asked if they had arrived at a verdict and Foreman Kennedy arose and said they had. He handed a slip of paper to Clerk Tolle, who in turn passed it to Judge Cook. He read it to himself and then ordered it read aloud.

The words of such terrible import were spoken and nothing broke the stillness save the order of the Judge that it be recorded. This required some moments and no one in the court room stirred. Attorney Knight looked neither to the right nor the left. Mrs. Botkin cast one long look at the jury and then gazed at the desk before her. Her sisters were struck dumb and

Francisco Chronicle.

SAN FRANCISCO, CAL., SATURDAY, DECEMBER 31, 1898. NO. 169.

MRS. BOTKIN SENT TO PRISON FOR LIFE.



VERDICT OF THE JURORS.

Convicted of Murder, but Saved From the Gallows.

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SHE MEETS HER FATE WITH A DISPLAY OF MUCH STOICISM.

It Took Twelve Men Four Hours to Agree as to the Author of the Dover Tragedies.

Cordelia Botkin bears the mark of Cain, but she is not to die on the gallows. Instead, she is doomed to pass her days in the women's quarter in San Quentin, between the dark yard and the sunny cells. She is spared an ignominious death on the scaffold, but to Cordelia Botkin the terrible seclusion, away from the teeming world she loves, deprived of the society of men, condemned to association with the most repulsive of women, is more than death.

It is said to be a compromise verdict, given because at the last moment men who had declared on oath that they would hang a woman as quickly as they would shoot a cat, shrunk from the ultimate test.

After but four hours of deliberation, half of which was spent in comforting the inner man, the jurors returned to the crowded court with downcast faces, and it did not take an expert in character to read the verdict in their hanging heads and sorrowful eyes. As the twelve filed into the room each one glanced at the defendant out of the corner of his eye.

The Verdict a Great Surprise.

The verdict was a tremendous surprise. The wiseacres had predicted a delay of at least a day, and then a hung jury, to be followed by a hurried second trial, in which no one would take any interest and from which the defendant would go scathless. The wiseacres were all wrong. It simply shows that no one can tell what twelve men are going to do. It is probable that the speedy conclusion surprised the jurors themselves. They had been sending home for packed grips and boxes of cigars, and everybody supposed they were settling themselves for an all-night siege, when suddenly the bell in the courtroom rang two distinct peals and everybody sat up as though they were shot, for a verdict at this time could mean nothing but conviction. Acquittals are either on the spur of the moment or not at all—it is hard to argue a set man into a conviction of innocence.

It was at precisely 5:05 o'clock when the Judge's hour-long charge came to an end and the jurymen filed out in a solemn row—not through the familiar back door through which they have been going these many days, but out through the ceremonious entrance, through the swinging baize doors into the stone corridor. People settled themselves for a wait, for that memorable Durrant jury, which came trooping back in exactly fifteen minutes, has never been quite forgotten. And when every nerve was a-quiver and every neck a-crane, it was announced that the jury—had gone to dinner. From that the defense took hope, for men are supposed to view all things kindly after dinner.

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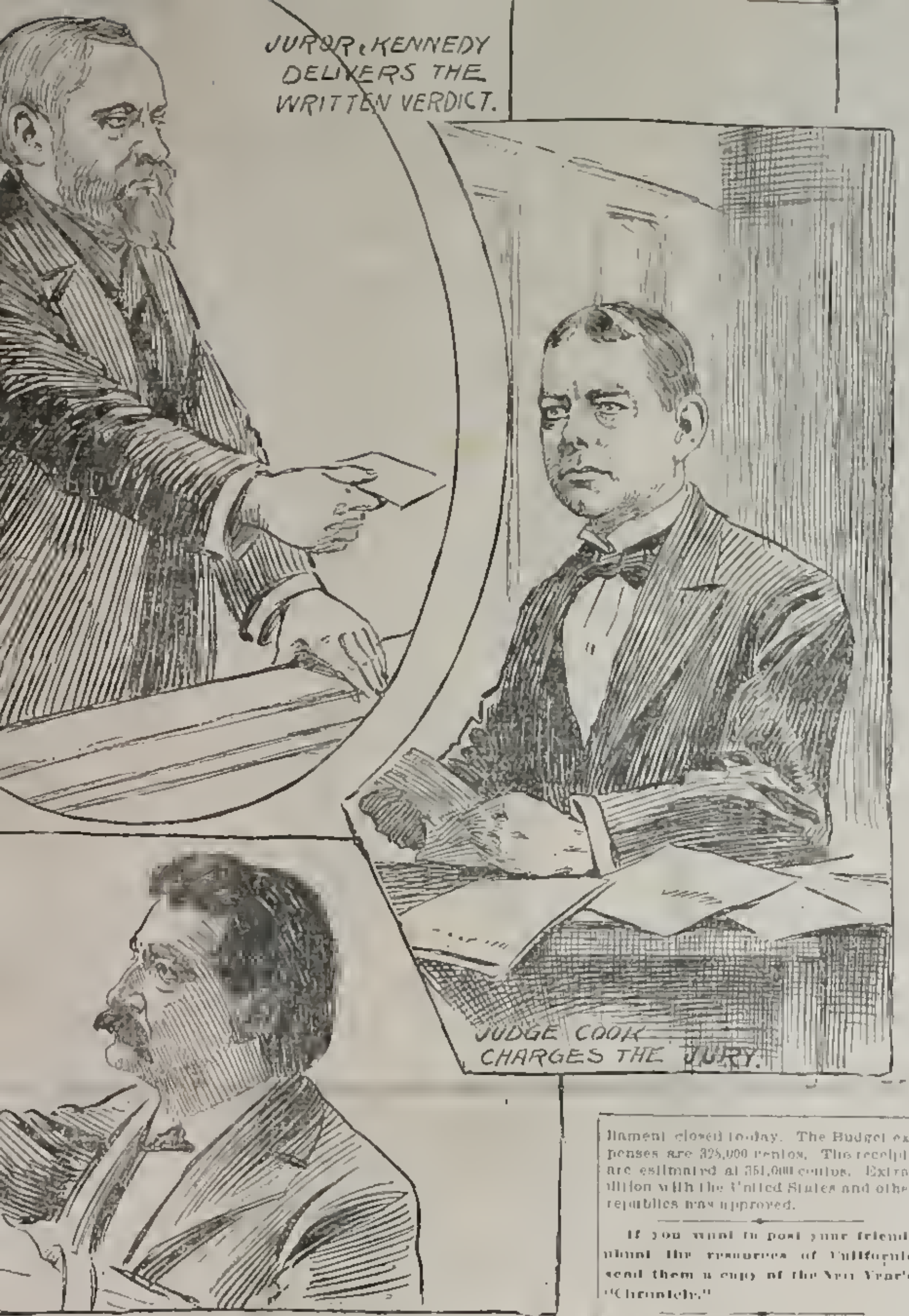

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The city is full of detectives, all drawn by the large reward of $5000 offered. Beeler is known to be well acquainted with every foot of the border country, and that he is making for Mexico seems to be the general belief. Every precaution has been taken to prevent his crossing over. Investigation shows that a horse was mounted near where the wagon was found and the animal was traced to the public road near by and leading to the west in the direction of the border.

Beeler's absolute familiarity with the Western country, and his large acquaintance there, will, it is expected, render difficult his capture. While the authorities are convinced that he had an accomplice, nothing in the way of substantiation is known.

Brazilian Parliament Closes.

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KRUEGER URGED TO REFRAIN.

Boers Will Not Burn Jameson in Effigy.

PRETORIA, December 30.—Strong representations have been made to President Krueger, urging him to forbid the proposed celebration on January 2d of the defeat of the Jameson raid, when, at the suggestion of the Pretoria Volksstein, the project was to burn Dr. Jameson in effigy.

Owing to the President's action the celebration has been abandoned. There is no doubt that such an observance of Jameson day, as planned, would have led to serious riots.

MRS. LESLIE CARTER'S DEBTS.

The Actress Owes Over Sixty Thousand Dollars.

NEW YORK, December 30.—A meeting of the creditors of Caroline D. Carter, better known as Mrs. Leslie Carter, the actress, was held to-day at the office of the Referee in Bankruptcy, N. A. Prentiss. Several creditors appeared by attorneys, but no claims were proved, and as schedules disclosed no assets a trustee was not appointed. Her liabilities are $63,773. Mrs. Carter was not present.

MISCELLANEOUS.

The Facts Are With Us.

They rest upon the surest evidence it is possible to produce, namely, the testimony of those who know. Thousands of people say Hood's Sarsaparilla has cured them of scrofula, catarrh, rheumatism, dyspepsia and other diseases caused by impure or impoverished blood, and now they are in perfect health. You may be one of this number if you will take

Hood's Sarsaparilla

Is America's Greatest Medicine. Sold by all dealers in medicine.

Hood's Pills are the only pills to take with Hood's Sarsaparilla.

little soiree. Her attorneys paid her attentions, a little group of friends hovered about her, and the defendant smiled and beckoned and nodded and smiled that strange smile of hers, and looked younger and prettier in the mellow gaslight than during the entire trial. She had even uncovered her hands for the first time and showed them the small, square, cushiony, playful, kittenish hands of a woman who considers herself fascinating. She was flirting with Knight and trying to coquette with McGowan, when suddenly, from a clear sky, this terrible bolt fell upon her. Not since the days at 927 Geary street has she had as good a time as she had last night, and as she can never have again, and just as she was glittering and smiling and preening came those two warning bells which must have carried terror to her soul, as they did to the hearts of nearly every other person present.

Instantly there was wild confusion. Some one sent out for the official reporter. Judge Cook came hurrying in, shaken out of the fixed stare of his judicial expression. Knight came rushing in from a side room, for he knew that this speedy determination boded no good. His face was set and anxious and he bent over Mrs. Botkin and warned her of what might come. The word was passed around the room that the jury had reached a verdict. Women in seats by the stove had a nervous chill and there were plenty of chattering teeth, but they were not Mrs. Botkin's. It was full five minutes from the tap of the bell to the entrance of the jury, and in that time Mrs. Botkin aged ten years. All the smiles died out of her face and she slowly petrified. She gritted her teeth and set her jaws until one could see the tense muscles in her cheeks. Her attorneys, her sisters, braced themselves for the blow and a deathly silence settled over the courtroom, while the faint blue wreaths from still lighted cigars floated up like incense. The Judge warned the crowd against a demonstration whatever the verdict might be, but it is doubtful if those whose tongues cleave to the roofs of their mouths could make a demonstration if they tried.

Of all those interested in the prosecution only the District Attorney, Dunning and Dr. Wolf were present. When the verdict was at last announced Dunning rubbed his cheek and heaved a tremendous sigh, whether of satisfaction or relief or of pity no one could tell. Then he slipped away without one look in Mrs. Botkin's direction.

Handed the Verdict to the Clerk.

The jurors stumbled over their chairs to get to their seats, and in the great silence made a noise that jarred on every nerve. The foreman, J. F. Kennedy, an old man, with a huge grizzled head, rose in his seat and said that the jury had reached a verdict, but no one wanted to read it. Here was no impressive denunciation as in the Durrant case. Instead, Mr. Kennedy handed a folded slip of paper to the clerk, who handed it to the Judge, who read it, dropped it as though it were a live coal, and handed it back to the clerk. And it devolved on Oscar Tolle to tell Mrs. Botkin her fate. He read it, two words at a time, and it sounded as though "We—the jury—find—the defendant—Cordelia Botkin—guilty of murder—in the first degree." It seemed hours before there came that little saving clause, "And we assess the punishment at imprisonment in the State penitentiary for the term of your natural life." The words trickled slowly down over Mrs. Botkin's heart, and she sat with rigid muscles and eyes that never wavered, a graven image of a woman. For a long time she sat there listening while the jury was polled and each man mumbled something affirmative in response to his name. There was another terrible silence, and then the Judge set a week from to-day as the time for sentence. There were some commonplaces from the jury, and still Mrs. Botkin never moved. Her sisters sat quite as still beside her, and only the lips of the Rev. Mr. McClure moved and his eyes were raised as if in prayer, while a strange, peaceful smile spread over his face. But for Mrs. Botkin there were no consolations of religion.

Mrs. Roberts, with a face contracted with grief and horror, asked that the courtroom be cleared, and it was. Sheriff Whelan and Thomas Whelan, the bailiff, who had been in charge of the jury, saw to it themselves. Then it was that Mrs. Botkin leaned back against Mrs. Roberts' shoulder, and the cry went up for water. There was a flickering of the eyelids, a convulsive trembling, a nervous collapse, but no merciful unconsciousness.

She Looks Fit for Any Crime.

Afterward all sorts of wild rumors flew around the corridors that the defendant had fainted, but there was no period of unconsciousness. The water revived her. In a moment she sat erect, opened her eyes wide with a peculiar muscular motion she has, set her mouth in a ghastly smile and clutched madly at air and table. It was in that moment that she looked fit for any crime, but it was a moment when no one could have had the heart to judge her. Even with the momentary relaxation, it was a strange exhibition of nerve.

Her attorneys were talking loudly about her, buoying her up with hope they scarcely felt. "It is but the beginning," said Knight. "This is but the result of that horrible Rosser trial—the idea that somebody must be punished for something. But it is all wrong, and it shall be shown so. Why, those jurors, with all the outside pressure against them, what could they do? Some of them have money in the Police Department, and have failed again and

THE CHARGE OF THE COURT TO THE JURY.

JUDGE COOK'S charge to the jury occupied over an hour. He began with the usual admonitions, the jurors being warned against considering evidence which had been ruled out and cautioned as to the difference between evidence and comments of counsel. Then came a long list of instructions given at the request of the defense. The most important of these was the instruction that the law presumes that a letter postmarked San Francisco was mailed in that city and that the presumption could only be overcome by positive proof to the contrary. The instruction that everything must be proved beyond a reasonable doubt was repeated often and jurors were told to consider the testimony of experts with caution and to make up their own opinions, based on examination and comparison of the handwritings accepted in evidence.

After reading the indictment the Court defined the meaning of a possible doubt, saying that probably no criminal charge could be proved to an absolute certainty. What was demanded, he said, was that the jurors should have a moral certainty of the guilt of the defendant before finding a verdict of guilty. As to the question of motive an extract was read from a charge delivered a few years ago by Judge D. J. Murphy in which it is held that while it was a truth that sane people always had a motive for crime there might be cases in which it was impossible to establish a motive.

The Court briefly compared positive and circumstantial evidence, and in that connection read the rule as laid down by Chief Justice Shaw of Massachusetts in the celebrated Webster case. There were further readings ending with extracts from the Criminal Code, and samples of verdicts which the jury might render. The closing remarks were on the duty of jurors.

There were men on the jury willing to vote for hanging, but something of Christmas peace on earth, good will to men prevailed.

But, given life imprisonment, the long battle for Mrs. Botkin's freedom is but just commenced. Everything will be tried that the law knows. The Delaware witnesses may go home satisfied, but desperate efforts will be made for a new trial and to keep Mrs. Botkin from San Quentin.

It is said that Mrs. Botkin was convicted through one little word that she wrote twice—the word "Love." Once she wrote it on the poor little ball of the baby note. Again she wrote it in a postscript to a letter to her sister, Mrs. McClure. The deadly parallel of those words convicted her. It convinced the jury more than any other one thing. It was love that prompted Mrs. Botkin to the deed and it was love through which she was detected.

Flights of Oratory Entirely Absent.

District Attorney Hosmer made the closing speech of the trial—a speech that was memorable and probably had a great effect on the after results of the day. It was the direct antithesis of all that had preceded it. Hosmer had no Pegasus and he rode no hobby. After the flights of oratory and the feathers that had fallen from wordy plumes, the coolness of Hosmer was a relief. He merely dissected, and his scalpel, while keen, was not wielded with the dagger-like thrusts of the men who had preceded him. Hosmer did not insult any one. Instead, he defended. To him all geese were swans, and he painted in rosy colors the virtues of that "little girl," Sylvia Dettner, that much-abused young man, Rosello, and all those who had been besmirched during the trial. Only as to Mrs. Seeley and Mrs. Arbogast was there a significant silence. When Hosmer was not building up his own case stone by stone, in careful and laborious process, he was busily scraping mud from those who had assisted him, and he had much to say as to the degeneracy of the American bar which permits and even approves such conduct.

Hosmer's statement of the case was not always strictly within the evidence, but his argument had the great virtue of coherency, and he progressed logically from point to point. There was no jumping from point to point like a chamois. Hosmer progressed with easy stages, each step sure and certain. It was here a foothold and there a projecting point for a hand, and never once did he slip or stumble.

Crime Denounced, Criminal Spared.

Through it all was the action of a deliberate and logical mind, calmly analytical, more like a Judge than an advocate, but swinging steadily on to a given point. And, better than all, the overworked Deity who had figured in every sentence during the preceding day, was given a much-needed rest.

Those who had come to hear a roasting of Mrs. Botkin were disappointed. There was bitter denunciation of her crime, but little of the criminal. The crime was diabolical—the criminal was left to the tender mercies of the jury. In regard to Dunning, Hosmer was wisely silent. He commiserated him a little, but judiciously left him in the shadowy background.

In preparation for the occasion, Hosmer's hair was nicely brushed back. Before he had talked long his hair was tumbled over his brow, and he was defying all the influenzas by drinking frozen water. Still he kept steadily on in his cool way, with a voice that rasped but penetrated to the ear insistently and would not be put away. He leaned against the dress circle rail, with the pink candy box, that has taken on a sinister look, before him, and he talked solely to the jury, and not at all to the crowd. When not interrupted, Hosmer is cold-blooded as a fish. It is only when he is interrupted that he gets nervous and excited, and so he went on smoothly spinning the threads that were to entangle Mrs. Botkin's nimble feet.

At first it seemed that Hosmer, like the rest, was going to digress in historical paths and browse in reminiscence. He said something about English history and American colonization, but it was only a brief attack, and he soon recovered. He devoted himself first to the attorneys against him, for Hosmer has borne much during the days of the trial. The very evident disparities be-

the supper caused the illness was [illegible]ed by Hosmer, who said:

All the family partook of that supper; only those who ate of the candy were taken sick. There was no evading the issue; the candy spread sickness in the family, and before the end of the fateful week was reached two innocent women had succumbed and died to gratify the lust of a designing woman.

We have seen, or we have read, of the rattlesnake dragging itself along in its slime and preparing to strike its victim. The rattlesnake is one of the most deadly reptiles, and it will strike to kill. But, at least, before it strikes it gives the danger signal. Its rattles sound warning to its victim. So when a person treads upon the serpent in his path, it strikes back with that enmity toward mankind which the Almighty has gifted it with, dating from the time of the first fall.

But the reptile strikes as an act of defense. It does not go out of its way to find its victim. Its victim finds it, and it strikes in obedience to that spirit of self-defense which a divine power has placed in the smallest and meanest of his creatures.

But this cowardly reptile struck the Pennington household in no such fashion. It prefaced its death stroke with words of love. It stole the livery of heaven to serve the devil.

It was not love. It was lust, the lust of a designing woman. To gain her ends it made no difference to her how many innocent victims should be offered up for sacrifice, provided that the one object of her deadly hatred should be stricken.

Hosmer went on to say that there were not half a dozen pieces of candy in the box that were not charged with poison. The mystery that surrounded the deaths could not be understood. The father, who could not understand what had happened, found the candy, and something in the address struck him. He compared it with letters received before and which he had preserved, and found them to be addressed in the same hand. That was where the first suspicion arose.

Motive for Murder Is Outlined.

District Attorney Hosmer asserted that there was no doubt as to the cause of death, every symptom pointing to arsenical poisoning, while both lumps of powdered arsenic had been found in the candies. He said there had been no post-mortem because of the fact that the bodies had been embalmed with embalming fluid containing arsenic.

Hosmer went deep into the subject of motive, reading and repeating testimony showing the love of Mrs. Botkin for Dunning. The anonymous letters were held up as evidence of Mrs. Botkin's desire for Dunning's freedom, in order that she might have him for herself as her husband, without a wife as a rival. Hosmer argued that the anonymous letter written while Mrs. Botkin was in Humboldt county might have been sent to San Francisco to be mailed. The date inside the letter showed little, he said, for the other anonymous letter in evidence bore an inside date one day earlier than the postmark. The word "love" in the note enclosed in the candy-box was compared with that word in the admitted writing of Mrs. Botkin and declared to be conclusive evidence of her guilt. Hosmer made a great point of this, the word of treachery standing as an accuser of the guilty one. In leading up to that point, he said:

This crime was not committed in haste. The poisoner was slow and hesitating, and a long time elapsed before she came to a determination. She was trying to avoid suspicion. It is only natural that she should buy arsenic at the Owl drug store on June 1st and then wait two months before using it. A continent intervened between where the poisoned candy was mailed and where it was to do its work, but the world is not large enough to keep a secret of that kind from exposure. It was a cowardly package with its message of love. It was murder, foul, strange and unnatural.

Attention was called to Dunning's testimony that Mrs. Botkin told him when he returned from Salt Lake that her husband had secured a divorce, the suit naming John P. Dunning as co-respondent. Mrs. Botkin had admitted on the stand that for a time her husband had made her believe that he had secured a divorce. Both letters speak of a divorce.

Both anonymous letters referred to Dunning's paramour as a divorced woman, one of them speaking of Dunning as co-respondent in the divorce suit. Putting these facts together, Hosmer claimed that they showed Mrs. Botkin to be the writer of the anonymous letters, by which it was sought to induce Mrs. Dunning to get a divorce. Hosmer answered every argument made by counsel for the defense, not

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BREAKS DOWN UNDER STRAIN

JANUARY 1, 1899—

Her Courage Leaves Her at the Door of the Jail.

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All Friday night Mrs. Botkin was on the verge of losing her reason. She was extremely hysterical, shrieking, beating the air, sobbing, tearing her hair and behaving like a mad woman rather than a sane one. She held up in court marvelously, being supported by her pride. The talk about her fainting was sheer nonsense. All that she did to lend color to it was to lean for a few moments on Mrs. Roberts' shoulder and ask for a glass of water. Her eyes were open all the time, her hands moving, and when she was given the glass of water she swallowed without difficulty. No water was thrown in her face, no one beat her hands or rubbed her temples. In a moment or two she sat upright again, beating a tattoo on the table, rolled her eyes, and then appeared as calm as any one. Mrs. Roberts said yesterday: "My sister did not faint at all, nor did she swoon. She merely leaned her head against me and seemed to be gasping for breath, and I asked for a glass of water for her."

After walking quite alone to the car and to the Branch County Jail on the San Bruno road, Mrs. Botkin was placed in the infirmary, where she remained throughout the night, being attended by her two sisters, Mrs. Roberts of Eureka and Mrs. McClure of Healdsburg. During the night she was very violent. She vilified every one in no uncertain language, abused the jury, the Judge and even her own attorneys. But her ravings were those of a delirious child, and her attorneys do not pay the slightest attention to what she says. They know that her distress is but the natural reaction from a long-enforced calm. She is like a spring suddenly released and snapping far out of place. She has been under tremendous tension for days and days, under high nervous excitement for months, and she is, besides, a woman of highly strung and excitable temperament. Mrs. Botkin's calm pulse in the courtroom when the clerk pronounced her doom on Friday night was the result of sheer grit and tremendous physical and mental effort. Her calmness is not the quiet of those who cannot feel—not the unconcern of the bloodless, nerveless temperament. It was pride which kept her from going to pieces in the court.

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Mr. Botkin's attorneys did not visit her yesterday nor send any messages to her. They thought she would be better undisturbed, and they did not care to intrude on her in her grief and terror. They regard her criticisms and railings as perfectly natural under the circumstances. They will call upon her in a few days, when she is calmer.

The reports of interviews with jurors published the morning after the verdict were entirely erroneous and without any basis of fact. It was said that on the first ballot one juror voted for acquittal and two for a verdict of guilty with the punishment fixed at imprisonment for life. This was entirely untrue. The jury took one ballot before going to dinner on Friday night. This ballot was taken immediately after the [illegible] of S. H. Kennedy as chairman, and went merely to the guilt or innocence of Mrs. Botkin. The verdict was all summer. To make his declaration more emphatic he rang for a messenger and sent to his home for his night apparel. The other jurors saw that he was entirely firm, and quickly gave up and came over to his way of thinking. Buckingham's persistency saved Mrs. Botkin's life.

Next to Mrs. Botkin, George Knight was the most astonished person in the courtroom when the verdict was announced. He tried to smile, but the muscles would not work. He was perfectly astounded and looked it. But he quickly pulled himself together, strengthened Mrs. Botkin with his jesting words and his big voice and assured her that this was but the first skirmish. Yesterday Knight was not trying to account for his rebuff. He was planning his next move. He said that he had been told that not a single one of the jurors believed the testimony of Mrs Harris or Bisello. He would say nothing unkind of the jury except that he had been greatly mistaken in it. He thought that Judge Cook's obvious prejudice against the defendant had something to do with her conviction. One juror, he said, was an intimate friend of Judge Cook, and several of them had an inkling that the Judge expected them to convict. And though the defense professed itself satisfied with the instructions it was not satisfied with the dissertation that followed. Of late Knight has been finding things out about some of the jurors—things that worried him. One man had a store under the Baldwin House. Another had failed twice or thrice under suspicious circumstances and could not afford to antagonize the police. A third had been arrested and prosecuted in Sacramento for his conduct in connection with a bank. All these things have been giving Knight food for thought lately, yet he kept up his hope.

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Probably this fight will begin next week. Some time during the week a writ of habeas corpus will be sued for in the Supreme Court. It will be alleged that the California courts have no jurisdiction in the case, and the legal fight that will follow will be one of the prettiest ever seen in this State. The case of murdering by mail is without precedent, and what precedent there is for murder begun in one state and completed in another is against the jurisdiction of the courts of the first state. In the section of the code which governs jurisdiction nothing at all is said of jurisdiction over crimes commenced in this State and finished within the boundaries of another. Section 27 of the Penal Code, under which Judge Cook held that he had jurisdiction, is said to apply only to punishment, and the attorneys for Mrs. Botkin will contend, with what success remains to be seen, that this section cannot be stretched to cover jurisdiction which is expressly provided for elsewhere in the code.

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[illegible] pect the defense to take an appeal the attorneys of Mrs. Botkin may remember her narrow escape from the gallows on the trial just ended and think twice before making an effort to get another trial. They may conclude that they do not care for a reversal of the judgment. I, however, do not think that the defense has a chance in the world to save the woman from punishment or to gain her a second trial. California undoubtedly has jurisdiction in the case, and as to seeking a new trial there is no probability of such a move being successful. Judge Cook was very careful and conservative, and whenever a point was debatable he ruled in favor of the defendant."

When asked about the cost of the trial Chief Lees said: "I have not as yet made up my account, but will do so in a few days. The utmost economy within reason has been exercised, and not a dollar has been expended which was not deemed absolutely necessary in the prosecution of the case. This talk about the trial costing the State $40,000 or $50,000 was ridiculous guess work. The sum expended is far less than these guesses. My impression is that when everything is footed up the total will be less than $10,000."

Assistant District Attorney Hosmer, who conducted the prosecution of Mrs. Botkin, has no fears of the poisoner being freed on the technicality of lack of jurisdiction. He believes that the Supreme Court will hold that California had jurisdiction by virtue of section 27 of the Criminal Code, which says that punishment may be meted out to "all persons who commit, in whole or in part, any crime within this State."

John P. Dunning, whose wife was murdered and whose testimony against his former mistress went far toward her conviction, takes more pleasure in the conviction and its consequences than any of the Dover relatives of the murdered women. Dunning said yesterday:

"It is all over at last. I can go back now to New York feeling that I have done what I should have done. It has been bitter enough for me to come out here where I am so widely known and to be compelled to make the unsavory admissions regarding my conduct that have been necessary to meet the ends of justice. How I wish that this whole disgraceful series of incidents in my life could be given to oblivion. I did not have to come out here to testify in this trial. I could have shielded myself from the many degrading admissions that I made on the witness stand simply by staying away. I wished, however, to help the cause of justice. When I reached New York from Porto Rico, where I was in the service of the Associated Press, I learned for the first time of the dreadful crime that deprived me of my wife. Since then my first thought has been to bring the guilty one to retribution. I did not suspect who the criminal was, but I knew. I immediately told the Delaware officials my grounds for knowing, and what I said to them resulted in the arrest of the criminal and her conviction. Never for a single moment have I doubted her guilt.

"I will go back to New York on Monday. There I shall resume my position with the Associated Press, and my dearest wish is that this horrible incident in my life may be forgotten and that I may be allowed peacefully and with remorse for past follies to spend my life for the best good of the one little child that is left me. I shall go directly to New York."

A dispatch from Stockton states that an Associated Press reporter called on Welcome A. Botkin, husband of Mrs. Botkin, yesterday. The reporter of the association which Dunning works for says that Botkin greeted him with profanity. The interview, interesting for its omissions, follows: "No, not a —— word will you or any other reporter get from me," said Botkin. "At the first trouble I opened my mouth and got my foot into it. Yes, I'd have got four feet in it if I had had them. Not a —— —— word will I give out, and you can state that you didn't see me. I wouldn't give the papers a word unless I wrote it myself and signed my name. Will I do it now? No, sir. Not a —— —— word will you get from me; the newspapers would change the reading of it anyway. No, sir, I have nothing to say at all."

It is said that Mr. Botkin is neither disturbed nor worried over the verdict of the jury, seeming much easier than when Mrs. Botkin was first arrested.

POISONER OF NEW YORK WILL BE UNDER ARREST WITHIN TWELVE HOURS.

Chief of Detectives McClusky Believes He Has Solved the Mystery.

HOLDER THAT CONTAINED THE BOTTLE OF POISON.

This is a picture of the silver match and cigar-ash holder that forms an exhibit in the mysterious poisoning case in New York, which is similar to the Botkin case. The receptacle for the matches contained the bottle of alleged bromo-seltzer, but which contained cyanide of potassium. Fifty of the holders were manufactured by A. Lebkuecher of Newark, N. J., and one of them was sent here to Phelps & Adams as a sample. This was in November, 1897. Phelps & Adams sold it to Shreve & Co. The latter firm recollect receiving the trinket and disposing of it about Christmas of last year. Its value was small and no record of the purchaser was kept by the firm.

A New Jersey druggist, after reading that Mrs. Adams and Mr. Cornish had been poisoned in New York after taking a dose of bromo-seltzer, wrote to the New York authorities and stated that it was his belief that a deadly poison might have been developed in the sedative.

NEW YORK, December 31.—The "World" says: Captain George McClusky, chief of the detective bureau, firmly believes that he has solved the mystery surrounding the attempt to kill Harry Cornish, physical instructor of the Knickerbocker Athletic Club, by sending him poison through the mails.

At 9 o'clock last night Captain McClusky stated that he would have the culprit in custody within twelve hours. The man under surveillance was formerly a member of the Knickerbocker Athletic Club. He was at one time a man of high social and financial standing in this city, but in late years through evil habits and evil associations, his descent was rapid.

NEW YORK, December 30.—Assistant District Attorney McIntyre has received a letter to which he attaches a certain amount of importance. It suggests that the poison that killed Mrs. Adams must have developed from bromo-seltzer in the process of decomposition.

"This letter may shed light on this mysterious affair," said he. "It may prove that Mrs. Adams' death was an unfortunate accident and that there is no crime back of it."

The letter in question was sent to Mr. McIntyre by S. J. Russell, a druggist of Jersey City. While reading the account of the Adams poisoning case in the papers, Mr. Russell's attention was arrested by the statement that the glass bottle containing the supposed bromo-seltzer bore a label of a drug company in Baltimore, Md. This recalled to his mind an invoice of bromo seltzer which he had received from that company, but which he had sent back as unfit for sale. He then received from the company a letter stating the company had tried granulating bromo-seltzer, but found that it did not keep well in that form and decided to abandon it.

The question raised by this letter is whether the decomposition of the granulated bromo-seltzer that was manufactured by the Baltimore company is likely to produce a poisonous substance, and, if so, whether that substance is the same poison which killed Mrs. Adams.

There is hope that borders on expectation that the silver-plated trinket received by Harry Cornish through the mails may prove a conclusive clew to the person responsible for the death of Mrs Kate J. Adams and the poisoning of Cornish. It was not a bottle-holder, as it has been represented to be, but a toothpick holder, or ash-receiver. A private mark is stamped in the silver of this little article. It is "No. 514." The toothpick holder or match-stand was made in Newark, N. J., by Frank A. Lebkuecher & Co., manufacturing silversmiths.

There are not fifty matchsafes of that design in the country. But few have been sent into the country [illegible] to the present time. Of these fifty, the one [illegible] retired went to New York, or to one Eastern agents at Hartford, Conn., and if you follow it to the retail store and that store is conducted as it ought to be, you can find the name of the person who bought it.

This afternoon Mr Lebkuecher said that only fifteen of the silver matchsafes of the design sent to Cornish had been made by his [illegible]. Of these one each had been sold in following cities: New York, Brooklyn, [illegible], Baltimore,

gredients to have generated a poison and especially cyanide of potassium.

MRS. BOTKIN IS TOO ILL TO BE SENTENCED

And, as Her Attorneys Are Not Ready to Go On, More Time Will Be Requested.

It is hardly expected that Judge Cook will pass sentence on Mrs. Cordelia Botkin to-morrow morning.

When the prisoner comes before the Court for sentence, it is the intention of her attorneys to ask for a new trial and present arguments to show why their request should be granted. As both Mr. Knight and Mr. McGowan have been in Sacramento all the week, it is not likely that they are prepared to go on. Mr. McGowan will come down from Sacramento this evening and it is understood that he will ask for an extension of time when the case is called to-morrow morning.

Before going to Sacramento, Mrs. Botkin's attorneys learned some facts concerning several of the jurors that convinced them that two of them were incapacitated to serve. It is claimed that one allowed his friendship for the prosecution to influence him, and that another expressed an opinion unfavorable to Mrs. Botkin before all the evidence was in.

Mrs. Botkin would not, in any event, be able to appear in court to-morrow morning. Her condition was not as favorable yesterday as on the preceding day. She seemed to have less strength and her temperature was higher. She is confined to her bed and is under the constant care of her sister, Mrs. McClure.

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The Delaware people are well pleased with California and express approval of the quality of its justice. None of the crowd showed the exultation that would follow the gratification of a desire for revenge. There was no regret that the death penalty had not been imposed, and all appeared satisfied with the result of the trial. Detective McVey, in expressing his individual views, said: "The jury did just right, and if I had been one of the twelve I would have voted for life imprisonment in preference to hanging."

Attorney-General White said that if the unexpected should happen and Mrs. Botkin should secure a new trial, all of the Delaware witnesses would again cross the continent to testify against her.

Chief of Police Lees, who personally conducted the search for evidence against Mrs. Botkin, was well pleased with the outcome of the case. When interviewed yesterday he said:

"The verdict was just. Although I expected ... a few days. The utmost economy within reason has been exercised, and not a dollar has been expended which was not deemed absolutely necessary in the prosecution of the case. This talk about the trial costing the State $40,000 or $50,000 was ridiculous guess work. The sum expended is far less than these guesses. My impression is that when everything is footed up the total will be less than $10,000."

Assistant District Attorney Hosmer, who conducted the prosecution of Mrs. Botkin, has no fears of the poisoner being freed on the technicality of lack of jurisdiction. He believes that the Supreme Court will hold that California had jurisdiction by virtue of section 27 of the Criminal Code, which says that punishment may be meted out to "all persons who commit, in whole or in part, any crime within this State."

John P. Dunning, whose wife was murdered and whose testimony against his former mistress went far toward her conviction, takes more pleasure in the conviction and its consequences than any of the Dover relatives of the murdered women. Dunning said yesterday:

"It is all over at last. I can go back now to New York feeling that I have done what I should have done. It has been bitter enough for me to come out here where I am so widely known and to be compelled to make the unsavory admissions regarding my conduct that have been necessary to meet the ends of justice. How I wish that this whole disgraceful series of incidents in my life could be given to oblivion. I did not have to come out here to testify in this trial. I could have shielded myself from the many degrading admissions that I made on the witness stand simply by staying away. I wished, however, to help the cause of justice. When I reached New York from Porto Rico, where I was in the service of the Associated Press, I learned for the first time of the dreadful crime that deprived me of my wife. Since then my first thought has been to bring the guilty one to retribution. I did not suspect who the criminal was, but I knew. I immediately told the Delaware officials my grounds for knowing, and what I said to them resulted in the arrest of the criminal and her conviction. Never for a single moment have I doubted her guilt.

"I will go back to New York on Monday. There I shall resume my position with the Associated Press, and my dearest wish is that this horrible incident in my life may be forgotten and that I may be allowed peacefully and with remorse for past follies to spend my life for the best good of the one little child that is left me. I shall go directly to New York."

A dispatch from Stockton states that an Associated Press reporter called on Welcome A. Botkin, husband of Mrs. Botkin, yesterday. The reporter of the association which Dunning works for says that Botkin greeted him with profanity. The interview, interesting for its omissions, follows: "No, not a —— word will you or any other reporter get from me," said Botkin. "At the first trouble I opened my mouth and got my foot into it. Yes, I'd have got four feet in it if I had had them. Not a —— —— word will I give out, and you can state that you didn't see me. I wouldn't give the papers a word unless I wrote it myself and signed my name. Will I do it now? No, sir. Not a —— —— word will you get from me; the newspapers would change the reading of it anyway. No, sir, I have nothing to say at all."

It is said that Mr. Botkin is neither disturbed nor worried over the verdict of the jury, seeming much easier than when Mrs. Botkin was first arrested.

HOLDER THAT CONTAINED THE BOTTLE OF POISON.

This is a picture of the silver match and cigar-ash holder that forms an exhibit in the mysterious poisoning case in New York, which is similar to the Botkin case. The receptacle for the matches contained the bottle of alleged bromo-seltzer, but which contained cyanide of potassium. Fifty of the holders were manufactured by A. Lebkuecher of Newark, N. J., and one of them was sent here to Phelps & Adams as a sample. This was in November, 1891. Phelps & Adams sold it to Shreve & Co. The latter firm [illegible] receiving the trinket and disposing of it about Christmas of last year. Its [illegible] was small and no record of the purchaser was kept by the firm.

A New Jersey druggist, after reading that Mrs. Adams and Mr. Cornish had been poisoned in New York after taking a dose of bromo-seltzer, wrote to the New York authorities and stated that it was his belief that a deadly poison might have been developed in the sedative.

NEW YORK, December 31.—The "World" says Captain George McClusky, chief of the detective bureau, firmly believes that he has solved the mystery surrounding the attempt to kill Harry Cornish, physical instructor of the Knickerbocker Athletic Club, by sending him poison through the mails.

At 9 o'clock last night Captain McClusky stated that he would have the culprit in custody within twelve hours. The man under surveillance was formerly a member of the Knickerbocker Athletic Club. He was at one time a man of high social and financial standing in this city, but in late years through evil habits and evil associations, his descent was rapid.

NEW YORK, December 30.—Assistant District Attorney McIntyre has received a letter to which he attaches a certain amount of importance. It suggests that the poison that killed Mrs. Adams must have developed from bromo-seltzer in the process of decomposition.

"This letter may shed light on this mysterious affair," said he. "It may prove that Mrs. Adams' death was an unfortunate accident and that there is no crime back of it."

The letter in question was sent to Mr. McIntyre by S. J. Russell, a druggist of Jersey City. While reading the account of the Adams poisoning case in the papers, Mr. Russell's attention was arrested by the statement that the glass bottle containing the supposed bromo-seltzer bore a label of a drug company in Baltimore, Md. This recalled to his mind an invoice of bromo-seltzer which he had received from that company, but which he had sent back as unfit for sale. He then received from the company a letter stating the company had tried granulating bromo-seltzer, but found that it did not keep well in that form and decided to abandon it.

The question raised by this letter is whether the decomposition of the granulated bromo-seltzer that was manufactured by the Baltimore company is likely to produce a poisonous substance, and, if so, whether that substance is the same poison which killed Mrs. Adams.

There is hope that borders on expectation that the silver-plated trinket received by Harry Cornish through the mails may prove a conclusive clew to the person responsible for the death of Mrs. Kate J. Adams and the poisoning of Cornish. It was not a bottle-holder, as it has been represented to be, but a toothpick holder, or ash-receiver. A private mark is stamped in the silver of this little article. It is "No. 814." The toothpick holder or match-stand was made in Newark, N. J., by Frank A. Lebkuecher & Co., manufacturing silversmiths.

There are not fifty [illegible] of that design in the country. [illegible] to the present time. Of these fifty, the one invoiced sent to New York, or to our Eastern agents at Hartford, Conn., and if you follow it to the retail store and that store is conducted as it ought to be, you can find the name of the person who bought it.

This afternoon Mr. Lebkuecher said that only fifteen of the silver matchsafes of the design sent to Cornish had been made by his [illegible]. Of these one each had been sold in following cities, New York, Brooklyn, [illegible] (Mass.), Newark (N. J.), Baltimore, [illegible]acuse, San Francisco and St. Louis. Two [illegible] sold in Middletown, Conn., and five [illegible] disposed of to firms in Chicago.

Captain McClusky of the detective bureau said to-day that he had ascertained the store at which the toothpick holder was bought, but he refused to say what establishment it is, further than that it is in New York. Captain McClusky regards the clew as the most important one that has been developed thus far.

... ingredients to have generated a poison especially cyanide of potassium.

MRS. BOTKIN IS TOO ILL TO BE SENTENCED

And, as Her Attorneys Are Not Ready to Go On, More Time Will Be Requested.

It is hardly expected that Judge Cook will pass sentence on Mrs. Cordelia Botkin to-morrow morning.

When the prisoner comes before the Court for sentence, it is the intention of her attorneys to ask for a new trial and present arguments to show why their request should be granted. As both Mr. Knight and Mr. McGowan have been in Sacramento all the week, it is not likely that they are prepared to go on. Mr. McGowan will come down from Sacramento this evening and it is understood that he will ask for an extension of time when the case is called to-morrow morning.

Before going to Sacramento, Mrs. Botkin's attorneys learned some facts concerning several of the jurors that convinced them that the men were incapacitated to serve. It is claimed that one allowed his friendship for the [illegible] to influence him, and that another expressed an opinion unfavorable to Mrs. Botkin before all the evidence was in.

Mrs. Botkin would not, in any event, be able to appear in court to-morrow morning. Her condition was not as favorable yesterday as on the preceding day. She seemed to have less strength and her temperature was [illegible]. She is confined to her bed and is under the constant care of her sister, Mrs. McClure.

BRAIN FEVER THREATENING MRS. BOTKIN.

Serious Illness Following Collapse Alarms Her Relatives.

JANUARY 3, 1899.

Restless and Half-Delirious She Raves About the Verdict.

Mrs. Cordelia Botkin is sick. Unless there is a change for the better within the next twenty-four hours Dr. Terrill fears she will have the brain fever.

The reaction from the strain of the trial and the shock of the verdict were a severe tax. The collapse which followed was not, at first, supposed to be serious, and it was not until a night and nearly a day had gone by that her inability to rally alarmed her relatives. Then Dr. Terrill was summoned, and he pronounced the case aggravated nervous prostration. That was last Saturday, and since then the patient has continued to grow worse.

The jail officials have given orders to keep the place as quiet as possible. The inmates of the women's ward were notified yesterday that no uncommon noise would be permitted and they go around on tiptoe and talk in whispers. Strips of cocoanut matting have been laid in the dormitory and hallways to deaden the sound of footsteps.

Mrs. Botkin requires constant care, and of her sisters, either Mrs. McClure or Mrs. Roberts, is with her all the time. They take turns at nursing. The patient has no inclination to converse. About all she says is:

"It is all wrong—the verdict is all wrong. They have convicted an innocent woman."

Over and over again yesterday she repeated these words, as her eyes wandered restlessly. She addressed herself to no one and did not seem to expect or care for a reply.

It is the intention of Attorney Knight to prevent, if possible, sentence being passed on Saturday next. On that day Mrs. Botkin will go to court, if her condition will admit. When her case is called, a new trial will be asked, and both attorneys will present arguments to show why their request should be granted.

The main points on which the lawyer will base his plea for a new trial are: Improper instructions to the jury, improper evidence introduced by the prosecution, and lack of jurisdiction.

In regard to the improper instructions to the jury, the attorney will contend that the prosecution did not prove its case; that there was no post-mortem to show that Mrs. Dunning died of arsenical poisoning; and that without the post-mortem there is no other means of detecting death from arsenic. He will contend that the candy contained lump arsenic, and that there was absolutely no evidence to show that Mrs. Botkin bought that kind of arsenic.

The contention as to the admission of improper evidence will be that the prosecution had no right to attempt to show that the Star drug store sold lump arsenic when Mrs. Botkin could in no way be connected with the purchase.

The defense will put considerable reliance on the plea of lack of jurisdiction.

Should Judge Cook refuse to grant a new trial an appeal will be made to the Supreme Court, the hearing of which may not come up for several months.

Attorney Knight charges the jurors made a superficial examination of the evidence, arguing that had they made a careful analysis they would have consumed more time.

The latest gossip as to the jury's oath of secrecy concerning the happenings in the jury-room is that one of the jurors knew the principal witness of the defense. While the jurors were discussing the case this juror advised them to place no reliance in this witness, giving as a reason that the man's word was not to be depended upon, because he did not pay his debts. The defense has learned, it is said, that this argument was accepted by the jurors. The lawyers for Mrs. Botkin now say that in this way the testimony of the witness on whom they most relied was utterly overcome.

HONOLULU LAWYER ASSAULTS A WITNESS

HONOLULU, March 1.—Attorney A. S. Humphries the other day pleaded guilty to assaulting Frank Davey, a photographer, formerly of San Francisco. Humphries was fined

FRANK DAVEY.

HUMAN DOCUMENTS IN THE ADAMS POISONING CASE.

JANUARY 4, 1899.

Just as Mrs. John P. Dunning was poisoned in Delaware by the contents of an anonymously mailed package, so apparently was Mrs. Kate J. Adams brought to her death in New York on December 28th.

The accounts of the evidence adduced in the trial of Mrs. Botkin, in San Francisco, for the murder of Mrs. Dunning, her babe and her friend, parallel in all important points the prima facie evidence upon which the story of Mrs. Adams's death must be formed.

Mrs. Adams, a widow, adjudged fifty years old by her neighbors, said to be sixty-two by her nearest acquaintances, died suddenly in her apartments, 61 West Eighty-sixth street, immediately after taking a dose of supposed headache medicine which had been given to her by Harry Cornish, her lodger and reputed nephew.

Mr. Cornish, who tasted the powder himself, was made violently ill. Dr. E. F. Hitchcock of 72 West Eighty-seventh street, called in to attend Mrs. Adams, also tasted it, and was nearly prostrated.

The drug came through the mail three days before Christmas in a little blue bottle inclosed in a solid silver bottle stand—a dressing-table trinket.

The bottle bore the blown-in trade mark and the labels of the Emerson Drug Company of

MRS. KATE A. ADAMS

HENRY CORNISH

Baltimore. It was plainly labeled "bromo-seltzer"—a nerve sedative and headache remedy, sold at every drug store on demand, harmless and very generally used without a doctor's prescription.

The packet, a small one, had been received by Mr. Cornish at the Knickerbocker Athletic Club, of which he is the athletic director. No card accompanied the packet and the address was written in a hand unknown to Cornish.

This is the doctor's story: "I was called at 9:30 in the morning and went to Mrs. Adams's apartment, taking a bag containing a stomach pump, a hypodermic syringe and a few antidotes and heart stimulants with me.

"I found Mrs. Adams in agony, Mr. Cornish also very ill and everybody wildly excited.

"I tasted the stuff, a white powder, to determine if possible what it was. I took only an infinitesimal quantity, but instantly I felt dizzy and chilly. I spat it out and went to work trying to resuscitate Mrs. Adams. All efforts were totally unsuccessful.

"I gave Mr. Cornish emetics and stimulants and he revived in a measure. When he was sufficiently recovered he told me the story of his mysterious Christmas package, and related the circumstances of the poisoning.

"One grain of cyanide of potassium is a fatal dose for an adult. Mrs. Adams must have taken about a drachm—nearly sixty grains. I don't know how much Mr. Cornish swallowed. I barely touched my tongue to the powder, and I feel the effects of it yet."

Mr Harry Cornish
Knickerbocker Athletic Club
Madison Ave and Forty-fifth Street
New York City

MRS. BOTKIN MAY GRASP AT THIS STRAW.

Candy-Man Haas Was Mistaken in His Testimony.

JANUARY 7, 1899.

Another Box of Candy Sold the Day the Murderess Bought Hers.

BUYER A LOS ANGELENO.

Ex-Mayor Snyder Recollects Purchasing Box of Sweets on the Fateful Sunday.

[Special Dispatch to "The Examiner."]

LOS ANGELES, January 6.—And now ex-Mayor Snyder is to be dragged into the Botkin murder case, it having been ascertained that he bought a box of candy at the same store and upon the same day that the convicted murderess purchased the sweets which were afterward poisoned and mailed on their deadly errand.

Mrs. Botkins' lawyers having by some means discovered that Mr. Snyder purchased a box of candy upon the same date as Mrs. Botkin, they have used this fact to impeach the testimony of the proprietor of the store who swore during the trial that the box purchased by the convicted woman was the only one of its kind sold during the day.

When seen at the Jonathan Club this afternoon ex-Mayor Snyder expressed surprise that the knowledge of his having purchased a box of candy upon that date should have reached the ears of the attorneys. While admitting that such was the case he denied absolutely knowing whether the box he purchased was similar to that sold to Mrs. Botkin, or in fact, knowing anything about the candy save that he bought and paid for a 60-cent box of "French mixed," which he had never afterward seen and, in fact, had not observed while it was being wrapped up.

That he bought candy upon the same Sunday as that upon which Mrs. Botkin made her purchase he was sure, for the reason that at the time the story was first published and the purchase of the candy was traced to the store in the Phelan building, San Francisco, he had remarked to his wife that it was upon that very day in the same place he had purchased a box of sweets which his little six-year-old boy Ross later made a present to little Dollie Latham, daughter of J. L. Latham of this city. Mr. Snyder said:

It was shortly before the Democratic State Convention and I was on a two weeks' trip in the northern part of the State for rest and recreation, accompanied by my wife and boy. We were stopping in San Francisco, but were to leave the next day for San Jose, where my wife intended to visit Mrs. Latham, who was then stopping with her little girl, Dollie, on the ranch of Mrs. Crowell, some nine miles distant from that city. My little boy, Ross, wanted a box of candy to take to Dollie, and I went out down Market street looking for a confectioner's where I might buy a box. I remember distinctly the fact of its being Sunday, because I had some difficulty in finding a confectionery store open, but finally stepped into the one in the Phelan Building, the name over the door being, I think, Haas. I asked for a 60-cent box of French mixed candy. It was wrapped up and I left, giving the candy to Mrs. Snyder and never seeing it afterwards. It was after the publication of the story of the poisoned candy that I was in San Francisco and remember stopping in front of the place and recalling that my purchase had been made on the same day it was alleged Mrs. Botkin bought the deadly sweetmeats.

That the box I purchased was or was not unlike hers I know nothing about; neither does Mrs. Snyder. I dislike exceedingly to be drawn into publicity in connection with this case, and fail to see what connection there can possibly be with my purchase, save that it was made on the same day.

New York and Cuba Mail Steamship Company

Secnav—
Washington, D.C.
Maine blown up in Havana harbor at nine forty to night and destroyed. Many wounded and doubtless more killed or drowned. Wounded and others on board Spanish man of war and Ward Line steamer. Send light House Tenders from Key West — ~~[struck out]~~ for crew and the few pieces of equipment above water. None has clothing other than that upon him. Public opinion should be suspended until further report. All officers believed to be saved. Jenkins and Merritt not yet accounted for. Many Spanish officers including representative of General Blanco now with me to express sympathy.
Sigsbee.

FACSIMILE, SLIGHTLY REDUCED, OF CAPTAIN SIGSBEE'S MESSAGE TO THE SECRETARY OF THE NAVY. "SECNAV" BEING THE TELEGRAPHIC ADDRESS OF THE LATTER. (SEE PAGE 216.)

A SCOTCH MANUFACTURER OF BURNS MANUSCRIPT.

THE POET'S HANDWRITING SO SKILFULLY IMITATED AS TO DECEIVE EXPERTS.

How the Famous Lenox Library of New York Was Victimized by "Antique" Smith.

ACCORDING to R. K. C. Simon, a contributor to the New York Herald, the Lenox Library has been the victim of a professional manufacturer of "Bobbie" Burns manuscripts. In fact, he says the Lenox Library confesses to have been one of the chief victims of a gigantic fraud. He adds:

The last considerable donation to this institution was made by one of its leading trustees and patrons. It consisted of what was supposed to be a most rare and valuable collection of manuscripts and autograph letters of Robert Burns, Sir Walter Scott and many other eminent Europeans, which he himself had purchased while in Scotland from the late James Stillie of Edinburgh at a cost of over $20,000. After having been passed upon by the leading experts of Scotland they were duly presented to the library.

No question as to their genuineness was raised until, by a mere chance, there was brought to light in Edinburgh one of the most daring wholesale forgeries of the century. They were finally sent back to Europe and submitted to the experts of the British Museum, London, who had kindly volunteered their services in the matter, and by them were pronounced a worthless lot of forgeries.

One of the most remarkable facts in connection with the case is that Mr. Stillie, from whom they were purchased, was acknowledged to be the most eminent expert of manuscripts in Scotland, and especially of those of Scott, he having as a boy worked for Scott's publishers in Edinburgh and carried most of his manuscripts between Abbotsford and that city.

Suit was brought by the donor against Mr Stillie, who, however, died before the case was completed and so the matter was finally dropped.

The forgeries were sent back to New York and once again deposited in the Lenox Library where they have since lain, hidden away from the public's gaze.

It is of interest to know that the donor before mentioned also made a similar presentation of manuscripts to the city of Edinburgh, Scotland, which likewise turned out to be spurious.

The story of the first discovery of these forgeries, which led to the trial and conviction of the forger, is as follows. In 1892 the good people of Edinburgh were suddenly awakened to the fact that they had a factory among them capable of turning out, in large or small lots, Burns and Scott manuscripts, Jacobite correspondence, autograph letters of Mary, Queen of Scots, Oliver Cromwell—in short, whatever in the shape of literary relics or national documents happened to be in demand.

The story is a strange one. To the Edinburgh Evening Despatch is due the credit of bringing the truth to light.

Suspicion was first aroused and inquiry made through the circumstance [illegible]

... hitherto unknown Burns or Scott manuscript was to be had for a mere song men naturally began to think that something was wrong.

In a small hut, standing behind Hope Crescent, Leith Walk, Alexander H. Smith, otherwise known as "Antique" Smith, carried on his work of wholesale forgeries.

Smith commenced his business career as an apprentice in a law office, and subsequently became chief clerk to the late Mr. Ferrier, the last representative of an old law firm which had had wide connections with many of the leading families of Scotland.

It is reported that Mr. Ferrier one day told Smith to clear out several boxes full of old documents, which had been gathering during the past years, and that Smith, realizing their value, made a selection of the papers for himself, and thus laid the foundation for what was later to be known as "Antique Smith's Mill."

Among these papers were obviously many genuine manuscripts and autographs, which he succeeded in placing upon the market. The number, however, was limited. Soon he found himself obliged to look around for more in order to fill his fast increasing orders.

Having gained the confidence of the collectors, what more easy than to manufacture as ordered and to substitute his own forgeries? These he executed with a skill compared with which the forgeries of Chatterton and Ireland were but infants' efforts, and as his trade increased he sold them at public auctions or through prominent booksellers to collectors of experience and rank, and also pawned large quantities, which afterward found their way to the auctions of unredeemed pledges.

The ease with which even the most wary can be taken in by forged letters is well illustrated by the famous Shelley and Byron forgeries in 1859.

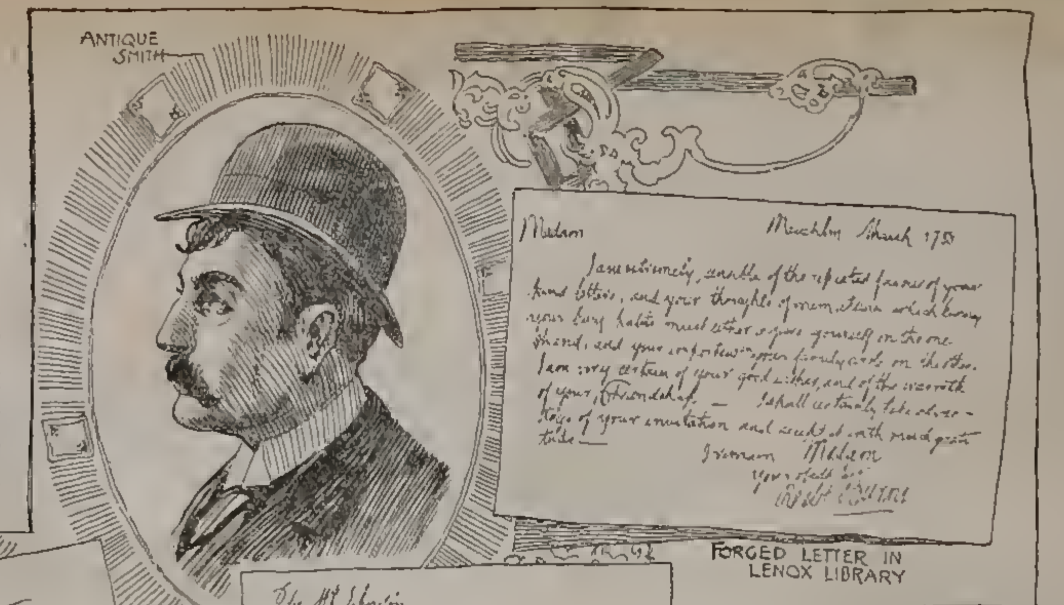
These were sent to the auction rooms of Sotheby & Wilkinson by Mr. White, a London bookseller, and it was at this sale that John Murray, who, it will be remembered, was Byron's own publisher purchased forty-seven letters purporting to be Lord Byron's, for which he paid £123 7s. 6d (about $617).

But to return to our friend Smith. One day in August, 1892, there appeared in the little Ayrshire paper, the Cumnock Express the following modest letter, with introduction:

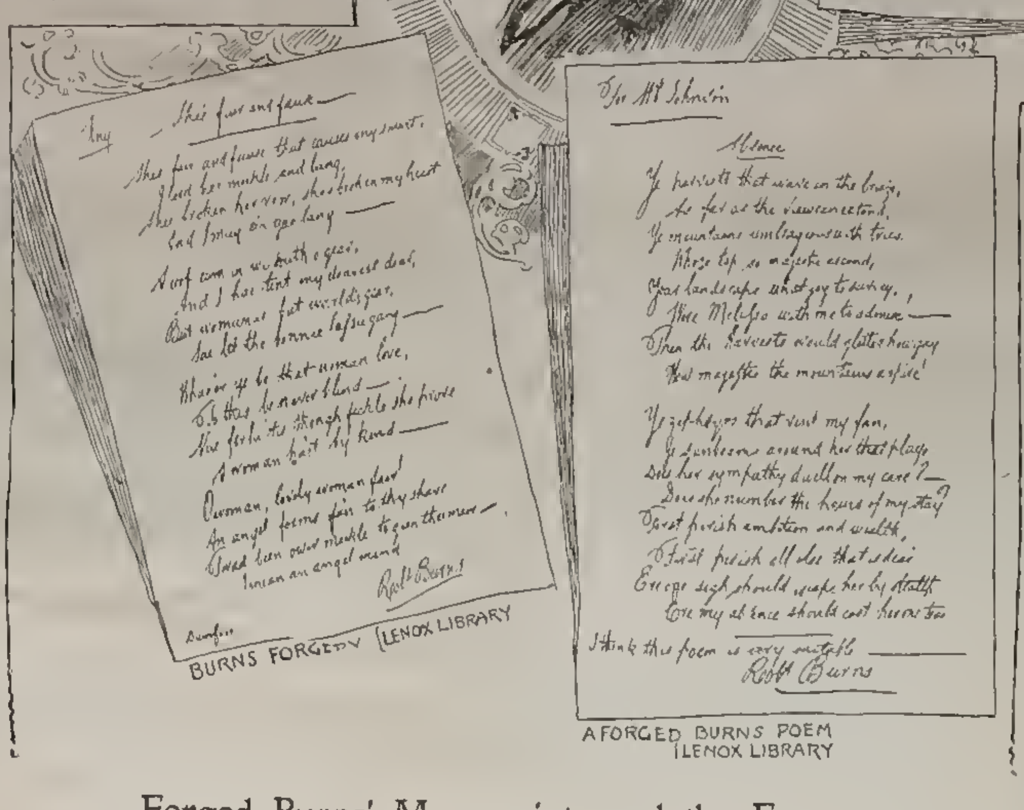
"Unpublished letter of Robert Burns.

"James Mackenzie, 45 Forest road, Edinburgh, an industrious and intelligent collector of manuscripts, has favored us with a perusal of a letter which has every mark of genuineness, and which has never, so far as we know, been published. It is addressed to John Hill, weaver, Cumnock, of whom, or of his relations or descendants, however, we can find no trace. The year is not given, but as it is dated from Mauchline it would seem to have been written about the time of the poet's [illegible] ... My dear

Sir: It is, indeed, impossible for me to speak upon such a subject as the loss you have suffered. Allow me, however, to send you this expression of my sympathy and sorrow at the loss of a friend. It is another part of ourselves gone when we lose a friend. God keep those we have left, as very few are worthy the praying for, and ourselves probably least of all. I was much


ANTIQUE SMITH

FORGED LETTER IN LENOX LIBRARY


BURNS FORGERY LENOX LIBRARY

A FORGED BURNS POEM LENOX LIBRARY

Forged Burns' Manuscripts and the Forger.

pleased at your expression in your intimation to me, as I am now aware that you understood my meaning and character, and that, although our last meeting was noisy, I hope you took no umbrage at anything spoken by Mr. Nicol, whose character is somewhat noisy in its expression. Believe me that I did not intend to go beyond anything that was unfriendly, and your communication has shown me that. I am waiting to see you. Believe me to be, yours most affectionately, ROBERT BURNS.'"

Here was at length the little clew which, followed up, served to unfold the entire mystery of the Smith forgeries.

Lengthy correspondence followed in the leading Edinburgh dailies between an anonymous correspondent and Mr. Mackenzie and a Mr. [illegible] ... Mr. Mackenzie replied that the letter in question had been submitted to the most experienced critic known, who was prepared, if need be, to give his oath that Burns wrote it, and was perfectly satisfied in his own mind that it was genuine. But, to make a long story short, it was finally sent to the British Museum, London, where it was promptly pronounced "spurious."

It appears that Mr Mackenzie, at this time, also was in possession of quite a number of like forgeries. He had, for instance, two copies of the "Solemn League and Covenant," a very rare document, of which only one copy was known to exist, this being on parchment and worth some £150, also the manuscript copy of Burns' "Scots Wha Hae," and many others, prominent among the [illegible] "Man's Prayer," [illegible] ... by his brother, Robert Burns. The first two stanzas read as follows.

THE POOR MAN'S PRAYER.

Amidst the more important toils of state,
The counsels laboring in the patriotic soil,
Though Europe from thy voice expect her fate,
And thy keen glance extend from pole to pole,

Oh, Chatham, nursed in ancient virtue's lore,
To these sad strains incline a favoring ear,
Think on the God whom thou and I adore,
Nor turn unpitying from the poor man's prayer.

The original poem ... [illegible] ... of Chatham by one "Simon Hedge," laborer.

If Burns had, therefore, written this poem he must have been a greater poetical prodigy than we have supposed and have been contributing verses to the London papers at the early age of 7 under the pseudonym of Simon Hedge.

It was also noted that the Christian name Robert was spelled in full, a thing very seldom done by the poet.

Lord Rosebery, addressing the Scottish Corporation at Edinburgh shortly after this expose, cynically made mention, as among the most recent attractions of that city, of the "Alexandrian Library of Burns Manuscripts and Scott Autographs," and recalled to mind the case of Simonides, a Greek, who, after having deceived Professor Lepsius of Berlin and Sir F. Madden of the British Museum, finally met his match in the late Mr. Coxe of the Bodleian Library, Oxford. The story is as follows.

Simonides one day presented himself at the office of Mr. Coxe and unraveled various genuine manuscripts of the twelfth and thirteenth centuries, whose vellum leaves, crumbling with very age, smelled of hoar antiquity.

The shrewd librarian scanned them carefully, and even smelled the ancient documents. The Greek, gaining confidence, now laid before the doctor one more ancient than all the rest which he fully expected would be pronounced by his intended victim as old as our most ancient New Testament manuscripts.

"How old may that be?" asked the Greek.

"About the middle of the nineteenth century," was the dry and crushing reply. Simonides promptly picked up his manuscripts and departed.

But, sad to say, he later succeeded in selling this same document to an overcredulous lord for a good round sum.

The versatility of Alexander Smith in his work was really extraordinary, and he seems to have furnished whatever was in demand. Among the list of his forgeries it is interesting to note the following. A variety of old documents relating to the Jacobite period, letters and autographs of Burns, Scott, Oliver Cromwell, Carlyle, Thackeray, John Bright, Gladstone, Salisbury, Lord Nelson, Mary Queen of Scots, James VI, Prince Charlie, John Knox, [illegible] ...

... punishment for rascality of this nature being very light, he was sentenced to but one year's imprisonment.

We have by no means been free from men of the Smith type in America. The story of Robert Springer, the great "Washington forger," is perhaps, not known to all.

Springer came to America in 1840 and at first made an honest living travelling through the Southern States as a book peddler. After making a little money in this way he finally settled down in Baltimore as a dealer in rare books and manuscripts.

In 1855, at the sale of the papers of an old Baltimore banking house, he found a fortune in the shape of a quantity of checks of General Washington on the Alexandria Bank and also on another in Washington. With these he also secured a number of business letters of Washington, including a large amount of blank foolscap of English manufacture, such as was used in this country until after the Revolution. There were hundreds of the checks, and these he mailed to banks throughout the United States and Canada, stating how they had come into his possession, and asking the recipient to send in return a check for such sum as he deemed the document worth. Usually he received a check for from $10 to $20, and in this way earned a regular income.

But the checks finally gave out, and with the foolscap at hand he now commenced a series of most remarkable forgeries. Among these may be mentioned letters and signatures of Washington, Franklin, Livingston, Lord Nelson and many others. At his trial he claimed to have imposed upon the Prince of Wales, Thiers, Guizot, Napoleon, Metternich and others equally well known. He became a perfect imitator of Washington's handwriting, and being of a fertile brain, he so familiarized himself with Washington's methods of thought and expression that his letters have every appearance of genuineness. At this date there are doubtless hundreds of these Washington forgeries both in the public and private libraries of this country which will never be detected. When arrested in Philadelphia Springer acknowledged having himself written a letter of Washington exhibited among other relics in Independence Hall, and which had been used for the purpose of comparison with any doubtful Washington manuscripts.

Springer died in great poverty in 1876 at the age of 66 years.

But for originality and audacity in this branch of work the late Mr. Shapira of London certainly deserves some mention.

About the year 1878 the entire religious world of England broke forth in rejoicings and hallelujahs.

One morning there had appeared in the London Times the translation by Dr. Ginsburg of a most wonderful old manuscript, which was supposed to be no less a curiosity than the original of the Book of Deuteronomy, from the hand of Moses himself! It consisted of seven numbered and eight unnumbered fragments written in the primeval Hebrew characters, on strips of blackened leather, and was offered for sale to the British Museum by Mr. Shapira for the modest sum of £1,000,000, or $5,000,000.

But, fortunately for the museum, this really gigantic fraud was detected in time, and it was saved from further humiliation.

At his death, in 1880, Shapira's library, which consisted of some really very valuable manuscripts and books, was sold, the above mentioned document fetching £25.

[illegible]

[E]XAMINER, SAN FRANCISCO: SUNDAY MORNING, JANUARY 8.

CORPORAL WILLIAM F. GEIMANN FALLS A VICTIM OF PNEUMONIA.

Corporal William F. Geimann, one of the most popular officers of the Police Department, died of pneumonia yesterday at his home, 1305½ Golden Gate avenue.

His death was most unexpected, for Corporal Geimann was a strong and vigorous young man, and he was on duty until Tuesday afternoon.

Last Sunday the Corporal said that he had a cold, but he paid little attention to it. On Tuesday afternoon he was so ill that he went from work. His condition was then found to be serious. The case was considered hopeful until 11:30 o'clock on Friday night. Early yesterday morning a quieter condition renewed the hope of the watchers, but at 8:15 o'clock death came in sleep.

THE LATE CORPORAL GEIMANN.

Corporal Geimann was thirty-eight years old, a native of San Francisco. He was a son of William Geimann, the retired tailor. His widow is the daughter of Captain John Mahan, formerly a well-known pilot. There are four children, all under thirteen years.

George, Walter and August Geimann are brothers of the deceased, and two sisters are Mrs. Harry McGowan and Mrs. Frank Fesler.

The funeral is to be held at 10 o'clock to-morrow, the body to be taken from the family residence to the Church of the Holy Cross.

Corporal Geimann was appointed to the police force on October 16, 1891. He was made a Corporal on January 16, 1896, and since that time he had been a clerk in the Chief's office. He was a member of the Native Sons of the Golden West and of the Ancient Order of United Workmen.

MRS. BOTKIN NOT IN COURT.

The Woman Too Ill to Receive Her Sentence.

Sheriff Martin appeared in Judge Carroll Cook's court yesterday morning without Mrs. Cordelia Botkin, whom he had been ordered to produce in court at 10 o'clock, that being the time set for passing sentence of life imprisonment on her for the murder of Mrs. John P. Dunning.

When asked why he had not brought in the prisoner the Sheriff replied that she was too ill to be present, that he visited the Branch County Jail at 9 o'clock yesterday morning for the purpose of conveying her to jail and found her suffering from a severe headache, superinduced by a cold; that she was not able to get out of bed, and that she required the ministrations of the matron of the jail and other attendants. The Sheriff declared that the prisoner was physically incapacitated to obey the court's order.

Attorney Frank McGowan, representing the defendant, asked the court's indulgence, saying that his client had been ill for several days, but he thought she would be well enough to answer the court's summons in a short time. Judge Cook said that he was disposed to allow the request for a reasonable postponement, and that the Sheriff's statement would be accepted as satisfactory.

At this juncture District Attorney Murphy informed those interested that Attorney J. A. Hosmer, formerly Assistant District Attorney, who conducted the prosecution of Mrs. Botkin, is to represent the District Attorney's office throughout future proceedings in the Botkin case. This course is taken for the reason that Mr. Hosmer is acquainted with every phase of the matter.

Judge Cook said that the passing of sentence on Mrs. Botkin would be postponed until next Saturday, the 14th inst.

HER EYES WERE RED AS IF FROM WEEPING.

Mrs. Botkin, Convicted of Murdering Mrs. Dunning, Has Her Sentence Postponed.

When Mrs. Cordelia Botkin appeared in Judge Cook's court yesterday morning her eyes were red, as if she had been weeping and she was devoid of that air of confidence which marked her behavior before her conviction of murder, for causing the death of Mrs. J. P. Dunning by means of poisoned candy.

Before the prisoner was called to receive the sentence of life imprisonment which was prescribed by the trial jury, Attorney Charles Hagerty requested a postponement until Attorney George A. Knight could be in attendance for the purpose of presenting his argument in support of the motion for a new trial.

Mr. Hagerty thought that Mr. Knight could not be present before the 23d inst.

"Before that request is granted we would like to know on what grounds the motion for a new trial is to be urged," said District Attorney Murphy.

"Why, on every legal ground, but mainly on the contention that this court has no jurisdiction," replied Mr. Hagerty.

District Attorney Murphy and Attorney J. A. Hosmer, who still has practical control of the prosecution, consulted briefly, and announced that they had no objection to a reasonable delay in the matter.

"Let the case be set down for January 23d, and at that time counsel will be expected to proceed," said Judge Cook.

Mrs. Botkin seemed disappointed at the postponement. She was considerably agitated, and the dilatory deliberations of the lawyers were plainly irksome to her. She looks as if the suspense has grown burdensome, and doubtless she will have a sense of relief when the ordeal is over.

Mrs. Botkin was attired in a black tailor-made suit, with a white satin bow at her throat, and wore the hat that she wore most of the time during the trial. As usual the courtroom was crowded with men and women anxious to get a glimpse of the prisoner. The services of two policemen were required to keep clear the corridor in front of the courtroom door.

[S]O CALL, SATURDAY, FEBRUARY 11, 1899.

A FORGER'S PEN MADE THIS NOTE

Sensational Charge Brought by a Witness in a Battle for Half a Million.

Mary Helen Murdock's Claim Against Her Dead Uncle's Estate Declared to Be Based on a Bogus Signature.

MARY HELEN MURDOCK'S note of $100,000, payable twenty years from date, and bearing interest at the rate of 1 per cent per month, purporting to have been signed by the late millionaire William Murdock, the Colusa County rancher, which has long been the subject of wonderment throughout half the continent, has been branded as a forgery.

This note, with interest, now stands against the estate of the dead millionaire as a liability amounting to half a million dollars. If it is a forgery, as claimed by Chief of Police Lees and the best experts in the country, backed by the testimony of a witness, J. F. Turner, who has told the secret of its existence, claim that such it is, the efforts of Becker, the looter of the Nevada Bank, and all of his ilk will fade to those of petty larcenists beside this gigantic conspiracy to swindle the estate of the dead capitalist. It is the forgery of the century, and for the greed of its perpetrators, their daring and reckless pursuit of gold that it was never intended they should share stands without a precedent in the annals of modern crime.

A few years ago William Murdock died in this city, full of years that had known incessant toil. He left a vast estate as well as a niece, Mary Helen Murdock, who had long enjoyed the old man's respect and his love. The old man had been but a few months in his grave when a note, payable to Mary Helen Murdock, bearing date of September 5, 1877, its back disfigured by various assignments, was presented for settlement. The representatives of the estate stood aghast when the note was presented, but it was not paid. Suit for the recovery of the face of the note, with interest as set forth, bringing the amount due up to the sum near $500,000, was commenced, and is now pending in the Glenn County Superior Court. On April 4 next it will go to trial, and E. S. Pillsbury of this city and Attorney Lusk of Chico, who represent the Murdock estate, are confident that they can prove the instrument a forgery, and are preparing their case with that end in view. The deposition of J. F. Turner has been taken, and will be settled and signed to-day. This will place in the hands of Mr. Pillsbury the whole story of the forging of the document, backed by documentary evidence, which will doubtless defeat the effort to loot the estate of the dead capitalist as well as seriously increase the troubles of one or more well-known citizens.

At the time of Murdock's death Turner was a well and favorably known real estate dealer of this city and was enjoying a big income. The forgery, or alleged forgery, of the note occupied his attention for a time, and although he was in no way connected with the alleged swindle except for the purpose of obtaining evidence against those who launched it, it led him into a mire of trouble, from which, after a bitter legal battle, he has just succeeded in extricating himself, and is now in a position to tell his story against those who would give their all to see him behind prison bars. His deposition is an unusual one, in that it sets forth a story seldom heard in a legal trial.

Stripped of its legal phrase, and question and answer form, Turner's deposition contains the following story. He started his story before Notary Mark Lane by telling how Lawrence S. Megginson, whom he accuses of having forged the note, came to his office in the spring of 1892, when he (Turner) was at 4 Sutter street. He continues:

Claiming to be ill at the time and finding that Turner had nice sunny offices nearly furnished, Megginson wanted Turner to let him make them his headquarters and have his mail come there. Turner, the deposition sets forth, consented, and also gave Megginson one of the steel boxes in his safe to keep his papers in. It was not long before Megginson told Turner about having a note for $100,000 against William Murdock, Olimpo [illegible] dated September 5, 1877, and due September 5, 1897, bearing 1 per cent per month interest. He told Turner that the note would amount to $340,000 when due, and that he had bought it for $50,000. He told Turner that Murdock had a pet niece whose name was Mrs. Minnie Murdock, and that Murdock had given his niece the note because he thought more of her than any one else. He told Turner that Murdock was an old bachelor and had been sick a great deal, and that Minnie had always taken care of him when sick and that the old man would always pull Minnie on his knee and kiss her whenever he got the chance, and that for a long time prior to the making of the note he had promised Minnie that some day he would make her a nice present. Megginson said the time came when the old man handed Minnie the note and said to her, "Here, Minnie, is a note that will come due about the time I die, and with care it will be all the money you will want the balance of your life." Megginson also said that the old man told her that he would leave ample property to pay the note when due. Megginson then told Turner how he got acquainted with Mrs. Murdock, whom he called Minnie, and told how she had taken a great notion to him and had told him all about the note.

He said that Minnie was a very nice person and she had always stopped at the same house where he lived when she came to the city and that she had made a confidant of him. He then said that Minnie was afraid she would have trouble with the Murdock heirs about the note, so had agreed to sell him the note for $10,000. He then said she had assigned the note to him and he had assigned it to his brother, William Megginson, in Ohio. Megginson then told Turner that he was to pay Minnie only a few thousand dollars of the amount until it came out of the estate, but to make the consideration right before the heirs he was having his brother send him $1000, $5000 and $10,000 at a time, and he was having it come through the bank, and as soon as he drew it out of the bank he would take it to Minnie, pay it over to her, take her receipt and then at once take the same money and send it back to his brother, and then in five or six weeks his brother would send it back again and he would make another sham payment, and so on.

In this way he was paying the $50,000 to show the consideration all right. "Well," he said, "while he had spent $10,000 of his brother's money, he wanted to let his brother out of it and get some one to go in with him and stand half of the expenses all through, and when the old man died make the fight against the heirs, and after the $50,000 was paid and all expenses the balance would be divided with whoever went in with him." He also said that Minnie had another note for $5,000 that she had got from a banker at Sacramento, which she was to turn over to him for the $10,000, so he would put the whole matter together, which would amount to over $500,000 when due, and there would not be over $100,000 to pay out.

It was about the first of June 1892, when Megginson began to make the offers to Turner. He then showed Turner the note, and when Turner questioned him about the consideration given for the note the first thing Megginson did was to show Turner two deeds signed by William Murdock before a Notary Public, and he said: "You see there is no doubt about the signature being William Murdock's, as it compares exactly with the signatures on the deeds." Turner then noticed that one of the deeds was dated in 1873 and the other one in 1880, and that both deeds were for the same piece of land. Megginson then told Turner that the last deed was given to correct an error in the description in the first deed. Turner then noticed that the name on the note which was dated September 5, 1877, compared exactly with the name on the deed of 1880.

Turner did not then let on to Megginson what his suspicions were, but kept questioning him in many ways, Megginson thinking that Turner intended going in with him. Turner then asked Megginson what guarantee there was that Mrs. Minnie Murdock would not come back on him for the whole amount, after the estate was settled, if he did go in and bear half of the expenses. Megginson then said he would bring Minnie, as he called her, and introduce her, and she would tell Turner that the whole matter was left to him. Megginson did bring a woman to Turner's office whom he introduced as Mrs. Minnie Murdock, and said: "Now, Minnie will tell you all about the note herself." She then told Turner that she had assigned the note to Megginson for $10,000, and that anything that Mr. Megginson did would be entirely satisfactory to her, as she had left the whole matter in his hands.

About this time Turner took Megginson down to see C. P. Robinson, an attorney, as Megginson was very uneasy about his mode of payments. He wanted to make sure that he could not get into trouble with the Murdock estate people. Megginson and Turner went together to ask Robinson some legal questions about the assignment of the note and the mode of his payments for the same. Megginson seemed to be very uneasy about the way he was having his brother send the money here. This was in September, 1892. Megginson, about this time, went over to Oakland to stay a few days to avoid the service of a subpoena [illegible] and a party who wanted to take his deposition, and while over there he wrote to Turner [illegible] tember [illegible], asking him to see Robinson about some matters in connection with the note.

This letter is now in the possession of the attorneys representing the Murdock estate and corroborates the statements made by Turner. This letter the attorneys are zealously guarding, and state that the admissions made by Megginson therein completely substantiate their contention that the note is a forgery, and it will be, after Turner's deposition, probably the first evidence introduced on behalf of the estate tending to substantiate its contention of forgery.

Turner then told Megginson that he would not go in with him unless he (Megginson) would tell him the whole truth, as he did not believe the note was genuine. Turner told Megginson that he believed the note was a forgery, and that unless he took him (Turner) into his confidence and told him all about it and just how it was obtained, he (Turner) would refuse to consider the proposition. Turner, however, gave Megginson to understand that he would go in and fight the matter through if he would tell him the whole truth.

Megginson then took Turner in his confidence and told him all about the matter. Megginson then showed Turner just what the note looked like when it was signed by William Murdock and what it looked like after it was in his hands a few hours.

Still, with this marvelous statement Megginson claimed that Minnie, as he called her, or Mary Helen Murdock (which is her name), believed up to that time and would always believe that her uncle had signed the note for her for $100,000, dated September 5, 1877. Still the note presented for payment was not signed, it is claimed, by the dead man.

The ignorance of Mary Helen regarding the note is explained by Turner in his explanation of how the note was forged. Turner, after he gained the confidence of Megginson and the latter decided to tell Turner all, listened, he says, to the following story of the forgery of the note:

Shortly prior to Murdock's death I called the attention of Miss Murdock to the fact that her uncle had promised her a present some time before, and I told her that if she would take a note which I would draw for $100 and get her uncle to sign it I would then raise it to $100,000 and set back the date a sense [illegible] of $100,000 and set back the date. Mary Helen Murdock did not like the scheme and said she would draw up a note for the full $100,000 and get her uncle to sign it, as she believed that if she rushed in and asked him to sign it he would do so without looking at the note. She drew up a note for $100,000 and then handed it to me and I placed it in my pocket, being afraid that the uncle would read the note, refuse to sign it and ruin our plans. When Miss Murdock wanted to get the note signed I handed her the one I had drawn up for $100. She ran off thinking that I had handed her the note for $100,000 in her handwriting. She came back in a few minutes, handed me the note and said that her uncle had not even looked at the note, had signed it, and handed it back to her. In fact, she had not looked at it herself, and did not know that it was the one I had drawn for $100.

I then took the note and excused myself. I went away intending to raise the note, and it immediately dawned upon me that it was not in Miss Murdock's handwriting and she would immediately discover the deception. I then took the note she had drawn up and endeavored to forge Murdock's signature, but I made a botch of it. In consequence I had two useless notes on my hands. I procured another blank note and traced and copied Miss Murdock's handwriting in the body of the note and then took Murdock's signature from the deed executed in, which was drawn in 1880, and traced it in part and copied the rest. Next morning I presented it to "Minnie" and subsequently it was assigned to me.

Such is the story of the forgery, and Turner avers that later the note was assigned to Megginson's brother, William, who resides in Ohio. Turner, after he secured the story, refused to consider the proposition of entering into the scheme, and when L. S. Megginson found this out he immediately lost heart and referred the note to Mary Helen. Then the safest way out of the difficulty and to close Turner's lips was to have him arrested, Turner says, and this Megginson, aided by one J. F. Frenna, did.

Through all these years Frenna and Megginson have done their best to obtain a conviction that would stick against Turner but without avail.

Now Turner, who claims that the whole thing was a blackmail scheme for the purpose of beating him out of a large amount of property and covering up the forgery, is going to start in on the same fire battles and show up the other side of the case. He claims that every word of the testimony given by both Frenna and Megginson was false and perjured testimony, which he says he can prove in the courts. He is going to show his full hand, which he says will astonish the citizens of the entire State. He promises revelations that will put him in a different light and make Megginson and Frenna site themselves to show that they are not guilty of similar and startling crimes.

With certain documentary evidence and the testimony of Turner, Attorney E. S. Pillsbury is confident in his position and believes that when the case is finally determined he will have secured a judgment branding the note the handiwork of schemers, whose greed for gold led them to overstep themselves and fall when their claim was met in a court of justice.

Peter Dergans Accused of Unfaithfulness to His Trust.

Peter Dergans was arrested last night upon complaint of his brother Andrew and locked up in the City Prison on a charge of forgery. It is alleged that Peter caused a bank book belonging to a third brother, Antone, to be transferred to himself, and that he then drew out all of the money, amounting to $776 18, and deposited it to his own account.

Andrew states that Antone went to the Klondike March 9, 1897, leaving his bank book with Andrew, who, on leaving for the country in the January following, turned the book over to Peter. Antone returned from the Klondike with gold dust worth, it is said, several thousand dollars and went to Austria. He came back here in November and was unable to find Andrew, Peter telling him that he did not know where his brother was. Antone returned to Austria and wrote to Andrew to send him his money. Andrew learned that in April, 1898, Peter had filed an affidavit with the Hibernia Bank that the bank book had been transferred to him. The book contains an assignment dated March 10, 1897, a day after Antone had left for the Klondike. Four different handwritings appear in the assignment. Andrew alleges that Antone's signature is a forgery. Detective Dillon and Policeman John Q[illegible] made the arrest.

Peter Dergans claims that he gave Andrew $[illegible], receiving the bank book and a note for $[illegible] in exchange. This is emphatically denied by Andrew.

HUSBAND'S CLAIM FOR PART OF AN ESTATE.

E. W. Scott Offers to Prove That His Late Wife Made an Olographic Will.

E. W. Scott, surviving husband of Mrs. [illegible]gelle R. Scott, has presented to the Superior Court a document which he alleges to be the last olographic will of his wife. It is a brief memorandum, bequeathing $[illegible] to Mrs. Wealthy Wormer, no mention being made as to the remainder of the estate which is said to be worth $20,000.

If this writing should be accepted as Mrs. Scott's last will the surviving husband would succeed to one-third of the property, whereas by the terms of the will recently admitted to probate he is allowed but a small [illegible].

Public Administrator [illegible], who has been nominated as executor in the will produced by Mr. [S]cott, and Attorney George E. Keene presented arguments in favor of that course, but Judge Coffey said he would hold the instrument presented by Mr. Scott to be merely a [illegible] Mrs. Scott's original will. Mr. Scott gave notice of an appeal to the Supreme Court.

VOL. LXIX. SAN FRANCISCO, CAL., SUNDAY, FEBRUARY 5, 1899—THIRTY-TWO P

MRS. BOTKIN IS SENTENCED

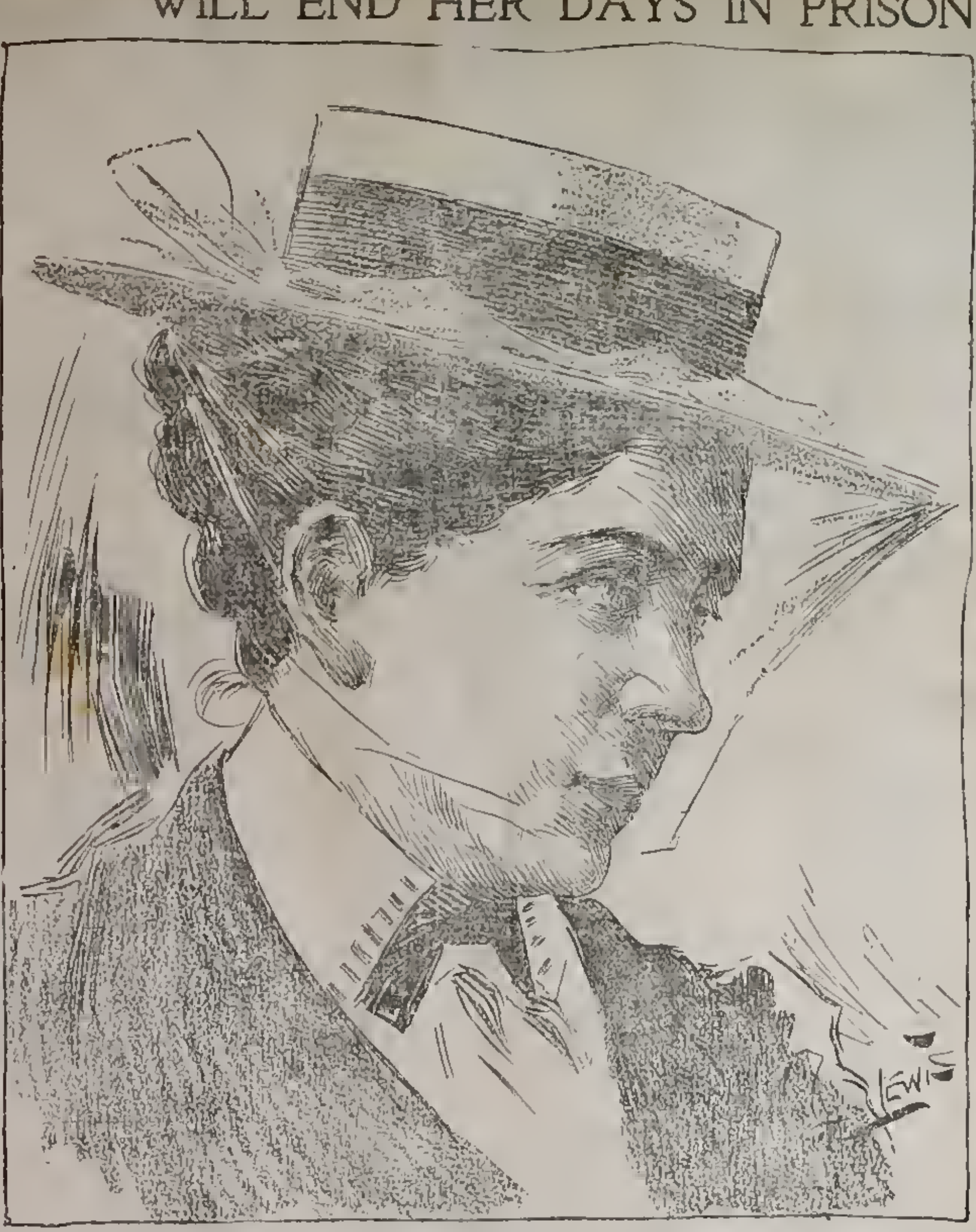
Imprisonment for Life for Poisoning Mrs. Dunning.

JUDGE COOK DENIES HER A NEW TRIAL.

THE PRISONER'S SISTER SUPPORTS HER DURING THE ORDEAL.

An Appeal to the Supreme Court All That Stands Between Mrs. Botkin and San Quentin.

MRS. CORDELIA BOTKIN, WHO WILL END HER DAYS IN PRISON.



Cordelia Botkin has had her future foretold by a grim fortune-teller. Yesterday was doomsday for her, when on her drooping head the words of sentence fell. She heard the name "San Quentin," pronounced with a new meaning and a grim significance and she realized faintly, as from afar off, what it means to be imprisoned within stone walls for natural life, especially when that life is but just in prime and has been filled so far with what some people are pleased to call, "the good things of life." All the rest of her days Mrs. Botkin will be shut up with her memory.

In response to the cold command of the Judge, Mrs. Botkin stood up. She is such a small woman that even when she stood, she did not come much above the shoulders of those who sat. She stood before her Judge with her head dropped in a prayerful attitude. To the downcast woman before him, Judge Cook read the indictment with the dispassionate voice and manner of an automaton. Half way through Mrs. Botkin suddenly raised her head and thereafter she looked the Judge straight in the face. Then came the formal question, "Have you anything to say why sentence should not be pronounced upon you?" The question is like that one in the marriage service where the applicants for the degree of matrimony are asked if they know of any existing obstacles to their union, a question that always brings a breathless moment of suspense while every one thinks how terrible it would be if the stillness were suddenly shattered by a voice.

The deep silence of the awed and crowded court was broken by a voice and the voice was Mrs. Botkin's. A moment she hesitated, while she knitted her brow in the deep wrinkle that has become habitual since she lost her liberty. She put her hand to her throat and tried to swallow. It was as though the voice would not come at her bidding. Then she made her last assertion of innocence in a tone clear and vibrating with emotion. It was not the voice of affectation in which she told her story to the jury, and it rang with feeling.

The Judge had asked Mrs. Botkin if she had anything to say.

"I certainly have," she replied, stifling a tremolo. "As I said at the beginning, I am not guilty of this atrocious crime."

Charles J. Heggerty, one of Mrs. Botkin's attorneys, was not prepared for the impromptu speech. He leaned toward her, said something and tried to pull her into her seat. It was remembered by those who heard sentence pronounced for the first time on Theodore Durrant, in that summer twilight in Judge Murphy's courtroom, that Durrant tried to say something when given his opportunity, but that General Dickinson pulled him into his seat and stood guard over him lest he should commit an indiscretion. Mrs. Botkin, having said her say, perhaps overcome by emotion, for she was trembling in every limb, or maybe thinking that it was all over, sank into her seat. But the Judge had not finished with her.

"Stand up again, Mrs. Botkin," he said in frigid tones.

Mrs. Botkin was trembling and crying softly, but she tried to rise. Her sister, Miss Brown, who was with her, raised her tenderly to her feet. They stood together, Miss Brown's arm about the waist of the sister, who is older than she but much more dependent. Mrs. Botkin leaned against the protecting shoulder of the sister who has been so tenderly devoted to her. It was a striking picture—one woman tall, thin, gaunt and plain, the other short, plump, pretty, essentially feminine—the one good and strong to lean upon, the other weak, faulty, looking for support. Miss Brown suddenly seemed like a mother instead of a younger sister. She has supported herself for years and she is used to buffeting with the world. Mrs. Botkin has always been sheltered, if not protected, and in the hour of her trial she was supremely weak.

Standing, with arms entwined, the two women were sentenced. A stranger could not have told which woman had sinned, as the sentence fell on both their heads. Miss Brown looked steadily at the Judge, and in her eyes there was an angry glitter. Mrs. Botkin clung to his face with her great eyes, while he spoke of San Quentin and the delivery into the custody of the Warden, as though she were a bale of goods, and went on with the sentence to its hopeless, bitter end. In imagination she could see the grassy slopes at the foot of which San Quentin lies ... [illegible] walls and could

other questions included in the written motion for a new trial were passed and submitted without argument, and no affidavits were presented in support of such grounds as were based on affidavits.

The question of jurisdiction was not raised on the arraignment of the defendant either by demurrer or otherwise, neither was it raised at any time during the course of the trial either by objections to evidence offered or in the instructions requested by the defendant, or at all.

Now, for the first time since the filing of the indictment herein the jurisdiction of the Court to try the cause is questioned, and in questioning the same the Court is asked by defendant's counsel to say in one and the same breath that it has no jurisdiction to try the cause, but nevertheless will order the same retried.

In the case of People vs. Turner, 39 Cal., 372, the Supreme Court says: "A motion for a new trial presupposes a sufficient valid indictment upon which, with sufficient legal evidence in support of its allegations, a legal verdict and a valid, binding judgment may be pronounced. The statute does not contemplate or authorize a retrial upon an insufficient or invalid indictment, hence, a motion for a new trial cannot properly be based upon any objection to the sufficiency or validity of the indictment or any errors or irregularities occurring in the proceedings before issue of fact joined by plea to a good and sufficient indictment, the object and purpose of a retrial being simply to enable the trial court to avoid the errors and irregularities claimed to have occurred on the former trial to the prejudice of the rights secured to the defendant."

The Court has power to grant a new trial on certain grounds specified in the statute and on none other. In the case of People vs. Laura D. Fair, 43 Cal., 142, the Supreme Court says: "The Court had no power to grant a new trial for such a reason, because it is not one of the grounds upon which only a new trial can be granted."

Section 1181 of the Penal Code enumerates specifically the grounds upon which a motion for a new trial may be granted, and "want of jurisdiction" is not one of them.

On the trial no objection to the jurisdiction of the Court over the subject of the indictment was made, neither was it at any time during the course of the trial objected that the facts proved did not constitute a public offense, therefore, there is no ruling of the Court on this question either on demurrer or motion, or on the trial, which can be classed as an error of law reviewable on motion for a new trial. The question of jurisdiction certainly would not be involved in either subdivision 1, 2, 3, 4, 5 or 7 of section 1181, and as a verdict is "contrary to law" only when contrary to the charge of the Court, it would not be involved in subdivision 6 of said section. There being no other grounds upon which a new trial can be granted, it necessarily follows that unless some other reason than an alleged want of jurisdiction exists the motion made must be denied, and as no other reasons have been called to the attention of the Court, and as the Court is satisfied that the evidence given at the trial is sufficient to sustain the verdict rendered the motion for a new trial is denied.

Immediately after receiving this knock-out blow Attorney Heggerty made a motion in arrest of judgment upon the ground of the insufficient jurisdiction of the court and to cover all the grounds set forth in the motion for a new trial, on statutory grounds and because of the fact that the Grand Jury had no jurisdiction over the subject matter. Thereupon the Judge read a written opinion in which, having anticipated such a motion, he had over- ...

taken it with her into another State, there partaken of it and died?

In either of such cases there would have occurred within this jurisdiction the two main elements of the crime of murder, the act, so far as the defendant could act, and the intent would have united, and all within this jurisdiction. In a poisoning case, where the deceased received, ate and died, all in the immediate presence of a defendant and within the confines of a room, the defendant would be guilty of murder if he handed to the deceased the poison having at the time he so handed it the intent to kill, no further act would be required of him. That the deceased with his own hand conveyed the poison to his mouth would not lessen the defendant's crime. The law would not require the prosecution in such a case, to prove that the defendant not only delivered and handed the poison to the deceased, but also that he by his own hand poured it down the throat of the deceased.

Suppose this case: Jones in a kitchen, believing that Brown is dining alone in an adjoining room and intending to kill Brown places poison in food sent from the kitchen and placed before Brown at the table where he sits. Unknown to Jones a guest, against whom Jones has no evil intentions, is dining with Brown. Both Brown and his guest partake of the poisoned food and as a result die. Jones has not left his kitchen. He did not place the food to the mouth of either. His act consisted merely in placing, with the intent to kill, poison within the reach of one of them. Their eating and their death were but the consequences of his act, which was coupled with an intent to kill. Could it be claimed that Jones was not guilty of the complete crime of murder, and that, too, regardless of whether Brown, his guest or both of them died?

As further examples of my meaning:

First—A willfully and with intent to kill mixes poison in a flask of liquor and hands it to B who by his own hand places it to his lips and dies. This is murder. The act of A was but the delivery. It was the act of B himself that actually produced the result. Yet the act of A made it possible for B to partake. The act of B, as well as his death, were but the consequences of the act of A. The act of A having been coupled with the intent to kill constituted the complete crime of murder—what followed was but the consequence.

Second—A willfully and with intent to kill B, prepares poisoned liquor and leaves it in a bureau drawer, knowing that B will there find and partake of it. B does, without any additional act of A, find and partake, and, as a result dies. The act of B in finding and imbibing is the immediate cause of the death, but the act of A made it possible for such results to follow. Therefore, such act of A, coupled as it was with the intent to kill, being followed by such consequences, constituted the complete crime of murder, and that, too, even though C, against whom A had no evil intentions, had become the victim. The act and the intent of A constituted the crime.

Third—A, willfully and with intent to kill B, who at the time is in another county or state, prepares poisoned liquor and leaves it where B, on his return, can get it. B returns. A is not present, but B partakes of the liquor and dies. The act and intent of A, followed by the consequences which happened on the return of B, constitutes murder.

Fourth—In either of the last-mentioned cases the person who receives the liquor, or finds it, take it to another county or state, and the consequences follow in such other county or state, either resulting in the death of the one who has received or found it, or in the death of some one to whom it is there delivered. No further act of A has been required to produce such consequences. All are the consequences of A's act and intent, which in ... instances ... [illegible]

flicted of the poison administered is the locus of the crime, would seem to support the jurisdiction of this Court. Some of the cases are: Green vs. State, 66 Ala., 40; S. C. 41 Am. Rep., 744; People vs. Griffin, 38 Cal., 667; Com. vs. McLoon, 101 Mass., 1; S. C. 100 Am. Dec., 89; State vs. Brown, 16 Kas., 476; State vs. Kelly, 76 Me., 331; Tyler vs. People, 8 Mich., 342; State vs. Gessert, 21 Minn., 369; Riley vs. State, 9 Humph. (Tenn.), 646; Guiteau case, 1 Mackey (D. C.), 498-552-526; ex-parte Rogers, 10 Tex. App., 655; People vs. Staples, 91 Cal., 21; People vs. Hodges, 27 Cal., 340; Rex vs. Williams, 2 Camp., 607; Reg vs. Jones, 1 Cox, C. C., 198; Reg vs. Jones, 1 Dennison, C. C., 558; U. S. vs. Worrall, 2 Dal., 384; Adams vs. People, 1 N. Y., 174.

It would seem, therefore, that it is unnecessary to attempt an interpretation of section 27 of the Penal Code.

It is claimed by the District Attorney that if jurisdiction does not attach by reason of the facts themselves, it does attach by reason of sections 27, 655 and 656 of the Penal Code, when read together, giving them the liberal construction required by section 4 of the same code. It is claimed that such sections mean simply that all crimes created by the laws of this State which are in part committed by persons within this State may be prosecuted under our laws.

The defendant claims that section 27 does not create a crime, but merely provides for the punishment of crimes created by other statutes, and that jurisdiction can only be found in the chapter of the code relating to jurisdiction.

The Supreme Court of this State has held in the case of People vs. McNulty (93 Cal., 436-9) that a statute (S. of Pol. Code) referring exclusively to laws creating a crime, included a statute providing for punishment only.

In a very recent case (People vs. Black, 18 Cal. Dec., 59) the Supreme Court also held that in looking for statutes conferring jurisdiction other sections of the code than those found in the chapter relating to the subject of jurisdiction could be invoked, and that although jurisdiction could not be found in a certain case under that part of the code devoted to such subject it was given by a statute in another part of the code, which provided that a person doing certain things might "be convicted and punished" in the same manner as if such crime had been committed in this State. The word "punishable" used in section 27 is even a broader word than either of those used in the section there construed. Punishable includes not only the extent of punishment possible to be inflicted, but the liability to trial, conviction and punishment.

The question here presented being to a certain extent a new one and there being absolutely no case capable of being produced as a precedent which is, as the saying is, "on all fours" with it, and involving as it possibly does an interpretation for the first time of section 27 of the Penal Code, it should be passed upon by the Supreme Court, the jurisdiction of which extends over the entire State and the decision of which will govern all trial courts in the State in which the question might in the future arise.

I do not feel justified under my views, as hereinbefore expressed, in refusing to pronounce judgment on a verdict of guilty rendered in a case of murder so monstrous and diabolical as the verdict in this case stamps this homicide to have been. The crime is almost unparalleled. Our code requires that its provisions are to be construed according to the fair import of their terms, with a view to effect its object and to promote justice. It would not be the promotion of justice, but rather the promotion of a failure of justice to so construe the statute as to permit a crime so diabolical as this to go unpunished and the criminal unwhipped of justice.

The motion in arrest of judgment is

... ting the case to the Federal ... as a last resort. The ... whether they know predict that the Supreme Court will sustain Judge Cook and that after the proper delay Mrs. Botkin will take her place among the ... women in that populous city, San Quentin. ... that no one thinks that she will remain there for her natural life. They say—these same wise people that under the circumstances, since there is no law that covers her case and since the decisions are based on common sense and a rough sense of justice, that the Justices will unite in petitioning for her pardon after a time, that there will be a friendly Governor some day, that the petition will be quietly pushed when the public has cooled down and the ... sensation shall have been eclipsed by half a dozen newer and bigger ones, and that when that day comes Mrs. Botkin will quietly slip from prison walls and will be no longer the guest of the State.

HOMER HELD FOR TRIAL.

Must Answer a Charge of Embezzlement.

Says His Accuser Had Him Print Bogus Lottery Tickets.

OAKLAND, Jan. 21.—Frank T. Homer, accused of having stolen a printing press from Miss L. J. Burdick, was held to answer before the Superior Court on a charge of embezzlement by Police Judge Mortimer Smith this morning, with bail fixed at $500.

Attorney William White made a strong plea for mercy from the court, drawing a vivid picture of the destitution of Homer's home if he were bound over to the Superior Court. However, Judge Smith decided that the case against the printer was sufficiently strong to warrant his trial by a jury.

According to Homer, he purchased the press from Miss Burdick. He then used it to print

BOGUS LOTTERY TICKETS

For her. Late yesterday afternoon Miss Burdick took the stand and told of the purchase of the press. She testified that she had delivered the press to Homer to be used by him, but that it remained her property. When he sold it she determined to have him arrested for embezzlement.

Attorney W. S. O'Brien, for the defendant, endeavored to learn from her to what use the press was put, but Prosecuting Attorney Leach objected to this line of questioning and the late plaintiff was saved from answering. When Homer was called, however, O'Brien succeeded in getting him to testify about the

LOTTERY DEAL.

"What was the work done by you for the plaintiff with the press?" asked the attorney. "Printing lottery tickets," replied Homer, before Leach could object.

It is said that Homer and Miss Burdick carried on a regular lottery ticket printing establishment, having an issue of tickets every month. This interesting revelation to Oaklanders has given rise to a discussion as to whether or not the printing of bogus lottery tickets is a crime. It is an offense to be in the possession of lottery tickets if they are genuine, but if the tickets are bogus it might be claimed that legally they are not tickets at all, and that therefore it is no crime to have them. If this be the case, it is a crime to print genuine lottery tickets, but no crime to print bogus ones. Disposal of bogus tickets, however, would be obtaining money under false pretenses unless the law that declines to protect gamblers from one another removes even that ground of prosecution.

Cordelia Botkin has had her future foretold by a grim fortune teller. Yesterday was doomsday for her, when on her drooping head the words of sentence fell. She heard the name "San Quentin," pronounced with a new meaning and a grim significance and she realized faintly as from afar off what it means to be imprisoned within stone walls for natural life, especially when that life is but just in prime and has been filled so far with what some people are pleased to call "the good things of life." All the rest of her days Mrs. Botkin will be shut up with her memory.

In response to the cold command of the Judge, Mrs. Botkin stood up. She is such a small woman that even when she stood, she did not come much above the shoulders of those who sat. She stood before her judge with her head dropped in a prayerful attitude. To the downcast woman before him, Judge Cook read the indictment with the dispassionate voice and manner of an automaton. Half way through Mrs. Botkin suddenly raised her head and thereafter she looked the Judge straight in the face. Then came the formal question, "Have you anything to say why sentence should not be pronounced upon you?" The question is like that one in the marriage service where the applicants for the degree of matrimony are asked if they know of any existing obstacles to their union, a question that always brings a breathless moment of suspense while every one thinks how terrible it would be if the stillness were suddenly shattered by a voice.

The deep silence of the awed and crowded court was broken by a voice and the voice was Mrs. Botkin's. A moment she hesitated, while she knitted her brow in the deep wrinkle that has become habitual since she lost her liberty. She put her hand to her throat and tried to swallow. It was as though the voice would not come at her bidding. Then she made her last assertion of innocence in a tone clear and vibrating with emotion. It was not the voice of affectation in which she told her story to the jury, and it rang with feeling.

The Judge had asked Mrs. Botkin if she had anything to say.

"I certainly have," she replied, stilling a tremolo. "As I said at the beginning, I am not guilty of this atrocious crime."

Charles J. Heggerty, one of Mrs. Botkin's attorneys, was not prepared for the impromptu speech. He leaned toward her, said something and tried to pull her into her seat. It was remembered by those who heard sentence pronounced for the first time on Theodore Durrant, in that summer twilight in Judge Murphy's courtroom, that Durrant tried to say something when given his opportunity, but that General Dickinson pulled him into his seat and stood guard over him lest he should commit an indiscretion. Mrs. Botkin, having said her say, perhaps overcome by emotion, for she was trembling in every limb, or maybe thinking that it was all over, sank into her seat. But the Judge had not finished with her.

"Stand up again, Mrs. Botkin," he said in frigid tones.

Mrs. Botkin was trembling and crying softly, but she tried to rise. Her sister, Miss Brown, who was with her, raised her tenderly to her feet. They stood together, Miss Brown's arm about the waist of the sister, who is older than she but much more dependent. Mrs. Botkin leaned against the protecting shoulder of the sister who has been so tenderly devoted to her. It was a striking picture—one woman tall, thin, gaunt and plain, the other short, plump, pretty, essentially feminine—the one good and strong to lean upon, the other weak, faulty, looking for support. Miss Brown suddenly seemed like a mother instead of a younger sister. She has supported herself for years and she is used to buffeting with the world. Mrs. Botkin has always been sheltered, if not protected, and in the hour of her trial she was supremely weak.

Standing, with arms entwined, the two women were sentenced. A stranger could not have told which woman had sinned, as the sentence fell on both their heads. Miss Brown looked steadfastly at the Judge, and in her eyes there was an angry glitter. Mrs. Botkin clung to his face with her great eyes, while he spoke of San Quentin and the delivery into the custody of the Warden, as though she were a bale of goods and went on with the sentence to its hopeless, bitter end. In imagination she could see the grassy slopes at the foot of which San Quentin lies, could see its castellated walls, and could hear the boom of its big gate, which, when once it shall have shut behind her, shall never open for her again until it unfolds to allow her corpse to be carried out—that is, if the law exacts its dread penalty. When Judge Cook spoke of her just conviction Mrs. Botkin shook her head slowly but decisively.

When it was all over, Mrs. Botkin, whose face looked lined and gray and old, sank into her seat, and the formal proceedings began to rasp themselves out again. The dramatic moment of the day had gone.

Before the sentence Judge Cook denied everything that was deniable. The motion for a new trial was denied, as was the motion in arrest of judgment. Judge Cook sat alone, without the supporting presence of Judge Angelotti, but he said that the Marin county Judge had assisted him in his conclusions and agreed with them. By this time Mrs. Botkin's attorneys, who had been confident that their arguments on the question of jurisdiction were good, began to fear. As a matter of fact, the Judge did not pass on the question of jurisdiction at all in denying the motion for a new trial. He said:

The only question presented on the argument of the motion for a new trial herein was the question as to whether this Court had jurisdiction to try the defendant for the crime charged in the indictment. All other questions included in the written motion for a new trial were passed and submitted without argument, and no affidavits were presented in support of such grounds as were based on affidavits.

The question of jurisdiction was not raised on the arraignment of the defendant either by demurrer or otherwise, neither was it raised at any time during the course of the trial either by objections to evidence offered or in the instructions requested by the defendant or at all.

Now, for the first time since the filing of the indictment herein the jurisdiction of the Court to try the cause is questioned, and in questioning the same the Court is asked by defendant's counsel to say in one and the same breath that it has no jurisdiction to try the cause, but nevertheless will order the same retried.

In the case of People vs. Turner, 39 Cal., 372, the Supreme Court says: "A motion for a new trial presupposes a sufficient valid indictment upon which, with sufficient legal evidence in support of its allegations, a legal verdict and a valid, binding judgement may be pronounced. The statute does not contemplate or authorize a re-trial upon an insufficient or invalid indictment, hence, a motion for a new trial cannot properly be based upon any objection to the sufficiency or validity of the indictment or any errors or irregularities occurring in the proceedings before issue of fact joined by plea to a good and sufficient indictment, the object and purpose of a re-trial being simply to enable the trial court to avoid the errors and irregularities claimed to have occurred on the former trial to the prejudice of the rights secured to the defendant."

The Court has power to grant a new trial on certain grounds specified in the statute and on none other. In the case of People vs. Laura D. Fair, 43 Cal. 142, the Supreme Court says: "The Court had no power to grant a new trial for such a reason, because it is not one of the grounds upon which only a new trial can be granted."

Section 1181 of the Penal Code enumerates specifically the grounds upon which a motion for a new trial may be granted, and "want of jurisdiction" is not one of them.

On the trial no objection to the jurisdiction of the Court over the subject of the indictment was made, neither was it at any time during the course of the trial objected that the facts proved did not constitute a public offense, therefore, there is no ruling of the Court on this question either on demurrer or motion, or on the trial, which can be classed as an error of law reviewable on motion for a new trial. The question of jurisdiction certainly would not be involved in either subdivision 1, 2, 3, 4, 5 or 7 of section 1181 and as a verdict is "contrary to law" only when contrary to the charge of the Court, it would not be involved in sub-division 6 of said section. There being no other grounds upon which a new trial can be granted, it necessarily follows that unless some other reason than an alleged want of jurisdiction exists the motion made must be denied, and as no other reasons have been called to the attention of the Court, and as the Court is satisfied that the evidence given at the trial is sufficient to sustain the verdict rendered the motion for a new trial is denied.

Immediately after receiving this knock-out blow Attorney Heggerty made a motion in arrest of judgment upon the ground of the insufficient jurisdiction of the court and to cover all the grounds set forth in the motion for a new trial, on statutory grounds and because of the fact that the Grand Jury had no jurisdiction over the subject matter. Thereupon the Judge read a written opinion in which, having anticipated such a motion, he had overruled it in advance. Afterward Mrs. Botkin's attorneys criticised the Judge for the scarcity of the authorities and the number of supposititious cases quoted in this opinion. The Judge's ruling follows:

The indictment in this case charges a murder perpetrated by means of poison, not by personal violence. On the face of the indictment it appears that the poison was prepared in this city and county, and, so far as the defendant could personally administer it, was delivered and administered here, all with the willful and malicious intent to kill. The deceased, however, was not here in person at the time of such delivery and administering of the poison, but subsequently partook of the same and in consequence died. Her death and the actual swallowing of the poison by her occurred in the State of Delaware. Defendant contends that no murder was committed here and consequently that there is no jurisdiction in this Court to try the cause.

After the poison had been deposited where defendant deposited it with the intent to murder and to have deceased manually take the poison and eat thereof, had the deceased come to San Francisco and from such place taken possession of it, returned to Delaware and there partaken of the same and died, would this be the contention? Or, would defendant so contend, had the poison been delivered into the hands of deceased or placed within her reach with the intent that she should partake of the same and thereby die, and thereafter deceased should have taken it with her into another State, there partaken of it and died?

In either of such cases there would have occurred within this jurisdiction the two main elements of the crime of murder, the act, so far as the defendant could act, and the intent would have united, and all within this jurisdiction. In a poisoning case where the deceased received, ate and died, all in the immediate presence of a defendant and within the confines of a room, the defendant would be guilty of murder if he handed to the deceased the poison, having at the time he so handed it the intent to kill; no further act would be required of him. That the deceased with his own hand conveyed the poison to his mouth would not lessen the defendant's crime. The law would not require the prosecution, in such a case, to prove that the defendant not only delivered and handed the poison to the deceased, but also that he by his own hand poured it down the throat of the deceased.

Suppose this case: Jones in a kitchen, believing that Brown is dining alone in an adjoining room and intending to kill Brown places poison in food sent from the kitchen and placed before Brown at the table where he sits. Unknown to Jones a guest, against whom Jones has no evil intentions, is dining with Brown. Both Brown and his guest partake of the poisoned food and as a result die. Jones has not left his kitchen. He did not place the food to the mouth of either. His act consisted merely in placing, with the intent to kill, poison within the reach of one of them. Their eating and their death were but the consequences of his act, which was coupled with an intent to kill. Could it be claimed that Jones was not guilty of the complete crime of murder, and that, too, regardless of whether Brown, his guest or both of them died?

As further examples of my meaning:

First—A willfully and with intent to kill mixes poison in a flask of liquor and hands it to B who by his own hand places it to his lips and dies. This is murder. The act of A was but the delivery. It was the act of B himself that actually produced the result. Yet the act of A made it possible for B to partake. The act of B, as well as his death, were but the consequences of the act of A. The act of A having been coupled with the intent to kill constituted the complete crime of murder—what followed was but the consequence.

Second—A willfully and with intent to kill B, prepares poisoned liquor and leaves it in a bureau drawer, knowing that B will there find and partake of it. B does, without any additional act of A, find and partake, and, as a result dies. The act of B in finding and imbibing is the immediate cause of the death, but the act of A made it possible for such results to follow. Therefore, such act of A, coupled as it was with the intent to kill being followed by such consequences, constituted the complete crime of murder, and that, too, even though C, against whom A had no evil intentions, had become the victim. The act and the intent of A constituted the crime.

Third—A, wilfully and with intent to kill B, who at the time is in another county or state, prepares poisoned liquor and leaves it where B, on his return, can get it. B returns. A is not present, but B partakes of the liquor and dies. The act and intent of A, followed by the consequence which happened on the return of B, constitutes murder.

Fourth—In either of the last-mentioned cases the person who receives the liquor, or finds it, takes it to another county or state, and the consequences follow in such other county or state, either resulting in the death of the one who has received or found it, or in the death of some one to whom it is there delivered. No further act of A has been required to produce such consequences. All are the consequences of A's act and intent, which in the three instances just enumerated constitute murder. Such act and intent of A in those three instances, followed by the same results as in this constitute murder. Why should this, which required no further act of A, not be murder, too? If 2 plus 2 equal 4, then 2 plus 2 minus 0 must likewise equal 4.

If these thoughts be logical it would hardly seem necessary to consider any of the many subtle arguments and supposed precedents which have been pressed on the Court's attention by counsel on the motion in arrest of judgment as well as on the motion for a new trial, argued herein. All of the murderous acts which the defendant in this or any case could herself commit were committed in San Francisco, and with the intent to kill existing here at the time of the commission of such acts, all else is but the sequence to such acts. Every one is presumed to intend the ordinary consequences of his acts, and is unquestionable responsible therefor. Murder by violence, as by a blow, or a bullet, and murder by poison, are clearly distinguishable. In the first personal contact and an act by the hand of the accused is required to accomplish the crime, while in the latter it is the act of the deceased that operates as the immediate cause of death; the act of the accused is complete when he has made it possible for the deceased to do that which produces the result which he intended by, and to follow, his act.

The case is, therefore, distinguishable from the Hall case, which was a killing by violence, and the long line of cases which hold that the place where the blow is inflicted or the poison administered is the locus of the crime, would seem to support the jurisdiction of this Court. Some of the cases are: Green vs. State, 66 Ala., 41, 8. C. 41, Am. Rep., 744; People vs. — 52 Cal., 655; Com. vs. McLoon, 101 Mass., 1, S. C., 100 Am. Dec., 89; State vs. Brown, 16 Kas., 476; State vs. Kelly, 76 Me., 331; Tyler vs. People, 8 Mich., 342; State vs. Gessert, 21 Minn., 369; Riley vs. State, 9 Humph. (Tenn.), 646; Guiteau case, 1 Mackey (D. C.), 498-552-526; ex-parte Rogers, 10 Tex. App., 655; People vs. Staples, 91 Cal., 23; People vs. Hodges, 27 Cal., 310; Rex vs. Williams, 2 Camp., 507; Reg. vs. Jones, 1 Cox., C. C., 198; Reg. vs. Jones, 1 Dennison, C. C., 558; U. S. vs. Worrall, 2 Del., 388; Adams vs. People, 1 N. Y., 173.

It would seem, therefore, that it is unnecessary to attempt an interpretation of section 27 of the Penal Code.

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The motion in arrest of judgment is denied.

Thus the last feeble barrier was swept away between Mrs. Botkin and the impending sentence. There was a little hum and buzz in the courtroom, where attorneys who think nothing of these things and whose clients were not in any immediate jeopardy, chatted and laughed softly, while Mrs. Botkin's liberty was wiped out with a phrase. Then came the sentence. As soon as Mrs. Botkin was in her seat Attorney Frank McGowan was on his feet, excepting to the passing of judgment on the express ground that the court was without jurisdiction. He asked for a stay of proceedings for thirty days, but the Judge said that he could do nothing until there was a motion for appeal before him, though there was no doubt but that a certificate of probable cause would lie. That ended it all for Mrs. Botkin. The woman under sentence of life imprisonment was conducted from the courtroom where the most bitter hours of her life have been spent. She had lost much of her vivacity of movement and had tempered her gait until it was sober and slow, suiting her somber garments, her age and her sad case.

There now remains to Mrs. Botkin her appeal to the Supreme Court of the State, with possibly some hope of get-

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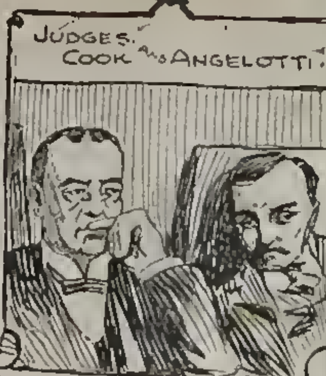
FATE OF CORDELIA BOTKIN HANGS IN THE BALANCE

The Matter of the Court's Jurisdiction Has Been Argued and Submitted.

IF section 27 of the Penal Code—presumably the only barrier that stands between the condemned murderess, Cordelia Botkin, and liberty—had nerves



it would quit its job. No statutory enactment that ever crept between the leaves of a work of law has been the subject of more wrangling and the genius of the city is at variance as to its intent, its meaning, its effect and its legality. Mrs. Botkin, whose crime has no precedent, and District Attorney Murphy thanks God that it is so, was up again before Judge Cook yesterday, but the center of attack and censure was directed, not at the criminal, who sat smiling at her counsel, but at puzzling section 27, and the end is not yet. Yesterday's meeting in Judge Cook's court was occasioned by a desire on the part of defendant's counsel to argue the matter of jurisdiction. Judge Angellotti of Marin occupied the bench with Judge Cook and next Saturday they will decide whether or not the woman whom twelve men with naught but justice in mind have determined should pass her remaining days in prison for an appalling crime shall suffer for her sins or walk from the court room free, amenable to no law yet framed.

Mrs. Botkin was represented by George A. Knight and Frank McGowan, while District Attorney Murphy and John A. Hosmer, who prosecuted the prisoner, and Chief Lees represented the forces of the State.

Mr. Knight first took the floor, and after remarking that as the court had an associate he would go more fully into the details of the crime charged, proceeded to give a history of the case from the sending of the poisoned candy to the death of its partakers, a duty which District Attorney Murphy also performed when his time for argument came. Concluding the history of the case Knight launched out into the matter of jurisdiction. When the matter of extradition was argued Knight and associate counsel contended that the State of Delaware had nothing to do with the case at bar and admitted that the case could be tried in this State.

The District Attorney contended that the prisoner could not be tried in this State, but urged her extradition. The status of the case is now reversed, Knight holding that the courts of this State have no jurisdiction, the District Attorney contending that they have. Knight won in the first instance and it is the consensus of opinion that he will win in the matter of jurisdiction. The law is peculiar and Knight proceeded to take advantage of its peculiarities. Knight, when he entered into his peroration on jurisdiction, took an opening shot at the District Attorney.

"The representative of the people would not have dared to suggest that this court had jurisdiction," he said, "had there been no popular clamor, no outcry. But the people raised their hands in horror at the thought that this woman should escape, and the District Attorney demanded the trial of this woman whom he knows, even though she admitted the crime charged, is not amenable to the laws of California."

Knight then addressed the court and asked if a man should purchase a gun in this State and go to Nevada and there murder the State executive, could he be tried under section 27 of the Penal Code, which provides that "a person is punishable in this State for any crime committed in whole or in part in this State?" This is the only law the District Attorney can find to authorize him to try the accused, and he has clutched at it to appease the clamor of the horrified public." Mr. Knight then began the citation of authorities.

The case of Stewart vs. Jessup, reported in the nineteenth volume of the American Reports, was cited. Stewart was arrested and confined in Pennsylvania for obtaining property (a carload of horses) in New York under false pretenses. The Pennsylvania court released the prisoner, however, holding that Stewart could not be punished in one State for a crime completed in another. In its opinion in this case the court said that "it may be assumed, as a general proposition, that the criminal laws of a State do not bind and cannot affect those out of the territorial limits of the State."

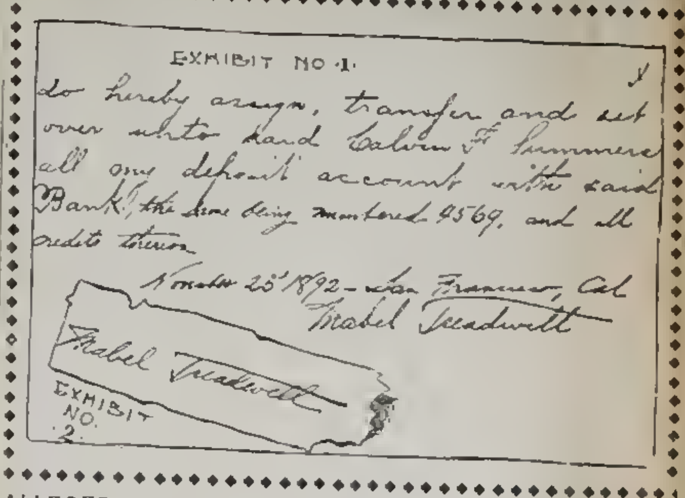
If it is the law that the criminal laws of one State cannot bind those out of its territorial limits, then this prisoner should go free, he said, for the authorities of ages agree that in the crime of murder the crime is completed where the blow was struck, and the blow in this case was struck in Delaware, not in California. Citation followed citation, but that most directly bearing on the case was taken from "Horton on Criminal Law, which holds that "where poison administered in one jurisdiction operates in another the latter jurisdiction is that of the trial." Other citations proved that it has long been held that where injury was inflicted in one county and had its effect in another the latter was the proper place for trial, as is the case when a murder is committed across the boundary line of a State and when lottery tickets are mailed from one country to the other. A quotation from an Ohio case which reads, "The overt act of poisoning is not merely the prescription and furnishing the same, but its consequences. So where poison is prescribed and furnished in one county and the victim takes it in another, and there dies, the latter county is the place where the crime is consummated and the jurisdiction for trial rests." Knight fortified his position well with such citations and then said: "If the court does not see fit to grant the defendant a new trial which will result in her ultimate acquittal we will not be dismayed. We will take our exception and go to the Supreme Court, where we have no fear of the result."

Hosmer was on his feet before Knight had ceased talking, and as Knight took his seat began: "It is urged that the verdict heretofore found against Cordelia Botkin cannot stand; that if a crime was committed at all it has been committed in the State of Delaware. In consequence we are brought face to face with a heinous crime, together with the contention that there is no remedy. It would then appear that what is intended as a remedy for crime acts as a license for lawlessness. Such a condition is not the policy of the constitution and it cannot be held that the laws of the land are so deficient as to be inoperative in the face of the conditions which confront us. Section 655 of the Penal Code (section 27 came in at this point for a rest) provides that an act or crime declared punishable by this code is not less so if punishable elsewhere unless it is specifically set forth." Mr. Hosmer then quoted law as far back as the memory of man runneth and contended that the act of Mrs. Botkin in sending the poisoned candy through the mail was as complete a delivery as though she had placed it in the hand of her victim with her own. Section 27, he said, should be liberally construed, and so construed Mrs. Botkin could not escape, and hence he asked that the judgment be confirmed and sentence imposed.

District Attorney Murphy, after giving another brief history of the case, cited some authorities, and McGowan took the floor. McGowan followed in the footsteps of Knight for an hour or so and then submitted the case.

The court took the case under advisement and Mrs. Botkin returned to jail. Saturday she will know her fate, or, at least, will know whether she must appeal to the court of last resort for her liberty. No court can give her back her good name or her happiness.

VITAL POINT IN DISPUTE BETWEEN EXPERT AND JUDGE.



ALLEGED FORGED WRITING AND GENUINE SIGNATURE.

DANIEL T. AMES, a handwriting expert, gives it as his opinion that the assignment presented by Calvin F. Summers in his suit against the California Savings and Loan Society for $14,000 is a forgery. This testimony was presented in open court yesterday before Judge Troutt and a jury. Mr. Ames said that in his opinion the paper was a clever imitation of the handwriting of the late Mrs. Mabel Treadwell, who was Summers' sister. It purports to convey and set over to Summers all her claim to the money in question. Mrs. Maude Treadwell Nolan, a daughter of Mrs. Treadwell, has disputed the genuineness of the paper, and the trial of the case has already occupied nearly a month, with a prospect of extending two or three weeks longer.

As the result of the suit in a great measure rests on the authenticity of this document, the battle over its genuineness is very warm. Judge J. V. Coffey of Department 9 of the Superior Court, when called as a witness recently, said that in his opinion the assignment appeared to be in the handwriting of Mrs. Treadwell, and Attorney W. S. Goodfellow testified that it so closely resembled Mrs. Treadwell's writing that he would not have distrusted its genuineness if it had not been presented by Mr. Summers.

In the accompanying illustration Exhibit No. 1 shows the disputed signature and Exhibit No. 2 is of a signature admitted to be genuine. Another genuine signature was submitted to Mr. Ames, which he said more nearly resembled the disputed writing, but he objected to what he described as a failure to simulate the peculiar and distinguishing characteristics of Mrs. Treadwell's chirography.

FEBRUARY 13, 1899.

MEGGINSON WILL BE TRIED FOR PERJURY

Tables Are Turned by J. F. Turner.

STARTS FOR HIS PERSECUTOR

CIVIL SUITS AND CRIMINAL ACTIONS UNDER WAY.

The Former Affects the Title to $140,000 Worth of Property and the Latter the Defendant's Liberty.

Lawrence S. Megginson, accused of having forged the celebrated note, now aggregating with principal and interest a round half million of dollars, against the estate of the late William Murdock, has troubles on hand at the present time calculated to occupy his earnest attention for some months to come. To-morrow morning suits will be filed in the Superior Court of Placer County against Megginson by J. F. Turner, whom Megginson is said to have long endeavored through various and strange ways to land in prison, but with signal failure.

These suits directly affect the title to some $140,000 worth of property, all of which Turner alleges Megginson obtained from him through fraud. In addition to the suits Turner will further augment Megginson's troubles by swearing out warrants for his arrest on four charges of perjury. Megginson's whereabouts is not definitely known to Turner and his attorneys at the present time, but they say they can find him when the time for the first move comes.

According to the allegations made by Turner the property for which the suits will be filed came into the possession of his persecutor through a system of confidence operating and swindling that few men would have the courage to father. Regarding the suits, the causes which led to their instigation and the manner in which Megginson completed his alleged swindle, J. F. Turner said last evening:

"Lawrence S. Megginson was introduced to me about May 1, 1892, by Forrest S. Rawley, at Rawley's office, 137 Montgomery street. Megginson at once called upon me at my office, No. 4 Sutter street. He told me he had some money he would like to invest so as to get some interest out of it. I took some money from him, but not without first securing him well for it. In this way Megginson gained my confidence. About one year before this time, or in the year 1890 or '91, some parties who claimed to own a mine in El Dorado County, known as the Lone Jack mine, persuaded me to let them have $500 to open up the lead. They guaranteed me that the title to the mine was perfect, and that the mine was out of debt. I let them have the $500, and at the end of one month they wanted $500 more in order to put the mine on a paying basis. I let them have another $500, and when that was gone they wanted more money. I consented to furnish the money, and bored a compartment shaft 115 feet and ran several hundred feet of drifts, paying for all the work $40,000.

"Just as this amount of money had been paid a party called upon me and informed me that there was a judgment against the mine for $10,000, which the owners of the mine had kept covered up. I had become a director of the company and was elected president, but I made up my mind to buy the judgment and to sell the mine out under the same and to dissolve the Lone Jack Company to pay the parties for the deception they had practiced upon me. The mine was then worth at least $150,000. Megginson, as stated, having gained my confidence, and being at my office every day, I said to him one day: 'Megginson, if I should put in your name a property worth at least $150,000 and have it sold out and bid in by the Sheriff in your name, and have the Sheriff issue his certificate in your name and then allow the right of redemption to expire, so that the property would be all clear in your name, would you, as soon as the Sheriff made the deed to you, deed it over to me?'

"Then I told Megginson that I, being a director of the company, and also president of the same, in the event I put the property in his name I would have to depend entirely upon his (Megginson's) honor to deed it back to me. Megginson then said to me:

"'You know whether or not you can trust me for one dollar or one hundred and fifty thousand, for you can trust me for the one sum the same as you can for the other.'

"I, believing that I could trust him for any sum, and having the most implicit confidence in Megginson at that time, sent his attorney to Placerville and bought the judgment before referred to, and took an assignment of the same.

"I then had the judgment assigned to Megginson. Then I employed lawyers at Placerville in the name of Megginson and had the property sold by Sheriff's sale, having it bid in in the name of Megginson. Then I paid all of the expenses, but did so in the name of L. S. Megginson. I then sent the Sheriff at Placerville $150 and had the Sheriff's certificate issued to, or in the name of, Lawrence S. Megginson.

"Then the wait for six months commenced. The six months ran out and Megginson sent another party up to Placerville with the Sheriffs' certificate and got the Sheriffs' deed of the property, and instead of deeding it over the same day to me, as he had so faithfully promised, he deeded it to his brother in Ohio, whose name was William Megginson. I was at once advised of the deed going on record in the name of William Megginson, and employed lawyers, and before 12 o'clock that night had, through the aid of the telegraph company, filed in El Dorado County an injunction suit against both Megginson and the Sheriff of that county. I afterward had to abandon that suit and bring suit in the United States Circuit Court against William Megginson, for he was a non-resident, and Megginson's idea was to get the property into the hands of a so-called innocent purchaser and a third party, also being a non-resident.

"L. S. Megginson shortly after that time went on the stand in the city of San Francisco and swore that he was up in El Dorado County, and finding that there was a good mine with a judgment against it that could be bought for about $10,000 he sent to his brother and got the money and bought the mine.

"Megginson and one J. P. Frenna succeeded in swearing me into jail, and while I was there the suit brought against William Megginson in the United States Circuit Court was tried, and there, through the testimony of L. S. Megginson, I lost the case. I then appealed to the United States Circuit Court of Appeals, and there it was found that the case in the United States Circuit Court had not been properly tried. The decision of the higher court gave me a part of the property, but by this time it had cost me more than its value."

Turner says that as he understands that E. S. Pillsbury will be looking for Megginson to serve papers he is going to have him arrested on four charges of perjury, and then he will be where Mr. Pillsbury can reach him at any time.

M. ALPHONSE BERTILLON.

72 5	19 3	27 5	3. 4	36
	16 8	11 9	r. orangé f.	22 Avril 1853
81	5 6	9 9	ad. j. r. m.	Paris
95.6	3 8	47 8		4e

Barbe Ch r f — Cheveux Ch f
Peau jaunâtre — Sang m — Corpulence m

Nom et Prénoms Bertillon, Alphonse
Né le 22 Avril 1853, à Paris 4e Arrondt.
Fils de Adolphe Louis et de Zoé Guillard
Profession Chef du Service d'Identification — résidence Rue Littré, 7
Relations Gallus Müller à Joliet (Illinois)

Marques particulières et cicatrices.

I. Léger point cic. à 8 sous coude gauche externe. Petite cic. en V cavité ext. 2e art. 3e gauche post.	III. Lég. point creux à 15 sous lob. au pointe ext. sourcil droit. Nævus à 5 avant lobe gauche. Lég. cic. rect. obl. à dcl. 5 bosse
II. Lég. cic. c. h. cav. dep. 3e phal. Mé. droitant. Point cic. 1re art. O. droit post.	IV. frontale droite. Petite verrue à 2 sous lobe droit.
	V. 2 lég. fur. écart de 3 obl. ext. à 5 dessus à droite 7e et 1 de col.
	VI.

Ten years ago M. Alphonse Bertillon was 36 years of age. His system of anthropometric signalments had been brought to practical test and was already in operation in France, he being the Chief of the Bureau of Identification in Paris. At this time (1889) Herr Gallus Muller, of the penitentiary at Joliet, Illinois, visited the French metropolis and Bertillon placed himself at the disposal of Muller that the latter might have the benefit of describing him according to the new method. The above is a copy of the original card marked on that occasion.

M. ALPHONSE BERTILLON.

Few private individuals enjoy a wider or more favorable reputation than Alphonse Bertillon, whose system for identifying criminals has been quite generally adopted throughout the civilized world and bids fair to come into universal use. On the 11th instant M. Bertillon was formally and most graciously received by Emperor William of Germany, who conferred upon him the Order of the Crown. This is only one of many honors that have been bestowed upon the deviser and perfector of a system that has proven of such signal value in the arrest and conviction of criminals.

On another page two other small portraits are produced with his measurements and a description taken according to the rules of his own system, which can scarcely fail to interest and instruct.

CHARGE OF FORGERY IN THE MUROOCK CASE.

J. F. Turner Implicates Lawrence S. Meggison, His Former Associate, in Making a $100,000 Note.

J. F. Turner has given his deposition in the contest of the suit of Mrs. Mary Helen Murdock against the estate of the late William Murdock for $100,000 and interest at 7 per cent a year for twenty-two years, by which he implicates Lawrence S. Meggison in the alleged fabrication of the note on which the claim is based. Mr. Turner's deposition is now part of the records in the case.

The story which Turner says Meggison told him is substantially that Meggison and Mrs. Murdock, who was William Murdock's daughter-in-law, planned the making of the note; that they had Mrs. Murdock draw two notes, one for $100 and another for $100,000, the note showing $100 on its face to have a blank space left so that the word "thousands" could be written in; that Mrs. Murdock took the $100 note, as she supposed, and went to William Murdock, that when she returned she reported that he had signed the paper without looking at it, that Meggison didn't like the looks of the signature, as it was so carelessly written and was little more than a scrawl; that he attempted to fix up the $100,000 note, but made a botch of it, and so discarded both of them and made a new note, tracing Mrs. Murdock's handwriting in the body and tracing William Murdock's handwriting from an old letter in the signature, so that the entire note is in Meggison's handwriting.

I communicated my impressions to my chiefs, who approved all my steps, and the application of Esterhazy was rejected. His insistence, however, only increased my uneasiness regarding him, and I resolved to obtain a specimen of his handwriting. I was immediately struck with the similarity of his handwriting with that of the bordereau and forthwith I had the letters of Esterhazy, which were in my possession photographed and showed the photographs to Major Du Paty de Clam and M. Bertillon (the handwriting expert), between August 25th and September 5th."

Colonel Picquart, continuing, said De Clam on seeing the writing forthwith declared it was that of Mathieu Dreyfus, the brother of Captain Dreyfus.

The witness, continuing, said: "You know, he maintained, the bordereau is the joint work of Alfred and Mathieu Dreyfus.

"Bertillon said: 'That is the writing of the bordereau.' Bertillon tried to discover where I had obtained the handwriting, but the only information I imparted was that it was current and recent handwriting. Bertillon then suggested that it was a tracing, and ended by saying that if it was current handwriting it could only have emanated from some one whom the Jews had been exercising for a year in imitating the handwriting of the bordereau.

"At M. Bertillon's request I left the photographs with him. When he returned them he said he adhered to his opinion, and earnestly asked to see the original. When I saw beyond a doubt that the handwriting of the bordereau was Esterhazy's, and seeing that documents mentioned therein might have been supplied by Esterhazy, that the words 'I am going to the maneuvers' could perfectly well apply to Esterhazy, and that Esterhazy had secret assistance at his disposal to copy a document so voluminous as the 'firing manual,' I resolved to consult the secret dossier to see what part of the treachery might be ascribed to Dreyfus, and to assure myself whether the dossier contained anything indicating Esterhazy.

"I frankly admit that I was stupefied on reading the secret dossier. I expected to find matters of gravity therein, and found in short nothing but a document which might apply just as much to Esterhazy as to Dreyfus, an unimportant document mentioning d'Arignon, and a document which it seemed absurd to apply to Dreyfus, namely, the 'cette canaille de D——' document.

"Lastly, I recognized a report appended, in the handwriting of Gonse, which appeared to be at least as worthless as the second document. It was then evening. I had stayed late alone at the office in order to examine the document thoroughly. I thought it over during the night, and the next day I explained the whole situation to General de Boisdeffre. I took to his office the secret dossier, the facsimile of the bordereau, the petit bleu and the principal papers connected with my investigation of Esterhazy.

JANUARY 28, 1899.

NEW TRIAL

Is Asked for by Mrs. Botkin, the Poisoner.

Question of Jurisdiction Argued by Her Attorneys.

The argument on the motion for a new trial in the now celebrated case of Cordelia Botkin, under conviction for the murder by poison of Mrs. John P. Dunning, began in Department Twelve of the Superior Court Saturday morning.

Judge Angelotti of Marin county, having been invited by Judge Carroll Cook to take part in the hearing, occupied a seat upon the bench. Perhaps no better illustration of the waning of public interest in a great case could be found than was afforded by the diminished attendance in the court room. There was

A NOTABLE ABSENCE

Of the crowds that during the trial thronged the City Hall corridors, packed the court room to the point of suffocation and made the life of the court room officials a burden. The fact of conviction and the general public satisfaction with the result of the trial has appreciably minimized the value of Mrs. Botkin as a drawing card, as they say at the theaters.

Mrs. Botkin, as the person most vitally interested, was there, as a matter of course. She was calm, self-possessed and to outward appearance, at least, not deeply concerned in the issue which means either liberty or life imprisonment. If the confinement in the County Jail has been a strain upon the nerves of this remarkable woman—if she has been, as has been represented in some of the newspapers, close to the point

OF BREAKING DOWN,

There was nothing in her demeanor Saturday morning indicative of the slightest mental perturbation.

Mrs. Botkin was accompanied by her attorneys, George A. Knight and Frank McGowan.

The people were represented by John A. Hosmer and District Attorney D. J. Murphy.

The opening argument on the motion for a new trial was presented by Attorney Knight, who was abundantly fortified by a large and formidable array of law books.

At the outset Mr. Knight stated that the defense relied solely upon the legal proposition that the crime having been consummated in Delaware, the State of California had absolutely no jurisdiction to try the defendant. He held that section 27 of the penal code, under which Mrs. Botkin was indicted, did not confer jurisdiction. Much was made of the fundamental proposition that the laws of the State could not have any extra territorial effect. There was, he said, no section in the penal code that makes the act

CHARGED IN THIS CASE

A crime. The act of mixing poison with food is made by the law of California a felony, punishable by ten years' imprisonment.

He took the position that if jurisdiction attaches where the fatal blow was given, as the authorities which he cited seemed to show, there was obviously no jurisdiction in the Superior Court of this State.

"This indictment, if your Honors please," exclaimed Mr. Knight, dramatically, "sets out facts that oust this court of jurisdiction!"

Mr. Knight said that the law of this State was defective and expressed the opinion that it would be competent for the Legislature to pass a statute that would make the act charged to Mrs. Botkin a felony, punishable with death, but he contended with much earnestness that the court had no power to read the crime of murder with the 27th section of the Penal Code.

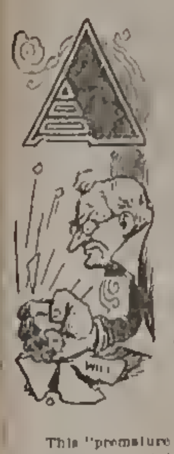
John A. Hosmer followed Mr. Knight with the opening argument for the People. Mr. Hosmer made a very able and strong presentation of the reasons why the motion for a new trial should be denied. He contended that section 27 of the Penal Code, which authorizes the punishment in this State of crimes committed in whole or in part in this State, meant just

WHAT IT SAID.

And conferred ample jurisdiction upon the courts of this State. Mr. Hosmer cited numerous authorities in support of the State's position. He was followed after the noon recess by District Attorney Murphy and a closing argument for the defendant was made by Attorney Frank McGowan.

PICTURESQUE VERBIAGE OF THE "WILL SMASHER."

Attorney George M. Curtis of New York Tells What He Thinks of the Fair Estate Trial and California's Climate.



ATTORNEY GEORGE M. CURTIS of the New York bar, who came to California, heralded as "the great will smasher," to participate in the Fair estate litigation, has issued a pamphlet giving his views of that important litigation and incidentally passing judgment on California's courts, lawyers and climate.

Touching the late Senator James G. Fair's fortune, Mr. Curtis says that he has learned that it was only $15,000,000, instead of $40,000,000, as at first reported.

After referring to Senator Fair's humble origin and lack of early culture, Mr. Curtis adds:

Mrs. Fair is said to have been a woman of positive personal beauty, but utterly without education. Of this couple were born several children, of whom two were daughters, and they, at the present time, are considered among the very exclusive few who are entitled to inhabit that "holy of holies," the inner sanctuary of "McAllister's Four Hundred," and the children of Mrs. Fair give the social law to the frequenters of "Sherry's" and the residents of Newport.

Coming to events during the trial Mr. Curtis gives it as his opinion that "the marriage of Mrs. Craven's daughter Margaret to the wealthy brewer, Henry Koehler of St. Louis, was a very grave mistake of policy, because its effect was to take from Mrs. Craven, in a great degree, the sentiment of personal sympathy with which she had inspired the jury."

This "premature marriage," as he calls it in another place, according to his view, lost the support of three jurors. Upon the disagreement of the jury former Judge Slack, who presided at the trial, pronounced Mrs. Craven's deeds to be forgeries, on the ground that the blanks used by the Notary Public in attesting the acknowledgments were not in existence prior to Fair's death, and this is deemed an infirm premise by Mr. Curtis from which to deduce so important a conclusion.

With considerable glee Mr. Curtis relates that he and his associates objected "on purely legal grounds" to the introduction of the "pencil will," but he assures the reader that all of Mrs. Craven's lawyers were delighted when the court ruled against them. Having gone thus far, Mr. Curtis discloses the fact that he advocated the introduction of the marriage contract, but that his position in this regard was negatived by Attorneys D. M. Delmas, C. S. Denson and W. W. Foote. The "smasher" calls him W. H. Foote.

Deep regret marks Mr. Curtis' comment on Martin Kelly's interference on behalf of Mrs. Craven and the suspicion created during the trial that Kelly and his companions had attempted to solicit evidence in her behalf. The unpleasant incident is summed up.

This teaches us the moral lesson that there is no cause so strong and pure that it can afford to receive the aid of those whose moral bias leads them, by indirection rather than by direction, to the end desired.

Mrs. Margaret Craven-Koehler receives her due of praise as:

That tall and winsome bride, that beautiful and attractive girl, that highly cultured woman, the daughter whose devotion to her mother was so touching and pathetic.

Mrs. Craven's high character, the writer said, could be appropriately judged by the elevating influence she had on Senator Fair. If she directed the making of the pencil will it was a testimonial to the purity of her motives, as there was nothing in the will for herself, but only good for others. The deeds were sufficient for Mrs. Craven, "and in the presence of $15,000,000 what is a paltry million to be given to one who possessed Senator Fair's love, affection and esteem?" exclaimed Mr. Curtis. Then he answered his own question:

I look at the will itself. See how broad and truly catholic it is. The Hebrews are remembered. The Protestants are remembered. The Roman Catholics are not forgotten, all in charity, he in his dying hour, having no prejudice in favor of or against any religious belief; leaving every man his choice to travel heavenward on his own selected road. Here you have recorded for all time, and bound in the history of this trial, the will, the last determination of a man whose spirit, whether guided by Mrs. Craven or stimulated by his own magnanimity, whose spirit took all the world to his heart. And great, good and generous must have been the influence that the lady exercised over him, the fruit, the bright consummate flower of their relations is a will, which is an honor to human nature.

Chief of Police I. W. Lees receives a scoring as "that formidable person who was actively engaged in the interest of the Fair heirs."

Notwithstanding former Judge Slack's adverse decision, Mr. Curtis holds him in esteem as a learned, upright and unbiased jurist. "His patience surpassed any example of that virtue I have ever seen," is the writer's conclusion.

That the barrister from New York found foemen worthy of his steel in California he admits. Here is his tribute to Attorney Garret W. McEnerney:

Mr. McEnerney strikes one immediately with the consciousness of his great mental strength. He is in no sense a person of imagination, but I doubt that in a close, connected legal argument affecting either a mere question of law or a constitutional principle, he has his superior in the State of California, and those people who believe that the golden age of the California bar is departing, will change their minds, if they have an opportunity ever of listening to the logical utterances of this phenomenal young man.

Attorney Charles S. Wheeler is also appreciated by Mr. Curtis, as this extract will indicate:

I do not believe that Mr. Wheeler can be more than thirty-five years old, yet in all my wide professional campaigning, I have never met a man who, in my judgment, was his intellectual superior. He is one of the best cross-examiners in the profession, and in fact reminded me very much of our own Judge Fullerton, who seemed to be inspired in that branch of the profession.

Attorneys W. M. Pierson and Robert Mitchell and S. C. Denson were likewise complimented by Mr. Curtis.

United States District Judge De Haven was one of Mrs. Craven's attorneys before he was appointed to the Federal bench. Of him Mr. Curtis writes:

Judge De Haven's character is mirrored in his face. It is a perfect poem of integrity, intelligence and honor.

Of the leading counsel for Mrs. Craven the following estimate is offered:

Mr. Delmas is a man of very strong dramatic power, of a fine personal physique, and evidently not only a student of the law, but a classical and belles lettres scholar. His voice is very musical, and highly cultivated. I think however, he is a man who would do much better alone in a case than in the company of associates because his mental construction is such that I think he chafes at even suggestion.

Attorneys W. W. Foote and John Garber are placed in the list of great lawyers of the country on the authority of Mr. Choate.

The peroration is an apostrophe to the great State of California:

I love the State of California! Its future possibilities are enormous! Of course to an extent its political and legislative life is more or less controlled by the Southern Pacific Railway, of which the ruling genius is Collis P. Huntington, probably a man who possesses as much individuality, financial and political influence as any other man in this country. It will take some time to emancipate California from the thralldom imposed by a great corporation. . . . Land of sunshine, eternal perfume and flowers, land of brave men and beautiful women, [illegible] the Almighty has created with a smile, fulfilling the destiny of your origin you are the Elysian of the national [illegible] as you have been in the days gone the treasure-house of the Republic.

KYTKA HOLDS THE MURDOCK NOTE A FORGERY

Opinion of the Well-Known Expert.

CORROBORATED BY TURNER

LEES WITH THE DEFENSE IN THE PENDING SUIT.

Letter Is Also Held Which Bears Out Assertions That L. S. Megginson Was the Prime Mover to Collect $500,000.

The deposition of J. F. Turner, in which he charges one L. S. Megginson with having forged the big note now amounting to $500,000 against the estate of the late millionaire and rancher, William Murdock, was signed yesterday and is now a part of the suit in which the genuineness of the note is to be determined. Turner's deposition, telling how the big forgery, or alleged forgery, was executed, has been published. In addition to this invaluable evidence placed in the possession of the defense in the action by Turner, there are other points held by Chief Lees, which, together with the opinion of Expert Theodore Kytka, who is confident that the instrument is a forgery, will doubtless prevent the collection of the note, which stands without a precedent, if it is a forgery, as alleged, for cunning and clever execution. The only trouble with the note is that it is too cleverly executed. It bears too much resemblance to the handwriting of Mary Helen Murdock, from which the body of the note, it is contended, was copied, and the signature has been declared by Kytka, as alleged by Turner, to have been traced in part and copied in part by a clever hand.

Chief Lees has long been in possession of many of the facts testified to by Turner. When the existence of the famous note first became known Lees was taken into the case by Attorney Lusk of Chico, who is associated with E. S. Pillsbury to prosecute the interests of the dead millionaire's estate against the holders of the instrument. Lees immediately detailed Byram and Egan to interview Turner, who gave the officers a portion of the facts and placed in their possession a letter written by Megginson substantiating Turner's allegations. This letter, it is held by counsel for the estate, will prove Megginson's complicity in the alleged forgery and will win them their case. The letter reads:

"OAKLAND, Cal., Sept. 20, 1895.

"Friend Turner: After thinking matters over I have come to the conclusion that we must look out for the note and the collecting of the same, and I do not wish to be placed in a position that would lead to perjury in any way. Now one thing. When my brother comes back, why not let him assign to Mrs. Murdock and count on all the past as borrowed money and all paid back? After a while we will buy the same and put it in good shape. Call Robinson's attention to this. I am stopping at 326 Washington, Sacramento House. Will come over to-morrow eve. Call at your office. Yours,

L. S. MEGGINSON."

As stated by Turner, Megginson, in order to make it appear that he had paid a consideration of $80,000 to Mary Helen Murdock for the note, had sent to his brother, William Megginson, who resides in Ohio, and procured several thousand dollars which he paid Mary Helen Murdock, taking her receipt therefor. Mary Helen would then return the money, L. S. Megginson would return it to his brother and when the time for another payment came the money would again be shipped to this city and another payment made. In this way it was made to appear that a consideration was being paid for the note, but finally Megginson lost heart and determined that this course would necessitate his committing perjury. Hence he wrote the letter to Turner explaining his fears, and this letter, it is contended, will result in his downfall. It is being closely guarded and will be until the end of the trial, as it is a declaration from the pen of Megginson confessing criminal connection in the case, and with it the attorneys for the defense are confident of saving for the heirs of the late William Murdock the round sum of $500,000.

Turner, as stated, did not put all the facts in the possession of Chief Lees at that time. Megginson had locked arms with J. P. Firmo, the Italian barber, and they were scheming as to how Turner could be jailed for good. Turner refused to tell the entire story at the time, nor would he agree to give any further information until they promised him that he would not be called upon to give his deposition in the matter, until he had fought the charges they had made against him to the end. Turner said he would never make any statement to any one or any newspaper until he had beaten every charge they had made or could make against him. At the time Turner would have had Megginson and Firmo arrested for perjury, but he knew that it would be of no use for him to have them arrested at that time, as in his opinion the District Attorney's office would dismiss any charges against them on the ground that Turner was trying to destroy and break down the people's witnesses.

Turner now says his time has come, although it has taken him almost five years to beat his enemies. He has lived up to his former resolutions, and as the end has now come for which he has so long waited he will bring his persecutors before the people and give them the hardest fight they ever had to save themselves from a life in prison.

On Trial for Forgery.

Peter Dergans is on trial before acting Police Judge Barry, charged by his brother, Antoine Dergans, with forgery. Dergans is accused of transferring by fraud an account in the Hibernia Savings Bank of $[illegible] in the name of his brother Andrew to his own name and of obtaining the money. He denies the charge, and says that his brother Andrew, now in Austria, gave him the account. Peter is steward for the Golden West Hotel.

ROAMINGS OF A MURDERESS.

Mrs. Cordelia Botkin Attracted Attention on Market Street.

She Was Recognized by Hundreds of People Whom She Met.

HER JAUNTY APPEARANCE.

Stylishly Habited in a Tailor-Made Gown She Blithely Tripped Along.

Mrs. Cordelia Botkin paraded Market street Friday afternoon, greatly to the surprise of the passers-by, who supposed they had seen the last of Mrs. Botkin in public when she was sentenced to the State prison for life for the murder of Mrs. John P. Dunning.

Mrs. Botkin was becomingly and stylishly habited in a black tailor-made suit, with a stylish hat, surmounted by streaming plumes that proudly nodded to and fro as she made her way among the crowd. She showed by her demeanor that she had lost none of her hauteur, and returned with scorn the inquisitive glances of those she met. Her features became familiar to the public on account of her portraiture in the newspapers during her long trial, and many who had never seen her before recognized her at once and bestowed on her the attention which her unexpected appearance warranted.

That Mrs. Botkin was in the custody of a Deputy Sheriff was not apparent to the casual observer, for there was no indication of restraint and nothing to show that she was not as free as any other woman in the city to come and go as she pleased. The officer was not in uniform, and though he kept near his prisoner, he made no manifestation of authority, permitting the woman to take her time in seeking her destination.

Arriving at a building near the corner of Market and Powell streets, Mrs. Botkin entered, pushing her way through the throng, and tripping blithely to the elevator ascended to one of the upper floors. When she again appeared on the street there was the same manifestation of interest on the part of the spectators, and she continued to be the center of observation until she took her departure for her temporary home in the Branch County Jail, near the Ingleside race course.

Sheriff Martin was asked the reason for permitting Mrs. Botkin so much freedom, and replied: "The woman was suffering from a severe toothache, which threatened to turn into serious neuralgic inflammation. She applied for permission to visit her dentist on the ground that she was not able to induce him to visit the jail to perform the operation. Instructions were sent to the jail to have the dentist go out there if possible, and if that could not be arranged then Mrs. Botkin might be permitted to make the trip, guarded, of course, by a reliable officer, who was instructed to keep close watch, and in fact not to let his eyes off her for a moment. He was also ordered to take her no place except to the dentist's office, and to return her to the jail immediately the dentist's operation was finished. I will be greatly surprised to learn that these orders were not carried out implicitly. Of course, as this was done in the daytime it was impossible to hide Mrs. Botkin from the eyes of those who met her on Market street, and in fact no such thing was attempted. She was safely in custody and there was no danger that she would or could escape."

IT'S A FORGERY.

Theodore Kytka, handwriting expert, having at the instance of Chief of Police Lees examined the $500,000 note filed as a claim against the estate of the late William Murdock, has pronounced the same to be a forgery. L. S. Megginson has been accused by J. F. Turner of having forged the note, and it is said the accusation will be taken up and investigated by the Grand Jury.

SENTENCES.

MARCH 25, 1899.

James Creegan, Forger, Gets a Two-Year Term.

Murderer Daniel O'Shea Must Spend 21 Years in Prison

James Creegan, one of the Nevada Bank forgers, was taken before Judge Dunne Saturday morning and upon the representation that he had not alone pleaded guilty, but had rendered valuable assistance to the [illegible] curing the punishment of Charles [illegible] er, the prince of forgers [illegible] the moderate punishment of [illegible] imprisonment at Folsom penitentiary.

The Nevada Bank case [illegible]

W. A. BOTKIN ASKS FOR A DIVORCE.

He Seeks His Freedom From the Fair Cordelia.

MARCH 8 1899.

Her Conviction of Murder the Only Ground Alleged.

They Were Married in Kansas City Nearly Twenty-Seven Years Ago.

Botkin and Mrs. Arbogast Will Shortly Be Free to Marry.

Knight & Heggerty Filed Their Bills of Exceptions on Appeal With Judge Cook This Morning.

Fresh trouble has fallen upon the ample shoulders of Mrs. Cordelia Botkin, the convicted murderess of Mrs. John P. Dunning. While she lingers within the confines of the Branch County Jail, impatiently awaiting the appeal to the Superior Court that she hopes will result in her liberation, to her comes the sad news of her husband's defection in the hour of trial.

With the County Clerk this morning were filed papers in which Welcome A. Botkin, the husband of the convicted murderess, asks the courts to set him free from the wife of his bosom. He seeks his divorce upon the ground of her conviction of a felony, not reckoning upon the possibility of a reversal of the judgment against her. As, however, the ground stated is legal cause for a demand for divorce, there is small expectation of any resistance to the suit on the part of Mrs. Botkin.

The complaint is brief and to the point. The plaintiff states that he was wedded to the fair Cordelia in the month of September, 1872, at Kansas City, Mo. The issue of the marriage is one son, Beverly Botkin, aged 26 years. Botkin's one cause of complaint against his wife is that on the 30th day of December last she was convicted by a jury of the crime of murder in the first degree, and on the 4th day of February sentenced to imprisonment for life for her crime.

A significant fact in connection with the suit is the divorce secured a few weeks ago by Mrs. Clara Arbogast from her erring spouse. Mrs. Arbogast, it will be remembered, figured conspicuously in the Botkin case, and there was evidence that Mrs. Botkin told John P. Dunning more than once that her husband wanted to get rid of her, so that he might marry Mrs. Arbogast. It remains now to be seen whether, after a reasonable time has elapsed, the two divorced parties will come together in holy matrimony.

Messrs. Knight and Heggerty, attorneys for Mrs. Botkin, made the first move in the pending appeal this morning by filing with Judge Carroll Cook the proposed bill of exceptions. The bill contains nearly 600 pages of manuscript and includes every exception taken by the defense at the trial to rulings of the court, instructions of the Judge and so forth. To this District Attorney Murphy is allowed twenty days in which to prepare amendments, after which it will be Judge Cook's business to settle the bill. That done the bill will be printed, and with the filing of it and the transcript of testimony in the Supreme Court the appeal will have been perfected.

Becker and Creegan being convicted of having forged and passed a draft for $22,000, were sentenced to life imprisonment. The Supreme Court granted a new trial, holding that the testimony of the accomplice, Frank [illegible], alias Seaver, had not been corroborated. Subsequently Creegan turned State's evidence and Becker pleaded guilty and was sentenced to San Quentin for a term of seven years. District Attorney Murphy made a plea of mercy in Creegan's behalf. He said the defendant had rendered valuable assistance to the State and that the officers of the Nevada and Crocker-Woolworth banks joined with him in requesting a light sentence. Creegan has now been in jail for three years.

The prosecution will now admit [illegible] to bail upon his own [illegible] the story of this famous [illegible] finished.

Other sentences [illegible] Dunne were as follows: [illegible] grand larceny, five years [illegible] Daniel O'Shea, who [illegible] heart. Julia Keeley [illegible] guilty to murder [illegible] twenty-one years [illegible] William Ward [illegible] San Quentin [illegible]

How I Detect Forged Signatures

Daniel T. Ames, the Most Famous Hand-Writing Expert in This Country, Explains the Secrets of His Craft.

Special to the Sunday Call.

PROFESSOR DANIEL T. AMES is regarded as the foremost authority in the country on questions of disputed handwriting. In the thirty odd years over which his experience extends, he has been consulted in some 1500 cases, including the most important ones that have turned on questions of disputed handwriting. He was one of the experts called in to pass upon the celebrated Morey-Garfield letter and the Cadet Whitaker case at West Point; the Fair will case in San Francisco, which involved an estate of $20,000,000; the Hunter-Long forgeries in Philadelphia, the recent Botkin murder trial in San Francisco and the more recent Molineux case in New York. He was also one of the eleven experts in different localities consulted in the Dreyfus case.

Mr. Ames studied law in his earlier years, has been a teacher of handwriting and is himself an expert penman. He therefore has unusual qualifications for giving expert testimony in legal cases involving matters of handwriting. Mr. Ames for a long time was a resident of New York City, but now makes his headquarters in San Francisco. He is at present engaged in the preparation of a book on the "Science of Handwriting and the Detection of Forgery," in which he is embodying the results of his long experience and trained observation.

Every year sees an increase in the number of important civil and criminal cases that turn on questions of disputed handwriting. In the past twelve months my own office has been consulted in over 150 of them. Two of those in which I have appeared recently—the Botkin trial in San Francisco and the Molineux case in New York—related to the crime of murder. In the latter, so far as it has gone, the only convincing testimony brought out is that of handwriting experts, five of whom agreed in pronouncing the address on a poison package submitted in evidence to be in the hand of the accused man.

In answer to the question, "Do you consider that the identity of handwriting can be determined beyond the possibility of mistake?" Mr. Ames replied unhesitatingly "I do." If I could not say that I would not go on the witness stand and give testimony which may help to convict a man of crime.

"To understand the principles on which an expert in handwriting bases his work consider for a moment how a person's style of writing is developed. He begins by copying the forms set for him by a teacher. He approximates more or less closely to these forms. His handwriting is set, formal and without character. As soon as he leaves off following the copybook, however, his writing begins to take on individual characteristics. These are for the most part unconscious. He thinks of what he is writing, not how. In time these peculiarities which creep gradually into a man's writing become fixed habits. By the time he is, say 25, his writing is settled. After that it may vary, may grow better or worse, but is certain to retain those distinguishing marks which in the man himself we call personality. This personality remains. He cannot disguise it, except in a superficial way, any more than he can change his own character.

No Man Signs His Name Twice Alike

"It follows that no two persons write exactly the same hand. It is easy to illustrate this. Suppose, for example, that among 10,000 persons there is one hunchback, one minus his right leg, one with an eye missing, one bereft of a left arm, one with a broken nose. To find a person with two of these would require probably 100,000 people; three of them 1,000,000; four of them 100,000,000. One possessing all of them might not be found in the entire 1,400,000,000 people on earth. Precisely the same with different handwritings—the peculiar and distinguishing characteristics of one would no more be present in others than would the personal counterparts of the authors be found in other individuals.

"It is more surprising, at first thought, to be told that no person ever signs his name even twice alike. Of course, theoretically, it cannot be said that it is impossible for a person to write his name twice exactly in the same manner. A person casting dice might throw double aces a hundred times consecutively. But who would not act on the practical certainty that the dice were loaded long before the hundredth throw was reached in such a case? The same reasoning applies to the matter of handwriting with added force, because the chance of two signatures being exactly alike is incomparably less than the chance of the supposed throws of the dice.

"This point came up in the Howland will case, tried in New Bedford, Mass., some years ago. Three signatures in dispute were exactly alike. Forgery was alleged. Professor Pierce of Harvard, who was called to give expert testimony in the case, entered into an elaborate mathematical calculation to find out how many times, on the law of chance, it would be necessary for a man to write his signature before he would have three exactly alike. He found the number to be 2,666,000,000,000,000,000,000. This is a figure considerably higher than a man could reach if he devoted himself exclusively to the task of signing his name for an ordinary lifetime. Of course the number of chances of identical repetition would be multiplied or diminished according to the number of characters in the signature, but in any event the possibility of exact repetition would be too remote to be taken into consideration. It follows, therefore, that an identical reproduction of a signature is a prima facie indication of forgery.

"Probably many persons will not believe that it is impossible for them to write their own names twice alike. For them it will be an interesting experiment to repeat their signatures, say 100 times, writing them on various occasions and under different circumstances, and then to compare the result. It is safe to say that they will hardly find two of these which do not present some differences, even to their eyes, and under the examination of a trained observer, aided by the microscope, these divergencies stand out tenfold more plainly.

Individuality in Writing.

"Many cases of forgery hinge on this point, the forger having copied another person's signature by tracing one in his possession, but such attempts are always more easy to detect than those in which the forger carefully imitates another's hand. The latter is the usual procedure. The forger secures examples of the signature or writing which he desires to imitate. Then he practices on it, trying to reproduce all its striking peculiarities. In this way he sometimes arrives at a resemblance so close as to deceive even his victim. Still there is always present some internal evidence to prove that the writing is not the work of the person to whom it is attributed. Likewise it will reveal the identity of the person who actually wrote it, if specimens of his natural hand are to be had for comparison. It is impossible for a man to carry in his mind and to reproduce on paper all the peculiar characteristics of another man's writing, and at the same time to conceal all his own. At some point there is certain to come a slip when the habit of years asserts itself and gives the testimony which may fix the whole production on the forger beyond the shadow of a doubt.

"There was a good illustration of this in the Fair will case, which was one of the greatest forgeries ever attempted in this country, involving, as it did, the disposition of an estate of $20,000,000. The forger was familiar with Fair's handwriting and had a number of examples of it to guide his work. In the main the forged will is a fair approximation to the millionaire's own hand, although full of tell-tale evidences of its true nature. But if other evidence had been lacking, there was a single letter in one word which was sufficient to prove the spurious character of the document.

"When the forger came to write the letter 'q' he evidently had no example of Fair's 'q' to go by. He hesitated over the matter, for there is a distinct break between the 'q' and the preceding letter in the word 'bequeath.' At length he made a conventional "q" and went on with his imitation of Fair in the remaining letters of the word. The same form of the 'q' is repeated wherever the forger had occasion to use the word in the remainder of the document. This was damning evidence. It happened that Fair wrote a peculiar 'q' and never varied its form. The difference is plainly evident in the accompanying picture. Fair could never have written the 'q' as it appeared in the contested document, and the contrast was made all the more startling by the close resemblance in the remainder of the word.

"The little things are the ones that count most with the handwriting expert in making his examinations, for the reason that they are no less characteristic than the more prominent peculiarities and are more likely to be overlooked by the person who tries to disguise his hand. The crossing of t's and the dotting of i's become matters of large moment in making comparisons of disputed handwritings. There is probably no matter in conjunction with a man's ordinary writing in which he gives less thought than the way he makes these crosses and dots. For that reason they are in the highest degree characteristic. And it is precisely because of their apparently slight importance that the person who sets out to imitate another's handwriting or to disguise his own is likely to be careless about these little marks and to make slips which will be sufficient to prove his identity.

A Forger Who Wrote Too Well.

"Imitations of signatures are usually written in a laborious and painstaking manner. They are, therefore, decidedly unlike a man's natural signature, which is usually written in an easy fashion. The imitations show frequent pauses, irregularities in pen pressure and in the distribution of ink and contain other evidences of hesitation. Not infrequently the forger tries to improve on his work by retouching some of the letters after he has completed a word. Microscopic examination brings out all of these things and makes them tell-tale witnesses.

"One common error of the forger who sets out to imitate another's signature is in exaggerating the peculiarities and unique features of the original. There was a striking instance of this in the Collom-Blaisdell case, in Minneapolis. Blaisdell was a wealthy contractor and Collom was his lawyer. Blaisdell had a peculiar signature, that of a heavy, untutored hand little accustomed to writing. Collom was familiar with the signature. When, as was charged, he set out to forge his client's name, he naturally imitated this peculiar writing as closely as he could. But, being a better writer than Blaisdell, he had difficulty in carrying out this attempt. In striving to reproduce the tremor which appears in Blaisdell's signature he overdid the matter."

A statistician, who evidently did not think enough of crediting to include it in his summing up, has estimated that an average man of 70 years of age has worked [illegible] days, has slept [illegible] has amused himself [illegible] days, has walked 12,000 miles, has been ill [illegible], has partaken of 36,000 meals, and eaten 16,000 pounds of meat, and [illegible] pounds of fish, eggs and vegetables, and drunk [illegible] gallons of fluid.

Expert Daniel T Ames as He Appears in Court Illustrating His Work

Daniel T. Ames, the most famous handwriting expert in America, tells how he detects forged signatures, in next Sunday's Call.

— Bull —

ALFRED FULLER'S HEIRS CLAIM A WOMAN FORGED HIS WILL

MARCH 8. 1899.

OROVILLE, March 7.—A sensational will contest, involving several well-known people of Chico, is about to begin in the Superior Court of Butte County. The heirs of Alfred Fuller, a well-known citizen of Chico, deceased, will file a petition to estop the probate of an alleged holographic will by which the testator bequeathed all but $1000 of his estate to Mrs. Minnie Houseworth, who was in no way related to him. The heirs will allege that the will, which was filed for probate on October 19, 1898, thirteen months after the death of Alfred Fuller, is a forgery. As the witnesses to this document are men of prominence this contest, involving as it does their reputations for truth and integrity, excites more than ordinary interest.

June 9 1897
I desire that Mrs. Minnie Houseworth hav all of my property at my death except I reserv one thousand dollars to be equely divided between all leegal heirs to my estate
A. Fuller

Signed as witnesses after being requested to do so by Alfred Fuller He declaring this to be his will and that he had signed it we therefore in his presence and in the presence of each other signed our names as witnesses
August 3rd 1897. J Ellis Rodley
J M Garner

MISS MINNIE HOUSEWORTH.

DR J. ELLIS RODLEY.

Dr. J. Ellis Rodley, a prominent physician and Mayor of Chico, and J. M. Garner, a well-known farmer, are the witnesses. They swear that the deceased on the 3d of August, 1897, came to the office of Dr. Rodley with a document which he said was his will and that at his request they attached their signatures thereto as witnesses. The paper was dated June 9, 1897, and Dr. Rodley added a superscription reciting the incident and the request of August 3, after which he and Garner affixed their signatures.

Before signing the will Dr. Rodley advised Fuller to go to an attorney and have his will properly drawn. Fuller refused to adopt the suggestion, saying that "a Fuller never had his will drawn but what he died a very short time afterward." The testator requested the witnesses to keep the fact of his having made a will a secret.

This incident in itself was not at all strange, but in the light of subsequent developments the Fuller heirs are inclined to look upon it with suspicion. They do not accuse either Dr. Rodley or Mr. Garner of conspiracy, but they cannot understand why the will was not found for a year after the decedent's death. Then the strange manner in which the document was found and a sensational charge against the man who delivered it to the devisee add to the mystery.

Soon after Mr. Fuller's death a vigorous search was made for a will. Mrs. Houseworth was most anxious to find it, as according to her testimony before the probate judge Fuller had told her he had made a will giving all his property to her. She claimed Fuller was in love with her for many years and only the interference of his brother prevented their marriage.

The Fuller heirs have engaged Knight & Heggerty of San Francisco to conduct their contest and Mrs. Houseworth is represented by Joseph D. Sproul. Theodore A. Kytka, the San Francisco handwriting expert, has been employed to expert the alleged forged document. The sum involved is in the neighborhood of $40,000, which will be increased if any portion of the estate of Emellion Fuller, who died before his brother Alfred, should be included in the estate of the latter.

What Fuller did with his will after having made it or to whom he entrusted it is still a mystery. About a year after his death, after all search had been fruitless, the document was sent by mail to H. Cormack, a reputable citizen of Butte County, who had been one of Fuller's close friends. Mrs. Houseworth, the beneficiary, obtained the paper and offered it for probate. During the preliminary probate proceedings she swore that Cormack had, without legal right, retained the will in his possession, and surrendered it only on a promise that he would receive $2000. This charge created a big sensation here and in Chico. Cormack denied the charge and said he had nothing to do with the paper further than to receive it and deliver it immediately to Mrs. Houseworth. The beneficiary under the alleged will denied that undue influence had impelled Fuller to bequeath to her his property and declared that the only consideration was the love he bore her, that they had been well acquainted for a number of years and that the testator did not wish his relatives to benefit by his thrift and frugality.

The story of the will as told in Chico is as follows:

Alfred Fuller was a very old man at the time of his sudden death in September, 1897. He was known as a shrewd, suspicious and careful old farmer-miner, sordid to a miserly degree and a pronounced woman-hater. He never said a kind word for the opposite sex and when it was announced that he had executed a holographic will, bequeathing all his property to a woman, his acquaintances were greatly surprised and those who knew him best shook their heads wisely and declared the document should be treated with suspicion. The old bachelor's antipathy to women was attributed to a disappointment in love when he was a young fellow back in the States.

On his arrival in Northern California, in 1852, Fuller went into the mines and was fairly successful, returning to Chico with several thousand dollars. This sum he immediately invested in various enterprises and in a few years his fortune amounted to over $30,000. After the death of his brother, Emellion Fuller, some years ago, Alfred was appointed executor and administrator of his estate, which amounted to upward of $75,000. The management of this sum, together with his own property, was a task which greatly worried the old man, and as years went by he became suspicious of every person who acted in a friendly manner toward him. He believed every one was after his money. His heart became bitter against all his relatives, and he was especially chary in his relations with women. He often expressed a fear that some one would attempt to get his wealth from him before he died and felt sure that after his death his estate would be the prey of some person or persons who had no claim to it. He took a morbid interest in the details of the Blythe, Sharon and Fair litigations and seemed to think similar attempts to steal his estate would be made.

He died quite unexpectedly in the fall of 1897 and no will of any kind was found among his papers. His estate and also that of his brother went into the hands of Public Administrator E. M. Woodman, who still has charge of the properties. Shortly after his death a note for $15,000 drawn in favor of Dr. A. J. Landis of Chico was presented against Alfred Fuller's estate. It was alleged to have been given in consideration for medical services rendered and bore no interest. The note was payable in two years from the date it bore. The claim was repudiated by the public administrator and suit was brought to collect and this litigation is now pending.

Several months after Fuller's death rumors began circulating that he had left a will, which could not be found, and that Dr. J. Ellis Rodley and John Garner had witnessed the document. These reports aroused greater interest in the case as many of Fuller's friends declared that he strongly disliked these two men and never neglected an opportunity to speak ill of them. Much speculation regarding the devisee and the terms of the alleged will was indulged in, but neither of the witnesses enlightened the anxious public. Dr. Rodley told a half dozen people that he had, at the deceased's request, witnessed his last will and that he also had called John Garner into his office to act in the same capacity. The doctor did say that the beneficiary named was a woman well known in Chico, but he did not disclose her name.

Interest in the case began to flag and had almost died out when one day last August H. Cormack, a well-known and respected citizen of Butte County, received through the mail an envelope postmarked Chico. In the envelope was the long missing will, but no letter of explanation as to why it was sent to him accompanied the testament. The will was written on an old piece of blank book paper, evidently a leaf torn from a book. The writing and spelling were very poor. Mr. Cormack, after recovering from his surprise, immediately notified Mrs. Houseworth and told her how it came into his possession. Mr. Cormack delivered the will to the devisee and it was soon after offered for probate before Judge John C. Gray of Butte County.

Then followed another sensation. Mrs. Houseworth, under oath, declared Cormack had illegally retained possession of the will and demanded $2000 before he would deliver it. In order to obtain the precious paper she consented to pay that sum when she came into the estate. She also swore that Cormack had pledged her not to mention his name in connection with the case. Cormack's reputation for honesty, rectitude and probity had never before been questioned and every one who knew him was surprised and on all sides the woman's story was discredited.

Under instructions from Judge Gray the Grand Jury began an investigation into the alleged illegal detention of Fuller's will and the alleged attempt at extortion, but nothing has as yet come of the inquiry.

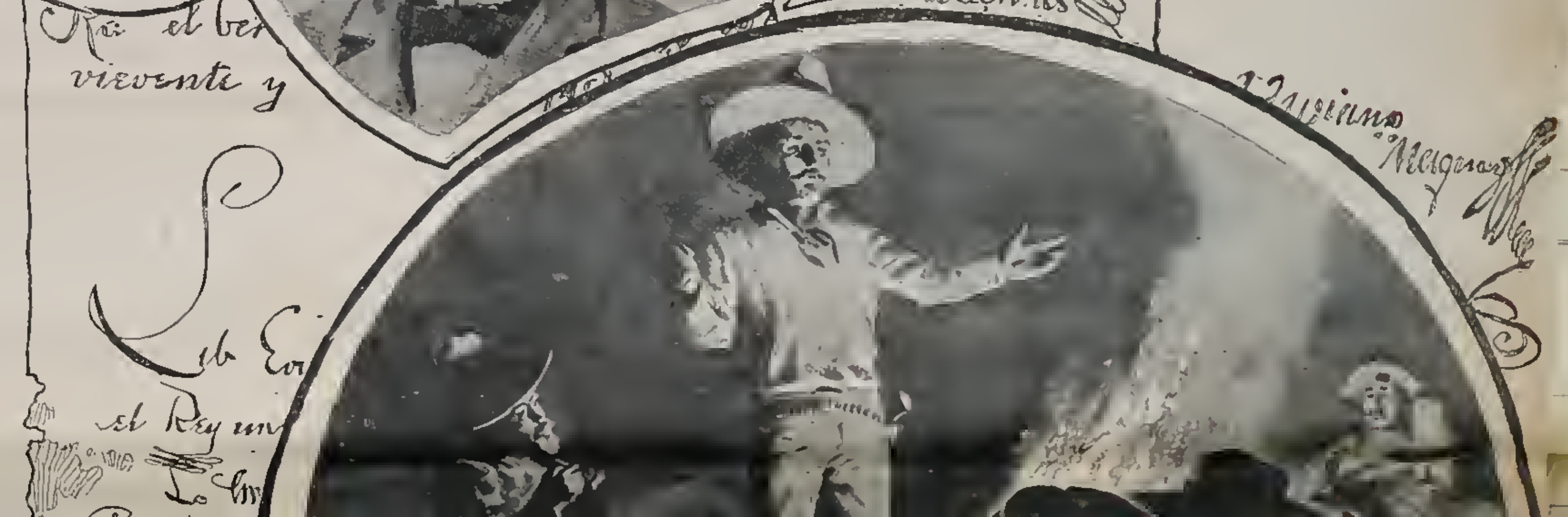
Mr. Cormack was one of Fuller's closest friends and the mysterious sending of the will to him, months after a futile search had been made for it, is considered by the Fuller heirs as a part of the scheme to deprive them of their rights. The heirs allege in the contest that this procedure was simply to add weight to the forgery. Cormack repudiates the whole affair and says he had nothing to do with it further than to receive the will in the strange manner detailed and that he immediately delivered it to Mrs. Houseworth.

It is further alleged by friends of Alfred Fuller that he did not have any high regard for Mrs. Houseworth, although she maintains that he loved her and at one time would have married her had not Emellion Fuller interfered. These same people assert that the deceased also had a strong antipathy for Dr. Rodley and John Garner, whose signatures as witnesses are attached to the alleged will. Garner and Fuller are said to have had business troubles some years ago.

Dr. J. Ellis Rodley is one of the leading physicians of Chico and is Mayor of the city. He came from Missouri eleven years ago. John Garner is a farmer. Mrs. Minnie Houseworth was formerly Mrs. West. Her first husband died, leaving her in comfortable circumstances, but she has lost most of her property. She married Houseworth afterward, but the couple are now living apart, the husband being somewhere in Southern California. None of Fuller's acquaintances were ever aware or suspected that he was devoted to the woman. It is hardly possible that a man of Fuller's habits and temperament could have courted or shown marked attention to any woman without it being noticed and exciting gossip.

CONFESSION OF PERALTA-REAVIS, THE KING OF FORGERS.

The land that Reavis tried to steal by means of his forged documents covered a larger area than the States of Vermont and New Hampshire combined. It was located partly in Arizona and partly in New Mexico.



THERE is a gaunt, white-haired, white-bearded man living in Denver to-day. His shoulders stoop, his clothes are worn and threadbare, hanging loosely from a bony frame. Often he is seen on the street with a dark-eyed woman of olive complexion who still retains traces of fierce Andalusian beauty. The pair are always accompanied by two children, twins, who have inherited the features and eyes of their mother. The four live in a lodging-house and at times they are hard pressed for the necessities of life.

The man is James Addison (Peralta) Reavis and the woman is his wife. He planned and barely failed of executing the most gigantic fraud that was ever conceived against this Government. At one time he had a fortune of millions within his grasp. Such famous men as Robert G. Ingersoll, Roscoe Conkling, Collis P. Huntington, William S. Wood, Reuben H. Lloyd, Phil B. Thompson, John W. Mackay, Ed S. Stokes, Bourke Cockran, Charles Crocker, J. M. C. Curry and H. D. Money espoused his cause and helped fight his case in the courts.

In the end, when his scheme was on the verge of success, when he was about to receive title from the Government to 12,500,000 acres of land valued at $100,000,000, the Government succeeded in convicting him of conspiracy to defraud the Government. His scheme was exploded and he was sentenced to serve two years in a New Mexican prison. He served his sentence.

A few days ago he wrote a confession of the entire conspiracy. According to his statements the Government, although it spent $100,000 in defending the case, never hit upon the real facts. His conviction, he says, was secured upon a mass of false and perjured testimony. He himself, however, tells for the first time how he conceived and executed the fraud.

He tells how he met an Andalusian girl whose parentage was unknown, how he married her and built about her a mythical lineage proving that she was the descendant of one of the noblest families of Spain and the sole heir to the Peralta land grant of Arizona. He tells how he searched the archives of Spain and forged and stole ancient documents, [illegible]

REAVIS' confession is as follows:

I am of Scotch-Welsh antecedents with a traditional Spanish extraction in the [illegible]

[illegible] at her disposal and returned to St. Louis.

Four years had elapsed since I had [illegible]

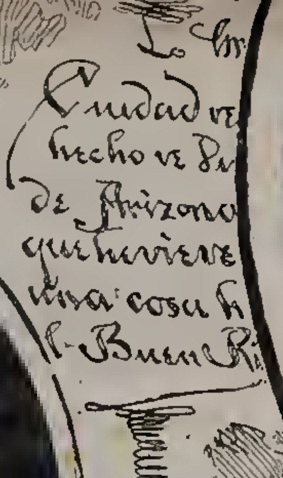
[illegible] gan to take shape in my mind.

During these travels I met a young Spanish girl. Her features rather inclined to the Jewish type; her eyes were large and of darkest hazel, a profusion of black and silken hair hung in a great mass below her waist, the delicate lines of her body and her exquisite grace and fascination told of noble Spanish ancestry. She was of splendid physique, elastic step and a superb dancer. She was at home in the water or on a horse and was an adept with rod, gun or lariat.

I inquired into the history of this child of nature and found that she had been reared from her earliest recollection in the fastness of the mountains remote from civilization. No one knew the history of her birth. Investigation only threw a deeper mystery about her parentage. From a baby she had only Indian children for playmates, having been raised by a ranchero's family who sold her into bondage to John W. Snowball and wife. Those who might have known her history had died, and the ranchero claimed that the child was an Indian waif whose parentage was unknown.

I became infatuated with her and also saw in her a possible heir to the Peralta grant. I induced her to accompany me and returned to San Francisco. I made a satisfactory showing of a partial title (which I had forged with the aid of the Willing title) and John W. Mackay stood sponsor for me to go to Spain for the purpose of completing the title and determining of what lands the grant actually consisted. I had a guarantee of $500 per

(Continued on Page Thirty-Two.)



HOW THE IDEA OF THE GREAT LAND FRAUD ORIGINATED BESIDE A REMOTE CAMP-FIRE IN ARIZONA.

ONE OF REAVIS'S PURCHASED ANCESTORS.

Da Sofia Laura Michaela

REAVIS' confession is as follows. I am of Scotch-Welsh antecedents with a traditional Spanish extraction in the remote generations. Three of my great grandparents fought in the revolution. I was reared in Henry County, Mo. In May, 1861, at the age of 18, I enlisted in the Confederate army and during my life as a soldier committed my first crime. I forged an order and being successful in this I raised a furlough, and before this expired I surrendered to the Union forces.

After the war I worked as a street car conductor but subsequently opened a real estate office in St. Louis. I was successful in forging a title to sustain a tax title to some valuable land I had bought, not knowing the title was imperfect. But these are incidents in which there is little interest. However, success in these early evils sowed the seed that later sprang forth into the most gigantic fraud of this century.

The plan to secure the Peralta grant and defraud the Government out of land valued at $100,000,000 was not conceived in a day. It was the result of a series of crimes extending over nearly a score of years. At first the stake was small, but it grew and grew in magnitude until even I sometimes was appalled at the thought of the possibilities. I was playing a game which to win meant greater wealth than that of a Gould or a Vanderbilt. My hand constantly gained strength, noted men pleaded my cause and unlimited capital was at my command. My opponent was the Government and I baffled its agents at every turn. Gradually I became absolutely confident of success. As I neared the verge of triumph I was exultant and sure. Until the very moment of my downfall I gave no thought to failure. But my sins found me out and as in the twinkle of an eye I saw the millions which had seemed already in my grasp fade away and heard the courts doom me to a prison cell.

Now I am growing old and the thing hangs upon me like a nightmare until I am driven to make a clean breast of it all, that I may end my days in peace.

The first I ever knew of the Peralta grant was when Dr. George M. Willing walked into my real estate office in St. Louis and told me that he had a land grant of fabulous proportions in Arizona and wanted me to take hold of it. After a number of interviews I decided to give my whole time to the matter.

Just as I was about to start for the West my health gave away completely and I was forced to abandon the trip. For two years I remained an invalid at my father's home in Vernon County, Mo. One night I had a dream that warned me that I should start for California. I left immediately with scarcely any money and without preparations for the journey. Once in California my health improved and after two more years I returned to my father's home for my wife. She refused even to see me and to appease my conscience I placed what means I had accumulated at her disposal and returned to St. Louis.

Four years had elapsed since I had talked with Willing.

About this time I received a letter from Mrs. Willing reciting the death of her husband and proposing that I resume the grant matter. I entered into a contract with her and returned to California. Here my money ran out and I went to work on the Los Angeles Daily Star. Subsequently I worked on daily papers in San Francisco and all the prominent extreme Western papers. During these months the land grant was in my memory but I did not have the means to examine further into the matter.

The contest between Jay Gould and the Southern Pacific railroad was then at its height. The Southern Pacific right of way as surveyed ran through the Peralta grant. I went to Huntington, Stanford and Crocker with the Willing title and they advanced me money to trace its authenticity.

I went immediately to Arizona and there, after much patient research and a trip to Mexico, learned that the Willing title was purely mythical. The way of it was this: October 20, 1864, in Black Canyon, Yavapai County, Arizona, there existed a mining camp, the principal persons of the camp being Dr. George M. Willing of St. Louis, Don Antonio Pablo Peralta, his son Miguel Peralta, Don Jose Ybarra, M. Bernatto Guiness, Don Rafael Machado, Don Manuel Ramon and Charles Lovejoy, a friend of Willing. Among these originated the idea of the Peralta grant. Another mythical person executed a deed of this parole grant to Dr. Willing, the paper reciting that the grant had been ceded to the father of the maker of the deed by the King of Spain for military services in 1758 and that he had been forced to abandon it on account of hostile Indians. It embraced 300 square leagues of land located along the Gila River, thirty leagues from east to west by ten leagues wide, resting its western border upon the eastern line of the Pima reservation.

One of the alleged witnesses, M. Bernatto Guiness, was a Frenchman who afterward located in business in Los Angeles, Cal., but died before he explained his part in the matter, as did also Don Antonio Pablo Peralta. The only other Mexican, Don Rafael Machado of Rosario, Lower California, affirmed that a Spaniard named Miguel Peralta made the deed. The writing was more that of Don Pablo, and he suited the hero of Willing's tale better than Miguel Peralta.

Willing represented that he had given a pack train of sixteen mules, valued at $22,000, for the land. This recites in a nutshell all I could determine about the grant.

Becoming certain that Pinalto, the name given as the maker of the deed, was a myth, I forged the documents necessary to shift the title into the Peralta family. Immediately the Peraltas became so numerous that I realized that a title in their names would never do. After considering the matter several months I decided to again shift the title into some noble family of Spain that had become extinct.

In the meantime I traveled much in the towns where I could gain information concerning the men who might be interested in this title. I talked with old residents and stored my mind with many incidents that proved of great value in later years. But I will pass quickly over this period and come down to the time when the great fraud as it was presented to the Government be-

... my investigations ... grant existed, and ... a noble family in Spain named ... that was now extinct. Therefore, with these two pictures I pushed aside the mass of forgeries that I had accumulated around "the Willing title," ignored all the past theories and started out entirely anew.

First I traced the history of the Peralta family and found that the name originated in a title Pera (a pear) alta (high), Peralta signifying a high pear. The family originated in conferring a dukedom upon one Enrique Carillo.

... then I built ... conform with what I had ... old rancher would tell me ... stranger who had gone through part of the country in a certain ... and about his wife dying. I would ... and fit my story to this circumstance, and if I succeeded I had a witness who would go on the stand and swear to the facts.

Then, too, it was not so difficult to change ancient records. All t...

High Jenks At The Crawford.

A novel luncheon was given last night at the Crawford by Carl Eisenschimel, the celebrated expert in handwriting who is to testify for the defense in the Mullock case. Those present were several newspaper correspondents, detectives and Theodore Kytka, who has prepared the most wonderful photographic exhibit of signatures to prove the forgery of the $100,000 note, ever known.

Not only were the lunchers distinguished but the menu, though limited, was rare indeed. From Manila the host had received from his son, a soldier there, curious foods used by the Filipinos. Besides there was Salami from Paris, fromage de Willows, pates des Langouvilles and extract of malt and hops from Sacramento. The affair lasted till after midnight.

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CONFESSION OF REAVIS

Continued from Page Seventeen.

month and earned additional money as a correspondent for San Francisco and New York newspapers.

In Spain I gained admittance to the archives under the pretext that I was hunting up newspaper stories. During many months I searched these archives and pondered over the thing. I found that the Peralta family was extinct and that the Peraltas in Arizona and Mexico were descendants of the servants of the family who had taken the name of the house.

One day as I was making the rounds of the curio shops I came across two ivory portraits of great excellence, evidently a husband and wife of Spanish nobility belonging to the period closing the eighteenth century. I purchased these pictures and they were the foundation upon which I built the mythical superstructure that all but stood against the efforts of the Government and the great expenditures of money to tear it down.

I told my wife—for after coming to Spain I had legally married this Spanish beauty, having lived until then under a secret marriage agreement—that these portraits were of her great-grandparents.

Now the reader must understand that my investigations had proven that no grant existed, and that there had been a noble family in Spain named Peralta that was now extinct. Therefore, with these two pictures I pushed aside the mass of forgeries that I had accumulated around "the Willing title," ignored all the past theories and started out entirely anew.

First I traced the history of the Peralta family and found that the name originated in a title Pera (a pear) alta (high), Peralta signifying a high pear. The family originated in conferring a dukedom upon one Enrique Carrillo.

Then I selected another defunct family named Silva and made my hero the issue of these families and called him Silva de Peralta.

I made the records show that in the winter of '61 and '62 the second baron was compelled to abandon Sonora on account of the French invasion, and thereupon set out for Spain via Los Angeles and San Francisco. In the meantime—May 1, 1822—he had married and to him was born a daughter who married Don Jose Ramon Carmen Maso y Castillo September 20, 1858. With this daughter and her husband he set out upon his journey. They were delayed at the crossing of the Santa Ana River near San Bernardino, Cal., by the excessive floods of that season, where there was born of the daughter a pair of twins, a girl and boy. The latter and mother dying, were buried in one coffin at San Salvador. The father proceeded en route to San Francisco. This child surviving was christened Sofia Loreto Micaila Maso y Silva de Peralta.

Such was the mythical lineage I built for my Spanish bride. You may wonder how I was able to prove all these details that happened in this generation. I will tell you how. I had visited towns in California in which I laid the early history of my wife. I talked with old settlers and found that there had been these incidents in the past and then I built the story of my wife to conform with what I had been told. An old rancher would tell me about a stranger who had gone through that part of the country in a certain year and about his wife dying. I would try and fit my story to this circumstance and if I succeeded I had a witness who would go on the stand and swear to the facts.

Then, too, it was not so difficult to change ancient records. All that was necessary was to add a son or daughter to families whose last descendant had died several generations prior to the time I did my work, then marry this son and daughter and I had connected the families and started the lineage.

All my work was characterized by absolute simplicity. In every town in Mexico and Spain are public scribes to whom you may go and they will copy or write anything you ask. By going to different scribes and using caution none of them suspected the purpose to which I put their writings. Indeed, they do so much copying that any particular piece of work soon slips from their mind. Then it was easy to slip out pages and insert papers in the records of the archives because I was given the greatest liberty in my work. Patience was required in the task and I possessed that quality in abundance.

Recurring to the work in Spain, I recall that I had stuffed the archives there in two cities, Madrid and Seville, before I sought any copies; in other words, I always did my work in that line before I began an investigation, depending upon the investigation to develop the work that I had deposited in the archives, and for this reason it took me a great while to do a very little. I found no inconvenience in any of this work from the simplicity with which the officials received me, as I was always on the outlook for curiosities to mention in my correspondence.

After completing my work in Mexico I took a rest of some three weeks to allow the matter to season, and then I made formal application for a search. The custodian found this portion of the archives fairly glued together with age, so was completely "off his feet," certifying with zeal to all this find, which went forward to startle the world and set at naught all criticism insomuch that my supporters declared that the Government would be compelled to confirm the grant in the Supreme Court regardless of what the lower court should, would or could do.

Thus "not a farthing for corruption" was the motto.

During all this time I never had an accomplice. I did my work absolutely alone; therefore there could not possibly have existed ground for a charge of conspiracy to defraud the Government and all the evidence introduced by the Government to that end for the purpose of conviction was false and vicious. When I started in I could not speak or write Spanish. I hired public scribes in Mexico and Spain to do my copying. During the latter part of our visit in Spain my wife and myself were received in noble families and were entertained lavishly. The public is familiar with my trial and how the greatest men of this country pleaded my case.

To estimate the expenditures on either side of this case would lead into differential calculus. It has been said that I expended a quarter of a million dollars, yet the half would strike nearer the mark, and I would not make a guess for the Government, understanding as I do the various avenues for Klondiking Uncle Sam in such matters. The Assistant District Attorney in his review before the jury at the trial upon a charge of conspiracy to defraud the Government, a simple misdemeanor, stated that the Government had expended $45,000 to convict me and he hoped the jury would consider that part and not disagree. Yet this trial did not cost me one nickel, and the good reason was, I had it not.

The Government said: "We consider this one of the greatest schemes to perpetrate a fraud on the Government that was ever attempted in this country, or possibly in any other. It has been carried on successfully for over a quarter of a century, and a large amount of money obtained, based upon its supposed and really prima facie genuineness, and for a quarter of a century, every year continuously, as we will be able to show to the court, there has been a persistent, intelligent and aggressive effort to manufacture their claim from top to bottom. * * * I will say frankly to the court that this case, as it stood, unchallenged by the Government, would have required this court to confirm to the original grantee, for the benefit, really of the present claimants. * * * They have presented their claim based on properly authenticated documents, which, as translated into English and before being analyzed, make as clean and complete a case of a grant as we have ever had before this court. It seemed to us that it was strange that there should come from Spain and Mexico so many documents of the greatest dignity, certified by the keepers of the archives, fortified again by the certificates of our own officials, making them thereby prima facie evidence in this court."

Collis P. Huntington said: "While I have not entered into the details of the title, I have not had time, but my old friend, Charles Crocker, who examined into it thoroughly, believed in it, and I shall do all I can to aid you."

Colonel Robert G. Ingersoll said: "I have not examined into the matter as carefully as Frank Hurd has, but I am satisfied that your wife is entitled to that property—she is a charming woman and deserves to succeed. Come to my office and make your headquarters, you are more than welcome." And at another time he said: "Yes, if it will be of any advantage to you, elect me president of your company."

Roscoe Conkling said: "If this title stood for a tract of land here in New York I would consider it unimpeachable; as it is there is so much politics in the matter that I cannot say just what will be the outcome, yet I find a perfect title in this woman, Mrs. Reavis."

John W. Mackay said: "I consider that Mrs. Reavis has as good title to that immense property as I have to this hat I hold in my hand, and I paid my own money for it."

Charles Crocker said: "While I have always had absolute confidence in your wife's title to the grant, I think you will succeed better without our active support than with it, since our sins would be weighty for you to bear."

To which I involuntarily responded, my wife and niece being present: "I would gladly be billed for heaven in a hand-basket laden with your sins," such was my admiration for that great son of toil. He was an indefatigable worker to the last and without question he was not only the first, but most important of all my supporters; and he left the title question to his attorneys, thereby bringing the entire syndicate of attorneys and politicians of the Huntington syndicate into the scheme through a liberal distribution of shares of stock in the Casa Grande Improvement Company, which was organized for the purpose of furthering the schemes in view, the least of which was the confirmation of the Peralta grant with its estimated value of $100,000,000, the ultimate object of the syndicate being the irrigation of 15,000,000 acres of land.

I shall close with the exact words with which I closed the case before the court of private claims—throwing my eyeglasses upon the table between myself and the court I said: "I would not give the value of these glasses to win that immense estate and be compelled to assume the responsibilities involved in a confirmation by your honors, even with all the fictitious values that have been bestowed upon it; yet, for the honor of my family, I shall fight on; yes, to the bitter end."

High Jenks At The Crawford.

A novel luncheon was given last night at the Crawford by Carl Eisenschimel, the celebrated expert in handwriting who is to testify for the defense in the Murdock case. Those present were several newspaper correspondents, detectives and Theodore Kytka, who has prepared the most wonderful photographic exhibit of signatures to prove the forgery of the $100,000 note, ever known.

Not only were the lunchers distinguished but the menu, though limited, was rare indeed. From Manila the host had received from his son, a soldier there, curious foods used by the Filipinos. Besides there was Salami from Paris, fromage de Willows, pates des [illegible] and extract of malt and hops from Sacramento. The affair lasted till after midnight.

BLINKED IN UNACCUSTOMED SUNSHINE AFTER BEING IMMURED FOUR YEARS IN JAIL

A.H. DEAN.

JAMES CREEGAN.

LEFT PLEASANT PRISON LIFE.

FREE once more, unhindered in his movements, absolutely unrestricted in his personal acts, A. H. Dean, alias Frank Seavers, stepped from the city jail yesterday and blinked in the bright sunshine.

It was a novel feeling for Dean, as he is known on the prison record, for he has been immured for nearly four years. Originally there was a criminal charge against him, but that was abandoned long ago in consideration of his "turning State's evidence" against his accomplices in the noted Woodland Bank forgery, whereby a draft for $12 was raised to $22,000. Although tacitly absolved from responsibility for his participation in the crime, Dean was detained as a witness for the prosecution, and it was on his testimony alone that the District Attorney based hope of securing conviction of Charles Becker and James Creegan.

Although the law allows the police authorities great latitude in detaining witnesses whose testimony is deemed requisite for the enforcement of justice, there is doubt of their ability to keep such a person in durance for four years should an appeal be made to the courts. Dean, therefore, was to a certain extent a willing prisoner, but he profited by his position sufficiently to secure for himself all the comforts that an indulgent municipal government could afford under the circumstances.

It would be difficult to find cozier, more comfortable quarters in San Francisco than the apartments occupied by Dean during his incarceration. His suite consists of a bedroom and kitchen, containing all the conveniences requisite to an ideal bachelor's den. The kitchen contains a serviceable gas range with all sorts of cooking utensils, from chafing dishes to frying pans, griddles and waffle irons, together with coffee boilers and tea pots.

Soon after Dean's departure from jail his absence was discovered by "Tom Spot," the handsome black-and-white cat that has been his companion ever since he went to jail. The affectionate creature seemed greatly perturbed by the straying of his friend, and with soft wails went about the premises peering into the corners, hoping to find him.

The release of Dean came about through the conviction of those engaged with him in the forgery. The worthless draft was so well executed that it was taken by the Nevada Bank of San Francisco, went through the clearing-house and was accepted by the Crocker-Woolworth Bank. A dispute arose as to which bank should bear the burden of the loss, and the litigation touching this question is still pending in the Supreme Court of California.

Dean was the originator of the scheme. He came to San Francisco in 1895 and rented offices in Montgomery street, holding himself out to be a speculator in real estate. After opening an account with the Nevada Bank he began a system of drawing out and paying in money that gave him the appearance of being a man in active business. After inducing Becker and Creegan to come to California, he secured a draft drawn by the Bank of Woodland on the Crocker-Woolworth Bank for $12. This paper he gave to Creegan, who passed it to Becker, and Becker changed it so that it called for $22,000.

The spurious paper was "laid down" by Dean, and he was assisted in getting away by Becker and Creegan. A man named Joseph McClosky, alias J. M. Shaw, was charged with complicity.

Dean was arrested in Minnesota, and at once turned State's evidence. McClosky was brought back from Philadelphia and acquitted. Becker and Creegan were convicted and sentenced to State's Prison for life. The Supreme Court granted them a new trial, pending which Creegan confessed and offered to convict Becker, whereupon Becker pleaded guilty, throwing himself on the mercy of the court. Creegan finally followed Becker's example, and Dean was at once set free, all the participants in the crime having been legally disposed of by the courts. Becker was sentenced to the State Prison at San Quentin for seven years, and yesterday on motion of District Attorney Murphy, Creegan was let off with a penalty of two years in the State Prison at Folsom. Mr. Murphy said that W. H. Crocker, President of the Crocker-Woolworth Bank, and President I. W. Hellman of the Nevada Bank of San Francisco, as well as Chief of Police Lees had joined in asking for mercy for Creegan at the hands of the court.

Judge Dunne said he felt it his duty to recognize these recommendations that were so strongly urged by the District Attorney,

YDA ADDIS STORKE TRIAL CONTINUED

Delay is to Allow Defendant to Secure Expert Witnesses.

Ames and Kytka, Handwriting Experts, Have Been Called.

The trial of Yda Addis Storke, indicted by the grand jury for libel, was continued this morning upon motion of attorneys for the defendant until April 17. The trial was set for to-morrow, but was continued to allow Mrs. Storke to secure expert witnesses on handwriting who are now out of the state. The famous expert, Ames, was subpoenaed, but finding that he was in New York, Max Gumble of San Francisco was called, but he too was abroad. It being learned that Ames will be in the state early in April, the continuance of the trial was asked and granted. Another expert that will figure in the case when it comes to trial is Theodore Kytka of San Francisco, who has been called by the state.

Interest in Mrs. Storke's case has not abated in spite of the many delays, but rather grows as time passes and more of the developments of a sensational nature that are promised leak out. Mrs. Storke claims that persons interested in the prosecution have attempted to prevent the case from ever being tried.

The jury that was drawn when the trial was set will be expected to serve at the postponed trial, notice to that effect having been given those in the venire.

Storke Case Continued.

The case of Yda Addis Storke which, had it been tried today, would have caused so much excitement has been continued until the 17th of April. The postponement was made that the defendant might secure the testimony of competent experts on handwriting. The same venire of jurymen will hold over to the new date.

YDA ADDIS' TRIAL POSTPONED.

The Defendant Wanted Time To Procure a Handwriting Expert.

Yda Addis Storke's attorney's appeared in court yesterday and presented a motion for a continuation to enable her to secure an expert on handwriting. The motion was granted and April 17th set for the trial.

The trial was originally set for today.

The case against Yda Addis Storke was to come up tomorrow morning in the Superior Court was posponed until April the 17th the same jurors that were to act tomorrow will be used when the trial comes up.

TWO YEARS FOR CREEGAN

MARCH 26, 1899.

A Light Sentence Given the Nevada Bank Swindler.

DEAN, WHO CASHED THE FORGED DRAFT, SET FREE.

HE HAD BEEN IN THE CITY PRISON MORE THAN THREE YEARS.

Had a Suit of Cells to Himself, Where He Entertained Visitors and Brewed Famous Tea.

After nearly four years of suspense the last of the famous trio of bank robbers who obtained $22,000 from the Nevada Bank on a forged draft has had his punishment for that crime settled by the court. James Creegan, the middleman, who planned and backed the coup by which the bank was defrauded, was sentenced to two years' imprisonment in the penitentiary on his plea of guilty. A. H. Dean, who bought the draft of $12 that was afterward raised to $22,000 and cashed it, was set free according to the promise made him when he turned State's evidence soon after the commission of the crime.

Creegan and Becker appeared before Judge Dunne in the Superior Court yesterday. District Attorney Murphy entered a plea of guilty for Creegan and asked leniency. He called attention to the facts that Creegan had aided the State in the case of Becker, the most dangerous of the three swindlers, and that the banks victimized favored a mild sentence. Judge Dunne set Creegan's sentence at two years' imprisonment at San Quentin, while Dean was ordered released from custody.

The story of the swindle has been told many times. Creegan, Becker and Dean planned it in the East. Dean came here and established an account at the Nevada Bank. He drew on it and made deposits, thus making himself familiar to the bank's officials. He traveled about the State and bought drafts at various places, all in furtherance of the scheme arranged. One day he purchased a draft for $12 at the Bank of Woodland. Becker and Creegan were on the scene by this time, and overnight Becker, the "Prince of Forgers," altered the figures and writing on the draft so that it called for $22,000.

Dean cashed it and with the gold in bags the three men fled eastward. Dean was caught in St. Paul and "peached" on his confederates, who were captured in Newark, N. J. This was in May, 1895, and it was not until a few weeks ago that Becker, after one trial and the beginning of another, pleaded guilty and was sentenced to serve seven years. Creegan had turned against him on the offers of a short sentence from the police, and the promise made then was redeemed yesterday, when he escaped with but two years' imprisonment.

Dean has been in the City Prison since his arrival here under arrest. In more than three years of life there he became as familiar to visitors and himself as familiar with the routine of the institution as the jailers. He had a suit of cells away from all other prisoners and just off the office, which were furnished simply but with taste. Here he had many guests, some who came for curiosity's sake and others who professed a friendship for the swindler. He assisted with the clerical work of the prison, and in the past year or so has been working on an index of criminal records to which he had cleverly adapted the library card system. Chief Lees allowed him many liberties. For months after his arrest he went out occasionally to theaters, prizefights and other entertainments. These favors were curtailed later, but he still had his meals from restaurants and lacked none of the little things which tended to make existence agreeable.

With much time on his hands Dean read a great deal and studied teas. He discovered a blend of several varieties which won him some fame. Many have drunk tea with Dean, and none ever failed to acknowledge that their experience was a revelation. They had not known what tea might be until then. To the policemen on duty in the prison their afternoon and evening cup of the beverage, served a la Russe, was the delight of their watch.

Dean has no fixed plans for the future. He would like to put his knowledge of teas to practical use and hopes to establish a business of selling his blends in packages to a high-class trade. He is a man of resources and has no fears of not making a good living in the future. His wife and family live in New York city, where he will join them in a few days.

MARCH 27, 1899.

GEORGE BIDWELL.

FAMOUS FORGER COMES TO HIS END IN SORROW.

His Wonderful Career of Crime and Its Atonement.

Plundered the Bank of England of Five Million Dollars.

He and His Brother Austin Were Swindlers on a Colossal Scale.

His Death Said to Be Caused by Mourning for This Brother.

Career of the Bidwells, Their Prison Life in Newgate—Books of Their Crime Written as a Warning.

George Bidwell, the forger, one of the most remarkable criminals who ever dazed and horrified the civilized world, died in Butte, Mont., yesterday—died, it is said, of a broken heart. His brother, Austin, his fellow-partner in crime and lifelong ally, died just three weeks before, and the older brother, the father in affection and crime—old, broken and desolate—could not survive him. So in the same month these parallel lives of great misdirected talent, wonderful cleverness in trickery, enormous crime, riotous enjoyment, bitter, relentless punishment and suffering and a final attempt at atonement, came to an end, leaving behind them a story that points its moral with black and terrible distinction.

The brothers had been reaping the strange harvest of their crime and its punishment by selling books which tell the story of their early descent of the slopes that lead to crime, the tremendous scheme by which they cut a slice of $5,000,000 out of the heaped-up treasure of the Bank of England, its surprising, startling success, and the horrible years that followed in Newgate Prison. These books, one written by George Bidwell, and a late one by Austin Bidwell, called "From Wall Street to Newgate," aim to show how hideous is crime—worse, how unprofitable it is, as the criminal surely and inevitably meets his inferno in this world. But beyond this effort of repentance and attempt to guide by example the lives of young men away from an alluring carnival of wickedness they read like a story more remarkable than any ever conceived by the most lurid sensationalist of fiction. The lives of kings are petty compared with the colossal scale on which the Bidwell brothers conducted their operations. The Bank of England, Lionel Rothschild himself, was their toy. They helped themselves to millions from the coffers of the bank as they would have picked wild flowers in the field. They enjoyed every luxury that New York, London, the continent could afford, and a game whose high excitement and acute danger makes the imagination faint. They were men of fascinating personality, unequaled nerve, brain, concentration and cleverness. They might almost have founded an empire—and they used their whole mental and physical equipment to enrich themselves by theft, committed on a magnificent scale, but still ugly, black, ignoble and utterly despicable theft.

George, the elder brother and leader; the one who has just died, was a Napoleon of crime—a man of indomitable and fearless will. He knew no higher law of any kind than his own determination. He would win at all hazards. It was he who induced the younger, more pliable, graceful and susceptible Austin to enter the arena of crime. After reaching the summit of their design, stealing vast sums of money, and over-reaching the limit of their freedom, the huge tether they had made for themselves, he applied his powerful energy to the undoing and righting of the mischief he had wrought. After fourteen years in Newgate, years of illness, insanity almost, and torture, he was released as a ticket-of-leave man, and returned to his home in America. He at once wrote the book giving an account of his crimes and punishment, which was to be used as a lever to free his brother. This accomplished, the rest of his life has been one of atonement. With his brother he was in San Francisco some ten years ago lecturing. Up to his death he was traveling about the country lecturing and selling the books, "From Wall Street to Newgate." Now, near the close of his three score years and ten, he has gone to a final rest, after living a life of volcanic fullness and exaggeration, tremendous force and the strangely checkered emotions of sin. The clinging affection which made him lure the younger man to the crime whose reward was countless showers of gold, broke the tendons of his life when that object was gone.

Austin, the younger, the one with the bearing of a gentleman, the manners of a charmer, tells in his story, written some years after that of George Bidwell, the story of their crimes.

The two began their lives as boys in a simple, plain home in Hartford, Conn. They had a common school education, then started for themselves, slipping by slow and easy stages into the pathways of black dealing. They were early associated with a gang of thieves who subsidized the police into winking at their crimes, and executed robbery after robbery with perfect impunity. Austin was sent to Europe to negotiate some stolen bonds, and it was there that the project of the Bank of England forgeries was conceived.

He found that in this great institution there was one flaw—that acceptances offered for discount were not sent to the acceptors for verification of signatures. Money could be drawn on forged checks to an unlimited extent, and those whose names were thus used would not, in the natural order in which the business was transacted, be notified for five or six months.

By a stroke of really magnificent audacity Austin Bidwell established his credit at the bank. He posed as a Mr. F. A. Warren, dressed and lived like a prince, by large expenditures at the leading tailors, hotels, etc., gave the impression that he was an American silver king. The bank officials, thoroughly duped, received him with the greatest deference. He presented among a number of genuine bills, many of his own manufacture, and was ready to escape to other lands with his plunder of millions before the bills became due and discovery was certain.

Noyes, a friend whom they had taken into their scheme and employed as a clerk, was caught in the act of presenting a forged check, and arrested at once. George Bidwell and Macdonald, the fourth member of the swindling quartet, were arrested soon after, Macdonald at quarantine. Pinkerton, the famous detective, had seen the Bidwell brothers in London and recognized them as New York forgers. The pursuit was started at once.

Austin Bidwell went to France and married, then to Spain and finally to Havana to enjoy his spoil. Love, riches and happiness spread before him. He was only 28, rich to magnificence, living in luxury in a sunny, caressing land.

But fate found him out. Captain John Curtin of Pinkerton's staff, now of Curtin's Detective Agency, in this city, interrupted the young swindler at a banquet. There was a scene; Curtin was shot and Bidwell escaped temporarily, but only temporarily—Newgate awaited him.

The trial was swift and sure; the sentence—imprisonment for life.

A long account of Austin Bidwell's life in prison follows. It is a human document of extraordinary interest, revealing the strange workings of the human mind in solitude, the great suffering and endurance, the unutterable longing, the repentance forced out of wickedness like blood out of a stone. The forger read his Bible through three times, at the rate of a chapter a day, until its lessons sunk into his heart. He learned to read and write fluently in Latin, French, Spanish and Italian. But these diversions alone could not keep him from insanity. He needed the sympathetic touch of some form of life. He trained a rat to do various tricks and to love him. The prison authorities saw his affection for the little animal and killed it. He went and took up a beetle, next trying to discover some intelligence in it. This, too, was taken from him. He trained the flies in his cell; he clung for sympathy and companionship to every insect that fluttered towards him.

The years in prison had been sorrowful ones for George Bidwell. He was ill and half insane most of the time. The authorities claimed that he was feigning illness and tortured him to make him confess it. Finally, in 1887, fourteen years after his imprisonment, the medical officer of the prison certified that his speedy death was certain, and he was released to die. He recovered and from that moment his efforts to release his brother and the other partners in his crime was unceasing. He wrote the book giving an account of their crime, and with the proceeds sent his sister to England to intercede with the English authorities.

The Home Secretary was appealed to many times in vain. Money and influence were brought from all quarters to effect the release of the man who had been despairing and raving in prison for twenty years—from 1873 to 1893. One day, however, a gallant act in saving the life of a fellow prisoner, coupled with continuous good behavior, worked in his behalf. The Home Secretary relented, and Austin Bidwell returned to the world again. Although in his early years destitute of all moral sense and conscience, Bidwell was a man of sensitive temperament and acute sensibilities, and no one, however disposed to abhor his crime, could read the account of his sufferings in prison and the terrible reaction of ecstasy on his release without feeling that he paid the penalty of his wrongdoing.

Austin's wife, whom he had so adored in that flowery period when he escaped to Cuba with the plunder from the Bank of England, played a singular part in the melodrama of wealth, love and sin. She secured a divorce from Bidwell, only to marry Good, a clerk who identified her husband as one of the London bank forgers.

Noyes and Macdonald were released about a year later, and so the criminal phase of the story ended.

But the life phase has only just ended with the death of the Bidwell brothers. They carried about the story of their crime with them and lived upon it. Broken, crushed in mind and body by the heavy hand of the law which played the avenger so unsparingly, they could stand only as specters of warning to all the young men of the land, saying, "Read the story of our lives, and learn that crime at its greatest height is only failure."

AUSTIN BIDWELL.

FORGERY IN A REAL ESTATE DEAL.

Eugene B. Stock, Erstwhile President of the National Commercial Bureau of Los Angeles, Arrested.

LOS ANGELES, March 27.—Eugene B. Stock, erstwhile President of the National Real Estate and Commercial Bureau of this city, was arrested to-day upon a charge of forgery. This action was the outgrowth of a civil suit lately tried by Judge Shaw, in which Elizabeth B. Nave and Alexander H. Nave, her husband, secured the setting aside of certain deeds executed in the exchange of 100 acres of wild land in Missouri for a ten-acre ranch at Monrovia in this county. Stock was the principal defendant, the others being Helen Holter Stock, his wife, J. McCarthy and Hattie E. Thomson. During the trial such evidence of forgery was elicited as caused an investigation by District Attorney Rivers with the result that he issued a complaint charging Stock with the commission of the crime. This was sworn to by A. H. Nave and a warrant for Stock's arrest was issued by Justice James.

The complaining witnesses allege that the property to be traded was not of the value represented and that one of the deeds in the deal was forged. The affair is intricately complicated and there is reason to believe that the defendant may explain the occurrence.

EXPERT AMES SAYS MURDOCK DIDN'T SIGN

WILLOWS, April 7.—When the Murdock case was called this morning Daniel T. Ames, the celebrated expert on handwriting, took the witness stand and gave to the jury his theory of why William Murdock did not sign the $100,000 note. This tedious evidence consumed all the day, and the defendant's attorneys had just finished with Ames when court adjourned at 5 o'clock. Hiram L. Johnson will cross-examine Ames in the morning, after which Experts Kirkech and Eisenschimel will have their innings. The plaintiff will not put on any expert testimony.

EXPERTS IN THE MURDOCK CASE

Adepts in Handwriting to Bewilder Jurors in Willows.

Detectives Have Been for Months Noting the Opinions of The Citizens.

[Special Dispatch to "The Examiner."]

WILLOWS, April 5.—Each talesman of the one hundred in attendance at the proceedings of the great Murdock case is to-night scratching his head in an endeavor to recollect what sort of an opinion he has ever expressed as to the merits of the case, for the proceedings of to-day show conclusively that for months the county has been full of detectives, spotters and make-believe hired men.

Opinions, with the accompanying names, dates and places were thrown up to the surprised talesmen to-day with annoying accuracy, and the spectators enjoyed the discomfiture of these good citizens much more than did the objects of it.

General Barnes arrived this afternoon and was in attendance at the afternoon session and entered into the proceedings with a keen interest. The attorneys on each side seem to be carrying chips on their shoulders, and the citizens are being treated to some fine samples of high-grade sarcasm.

The outline of the plan of battle on both sides can easily be deduced from the line of juror questioning. The plaintiff will contend that the $100,000 note was given for moneys advanced to William Murdock by Samuel Murdock, cousin of William and father of Gawn Murdock, who is the husband of plaintiff, and that the note was made payable twenty years from date so as to fall due about the time Mrs. Murdock's sons became of age. One of these sons is cashier of the Bank of Orland, this county, and the other is employed in a hardware store there. The defendants have plainly shown their cards, and their contention is forgery, pure and simple.

That the jury will be covered up and buried in expert testimony is a foregone conclusion. Dan Ames, Carl Eisenschimel and T. Kytka, the noted experts, are here with their apparatus and exhibits and will all appear as witnesses for the defense. The latter is building a laboratory out near the courthouse and the same paraphernalia used in the Fair case will be a factor. Photographs eleven feet high will be introduced, and loops, pothooks and penmanship peculiarities will be exhaustively dwelt upon.

The examinations to-day were conducted by Attorney Frank Freeman for the plaintiff and F. C. Lusk for the defendant. Grove Johnson argued the points of challenge and was in a sarcastic humor. General Barnes addressed the court but once. The questions of "Did you not on such and such a day say to Mr. So-and-so that you believed this note to be a forgery?" were decidedly annoying, but were relished by the spectators. But five jurors have been passed, and when the peremptory challenges are used some of the passed twelve will no doubt be trotted down and out.

A witness will be put on the stand to-morrow in an endeavor to discover certain details as to an alleged expressed opinion denied to-day by Hugh Nelson, a well-known Willows citizen, and local people are looking forward to the appearance of the witness.

In separate sheet, in colors, published because of universal demand, Markham's famous poem, "The Man With the Hoe," free with next Sunday's "Examiner."

HARD WORK TO GET JURORS AT WILLOWS.

A Handwriting Expert Arrives With a Carload of Apparatus to Work in the Murdock Case.

WILLOWS, April [illegible].—W[illegible] standing [illegible] where the ownership of [illegible] glittering [illegible] At the depot they saw almost a carload of photographic app[illegible] belonging to T. Kytka, the handwriting expert [illegible] will figure [illegible] in the Murdock case. The [illegible] to all this saw [illegible] who arrived on to-day a [illegible] had heard of in the city dailies.

The work of [illegible] slowly. The tendency with [illegible] of the talesmen [illegible] that [illegible] expressed themselves that they did not believe Murdock would [illegible] It has [illegible] plaintiffs have had [illegible] about the county interviewing [illegible] The plaintiff's counsel challenged one of the old settlers in the [illegible] Nelson. When asked if he had on the day before expressed an [illegible] was a forgery he said he had not. He was promptly challenged [illegible] made to show that he had [illegible] Judge Pirkey passed the matter until to-morrow morning, when proof will be offered [illegible] franchise the old settler.

Five jurors were [illegible]

ATTEMPT TO BE MADE TO IMPEACH A JUROR

WILLOWS, April 6.—The work of selecting a jury in the Murdock note case involving May Helen Murdock's claim for $100,000 went on to-day and but little progress was made. The examination of talesmen was searching, both sides exercising great care. Four were passed, but none accepted. No peremptory challenges have been used by either side. At the close of the session Attorney Freeman for the plaintiff announced that he would produce witnesses at the opening of court to impeach Juror Nelson, who declared while being examined that he had never discussed the case.

Mrs. Theodore Kytka arrived from San Francisco today. She is the wife of one of the experts in the Murdock case.

Peter McGlade's Trial.

The trial of Peter McGlade, charged with having forged warrants upon the city treasury while employed in the office of the Superintendent of Streets, was postponed yesterday morning for one week. The continuance was asked by Assistant District Attorney Black on the ground that one of the witnesses for the prosecution, Handwriting Expert Theodore Kytka, was in Willows as a witness in the famous Murdock note case.

RENEWS HER FIGHT FOR FAIR'S MILLIONS

MRS. CRAVEN WANTS A BIG ALLOWANCE FROM HIS ESTATE.

Alleges She Is the Widow of the Dead Capitalist and Is Entitled to $5000 a Month.

Mrs. Nettie R. Craven-Fair filed a certain petition in the Superior Court yesterday for a family allowance from the estate of the late James G. Fair. The petitioner, as in the application filed some months ago, set forth that she is the surviving widow of the dead capitalist.

She states that no allowance whatever has been made to her as such surviving widow from the estate, which is valued at $12,[illegible], the income from which is $[illegible] a year. She represents that an allowance from the estate of $5000 a month should be made for her maintenance, and asks that the order for the allowance be made to take effect from the 28th day of December, 1894, the date of Senator Fair's death.

It is said that the filing of the petition heralds the opening of the battle by Mrs. Craven-Fair to establish her relation to the dead capitalist. W. W. Foote and Denson, Oatman & Drinkhouse represent the petitioner and will prosecute the action when it is called for hearing before Judge Troutt on May 1. In addition to the application for an allowance there is another requesting intervention in the proceedings looking to the probate of the will of the 21st. This will be attacked by Mrs. Craven.

Experts Galore.

Three of the most celebrated experts in the country on handwriting are now in Willows and will be witnesses in the Murdock case.

Daniel T. Ames of New York is known all over the world and he has figured prominently in many celebrated cases. Carl Eisenschimel is another gentleman who has been called upon to testify in many remarkable cases. He lives in San Francisco.

T. Kytka who will be remembered as an important expert witness in the "Fair Will Case" and in the Botkin case is also here. Mr. Kytka brought with him tons of photographs and apparatus. He is building a laboratory out of the Gere place and the exhibits he will show in Court will be something interesting. Photographs eleven feet high will be shown to the jury and we will hear lots of things about handwriting from these three eminent gentlemen.

LEGAL CONTEST FOR A FORTUNE

Famous Murdock Case Comes to a Trial.

Special Dispatch to The Call.

WILLOWS, April 4.—The celebrated Murdock case came up for trial this afternoon and the work of empaneling the jury begun. Only three talesmen were examined, but no jurors were sworn. At least a week will be consumed in getting a jury. The courtroom was crowded, many women being present.

William Murdock, a wealthy rancher of Glenn County, residing near Willows, died about the 8th day of January, 1894. He was unmarried, and left an estate valued at upward of $300,000. After the probate of his estate was commenced a claim was presented by Mary Helen Murdock, wife of one of the large ranch owners in that section, for $100,000 and a large amount of interest. The claim was based on a promissory note for $100,000, dated September 5, 1877, payable twenty years after date and bearing interest at 1 per cent a month, and purporting to have been signed by William Murdock. The note was as follows:

$100,000 WILLOWS [?], Sept. 5, 1877.
Twenty years after date I promise to pay to the order of Mary Helen Murdock the sum of one hundred thousand dollars ($100,000), with interest at the rate of 1 per cent per month until paid, principal and interest payable in United States gold coin. WILLIAM MURDOCK.

The attorneys representing the estate were loud in their denunciation of the note, and attempts were made to show by affidavits published in the newspapers that William Murdock never signed the note nor had any occasion to sign a note for that amount. The executors, strangely enough, while protesting that the note was not genuine, never acted on the claim, alleging in the papers filed that they did not do so because they did not know whether it was genuine or not. They have never up to this time either rejected or allowed the claim. It was currently reported at that time that one of the executors had remarked that the note was genuine and "had Bill Murdock lived a week longer it would have been settled."

When the executors failed to act on the claim suit was begun by the claimant to establish the validity of the note. It was found that the action was prematurely brought, so it was dismissed. Immediately after the note became due the present suit was commenced in accordance with the probate law, which provided that suits upon claims not due when presented must be commenced within two months after the claim becomes due. The note fell due on September 5, 1897.

Up to this time no word had come from the claimant regarding the history of the note, she biding her time apparently until she had her day in court. But during the course of the litigation the executors took Mrs. Murdock's deposition and the real consideration of the note was made public for the first time.

It appeared from the deposition that Sam Murdock was the father of Gawn Murdock, husband of the plaintiff. They had two small children. Sam was a cousin of William Murdock, the deceased. Away back in 1851 Sam was engaged in the sheep business with his son, Gawn, and they had thousands of sheep running on Government land. From these sheep and their wool, which brought high prices in those days, Gawn and his father cleared large profits annually. William Murdock also at that time was in the sheep business, and besides was buying and taking up Government land. Samuel had absolute confidence in William's integrity, often remarking that "Bill was better than any bank." Year by year he loaned his surplus savings, together with some thousands of dollars he received from the estate of his father, John Murdock, over to William Murdock for safe keeping. This course was strongly opposed by his son Gawn, and was the cause of frequent quarrels between father and son. Between Samuel and his daughter-in-law, the claimant, the best feeling always prevailed, and Samuel was especially fond of his two grandchildren.

This situation culminated in 1876 with a dissolution of partnership between Gawn and his father, Gawn paying the father a large sum of money, which was turned over to William. Shortly after this William induced Samuel to leave his son's house and to demand more money under threats of a lawsuit, William claiming that Gawn had not paid Samuel enough in the settlement. To avoid trouble Gawn paid his father $20,000 more. Samuel then came back to the house, and on the day the note was made William Murdock came to the ranch and he and Samuel had a settlement. A balance of the amount due Samuel from William was struck and the note in question was made, payable to his daughter-in-law, for the benefit of the two grandsons. He had it made payable twenty years after date, so that it would fall due about the time the boys became of age. Samuel did not want his son Gawn to handle any of his money. The note was carefully preserved and now is exciting most intense interest throughout the whole northern part of the State.

The executors claim that several months before his death William Murdock heard of the note and instituted an inquiry as to its holder. It is claimed that those around him avoided letting Mrs. Murdock know of his serious illness, evidently being fearful that she would call and see him. She was not even notified of his funeral.

The defense urged against this note is that it is a forgery.

The plaintiff is represented by Cannon & Freeman, attorneys of this city, and Charles L. Donohoe of Willows, and the defense by F. C. Lusk of Chico, Richard Bayne, E. S. Pillsbury and W. H. L. Barnes of this city, and others.

Validity of a Big Note on Trial in Glenn County.

ALLEGED CLAIM ON THE MURDOCK ESTATE.

AMOUNT INVOLVED OVER THREE HUNDRED THOUSAND DOLLARS.

Niece of a Dead Pioneer Says the Document Was Given Her Over Twenty Years Ago to Settle a Loan.

WILLOWS, April 4.—A case involving the validity of a note, the principal and interest of which amounts to $300,000, was commenced in Glenn county's Superior Court this afternoon. The case is that of Mary Helen Murdock against the executors of the estate of William Murdock, deceased, and the proceedings will be of great interest to the people of Northern California, the story of the action being known to nearly every one and the facts being unusual.

William Murdock was an old settler in this section, and died in 1894. After the probate of his estate was commenced a claim was presented against his estate by Mary Helen Murdock, wife of Gawn Murdock of Orland, for the amount of the note. Mrs. Murdock claims that the note was given in consideration of a debt due from William Murdock to Samuel Murdock, her husband's father. It was further understood that the money was to be for the benefit of her children, who are the grandchildren of Samuel Murdock. Upon the refusal of the executors to act on the claim suit was commenced.

The defendants, Adam Compton, W. P. Harrington and B. H. Burton, the executors, claim the note is a forgery, and the case will be bitterly fought. Grove L. Johnson, W. P. Thompson, Frank Freeman, C. L. Donohoe and W. M. Cannon are the attorneys for the plaintiff, and General W. H. L. Barnes, Richard Bayne, F. C. Lusk and Ben F. Geis appear for the executors. Famous handwriting experts, including Dan T. Ames of New York, are here, and over eighty witnesses have been subpoenaed.

The securing of a jury commenced to-day. Judge Pirkey is presiding. The parties to the suit are very well known in this section and interest in the case is intense.

The estate is appraised at over $300,000. The will made an equitable distribution to one sister and several nephews and nieces. Many persons have lost confidence in the holders of the note since it came to light. Murdock was known to be a very wealthy man many years before his death. Nobody ever knew of his owing a dollar. He was exceedingly close, had no vicious habits and stuck close to his home, attending to his work. He had a large amount of money in the bank for several years. He visited little or none with the niece who holds the note. People here generally do not believe the note is genuine, but little is said. During the whole afternoon only three jurors were passed. It is expected that it will take two weeks to secure a jury, people being much disinclined to serve.

MURDOCK NOTE COMES TO TRIAL

Litigation That Involves Over a Third of a Million Dollars.

An Imposing Array of Attorneys Lined Up for the Great Battle.

TO BE DECIDED BY A WILLOWS JURY

Famous Experts in Handwriting Summoned as Witnesses---Charge of Forgery Is Made.

WILLOWS, April 4.—Willows put on a lively appearance to-day, the influx of over 200 persons in attendance on the celebrated Murdock $100,000 note case, the proceedings of which commenced this afternoon, giving the town an appearance of real life. This case bids fair to become famous in the annals of California's courts, and that the battle will be fought with the greatest stubbornness on both sides the preliminaries prove. Eminent attorneys have been engaged, Grove L. Johnson, W. P. Thompson, Frank Freeman, W. M. Cannon, C. L. Donohoe appearing for the plaintiff, while General W. H. L. Barnes, F. C. Lusk, Richard Bayne and B. F. Geis are representing the defendants.

The case rests on the validity of a certain promissory note dated September 5, 1877, for $100,000, with interest at 1 per cent per month, made payable to Mary Helen Murdock twenty years from date and signed William Murdock—a wealthy farmer and one of the early settlers here. He died in 1894 leaving a large estate.

Suit for the amount due at maturity, about $340,000, was commenced by Mrs. Murdock as soon as the note became due, the executors refusing to act on her claim. Last September the attorneys for the estate required Mrs. Murdock to appear and explain how she got the note and the facts as to the consideration. She stated in her deposition that the note was given for money loaned to Mr. Murdock. The executors of the estate claim that the note is a forgery.

Mary Helen Murdock is the wife of Gawn Murdock of Orland, this county, both of whom are well known in this section. The executors of the William Murdock estate are Adam Compton, his nephew; W. P. Harrington, the Colusa banker, and B. H. Burton, cashier of the Bank of Willows.

Daniel T. Ames, Carl Eisenschimmel and T. Kytka, the famous handwriting experts, are now at Willows. All of the counsel are here but General Barnes, who is expected to-morrow.

The work of securing a jury was commenced this afternoon, but the citizens seem shy of serving, judging from the excuses made.

The plaintiff's attorneys waived a jury, but the defense demanded one.

Oral Pirkey, Superior Judge of this county, is presiding. The case promises to be sensational.

EXPERTS IN THE MURDOCK CASE

Adepts in Handwriting to Bewilder Jurors in Willows.

Detectives Have Been for Months Noting the Opinions of The Citizens.

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The outline of the plan of battle on both sides can easily be deduced from the line of juror questioning. The plaintiff will contend that the $100,000 note was given for moneys advanced to William Murdock by Samuel Murdock, cousin of William and father of Gawn Murdock, who is the husband of plaintiff, and that the note was made payable twenty years from date so as to fall due about the time Mrs. Murdock's sons became of age. One of these sons is cashier of the Bank of Orland, this county, and the other is employed in a hardware store there. The defendants have plainly shown their cards, and their contention is forgery, pure and simple.

That the jury will be covered up and buried in expert testimony is a foregone conclusion. Dan Ames, Carl Eisenschimel and T. Kytka, the noted experts, are here with their apparatus and exhibits and will all appear as witnesses for the defense. The latter is building a laboratory out near the courthouse, and the same paraphernalia used in the Fair case will be a factor. Photographs eleven feet high will be introduced, and loops, potbooks and penmanship peculiarities will be exhaustively dwelt upon.

The examinations to-day were conducted by Attorney Frank Freeman for the plaintiff and F. C. Lusk for the defendant. Grove Johnson argued the points of challenge and was in a sarcastic humor. General Barnes addressed the court but once. The questions of "Did you not on such and such a day say to Mr. So-and-so that you believed this note to be a forgery?" were decidedly annoying, but were relished by the spectators. But five jurors have been passed, and when the peremptory challenges are used some of the passed twelve will no doubt be knocked down and out.

A witness will be put on the stand to-morrow in an endeavor to disprove certain denials as to an alleged expressed opinion denied to-day by Hugh Nelson, a well-known Willows citizen, and local people are looking forward to the appearance of the witness.

HARD WORK TO GET JURORS AT WILLOWS.

A Handwriting Expert Arrives With a Carload of Apparatus to Work in the Murdock Case.

WILLOWS, April 5.—Willows people are standing open-mouthed and aghast at a scene where the ownership of $340,000 in glittering $20 pieces is in question. At the depot they saw almost a carload of photographic apparatus belonging to T. Kytka, the handwriting expert of Fair will fame, unloaded for use in the Murdock case. The country is puzzled. In addition to all this, saw W. H. L. Barnes, who arrived on to-day's train, and whom they had heard of in the city dailies.

The work of securing a jury proceeds slowly. The tendency with most of the talesmen is to say that they had expressed themselves that they did not believe Murdock would have given such a note. It has already developed that the plaintiffs have had emissaries about the county interviewing the panel of jurors. The plaintiffs' counsel challenged one of the old settlers in the person of Hugh Neilson. When asked if he had on the day before expressed an opinion that the note was a forgery he said he had not. He was promptly challenged and an offer made to show that he had so stated. Judge Pirkey passed the matter until to-morrow morning, when proof will be offered to disfranchise the old settler.

Five jurors were obtained to-day.

ATTEMPT TO BE MADE TO IMPEACH A JUROR

WILLOWS, April 6.—The work of selecting a jury in the Murdock note case involving May Helen Murdock's claim for $100,000 went on to-day and but little progress was made. The examination of talesmen was searching, both sides exercising great care. Four were passed, but none accepted. No peremptory challenges have been used by either side. At the close of the session Attorney Freeman for the plaintiff announced that he would produce witnesses at the opening of court to impeach Juror Neilson, who declared while being examined that he had never discussed the case.

ELEVEN JURORS SECURED.

Great Interest Manifested in the Murdock Case.

WILLOWS, April 6.—Eleven jurors have been secured to pass upon the validity of the note against the estate of William Murdock. The jury will probably be completed to-morrow. The case excites more interest than any other ever tried in this section. The taking of testimony will probably begin to-morrow afternoon.

STILL HAGGLING OVER THE JURY

Eleven Talesmen Have Been Selected in the Murdock Note Case.

The Defendant Makes Her First Public Appearance, Smartly Gowned.

A SENSATION THAT PETERED OUT

A Floral Tribute by General Barnes--- Challenges Almost Exhausted on Both Sides.

WILLOWS, April 7.—Three peremptory challenges by the plaintiff and two by the defense, eleven jurors passed and one on the grill, tells the story of the Murdock case proceedings up to this afternoon's adjournment. A stir was caused in court this morning when questions were asked a talesman as to a visit made to his house the evening before by Ben F. Geis, an attorney for the defense. This talesman, F. Jordan, a well-known citizen of Willows, and testified that he did not say in the presence of his daughter and another lady that he believed the original note in question was for one hundred dollars and that three ciphers had been added by Mrs. Murdock. The juror testified this morning that the attorney had not addressed him the evening before while at his house, and the only words of his to the attorney were, "I suppose they are going to send me to San Quentin."

The expected sensation did not materialize, for the attorney stated to the court under oath that his visit was made openly, and was for the purpose of ascertaining from the daughter certain facts which might necessitate calling her as a witness. The court fully exonerated the attorney.

It seemed a difficult matter to get the twelfth juror this afternoon. Nearly every talesman had either expressed himself about the case or held an opinion which disqualified him. Judge Pirkey announced that he would have an unbiased jury if it took all summer.

The plaintiff, Mrs. Mary Helen Murdock, made her first appearance in court this afternoon. She was the cynosure of all eyes, but did not seem to be conscious of it. Mrs. Murdock is quite an attractive-looking woman, and she was smartly gowned. Many of the spectators had never seen her, and the general remark was that she was a much younger-looking woman than the general idea led people to expect. She seemed much interested in the proceedings, and the arguments of the attorneys received her full attention.

As if to prove to the court, jury and spectators that he did not believe in the peppered bouquets spoken of in "The Examiner," General Barnes, who arrived in court late, before taking his seat presented Grove L. Johnson with a rosebud to-day, and made his most polite bow with the proffered blossom.

It is generally believed that the jury will be sworn to-morrow morning. Court will then adjourn until Monday afternoon. To-day's "Examiners" arrived shortly before the opening of the afternoon session, and the first published photograph of the celebrated note came in for a great share of attention. "Examiners" were soon at a premium, as there has been a general desire to see what this famous note looked like.

Plaintiff has but one more peremptory challenge. Two can yet be exercised by defendants. The jurors who have been passed are F. X. de Jarlais, Silvester Mapes, C. H. Seborn, Isaac Miller, C. A. F. Vestnet, I. M. Neideffer, W. L. Grinstead, G. E. Wright, A. F. Harder, J. G. Carmichael and J. L. Beuder.

FIND TWELVE MEN TO THEIR LIKING

The Jury in the Murdock Note Case Is Completed.

Eight Farmers, Three Blacksmiths and One Laborer Compose the Panel.

[Special Dispatch to "The Examiner."]

WILLOWS, April 8.—Twelve citizens of Glenn county stood in the jury-box of the Superior Court this morning with their right hands uplifted and swore to do their duty in rendering a verdict in the matter of the great Murdock note case.

The jury was accepted by both plaintiff and defendants before the noon hour. Ten of the eleven names of the talesmen published in "The Examiner" to-day are members of the sworn jury. The names of the twelve men who will say whether or not the signature in this note is a forgery are:

F. X. DE JARLAIS,	W. L. GRINSTEAD,
SILVESTER MAPES,	G. E. WRIGHT,
C. M. SEBORN,	A. F. HARDER,
ISAAC MILLER,	J. G. CARMICHAEL,
C. A. F. VESTNER,	ALBERT EMERALD,
I. M. NEIDEFFER,	T. B. DRAKE.

Eight of these men are farmers, three are blacksmiths, and one is a laborer. None of them are men of wealth.

To-day's proceedings were a repetition of the questioning of the four preceding days, but a real sample of forceful oratory by General Barnes, and the breathless moment when the jury was suddenly accepted, furnished the crowd of spectators plenty of interest.

General Barnes argued for thirty-five minutes as to the qualifications of a certain talesman, declaring in the course of his talk that the genuineness of the signature to the note was the one issue involved, and making a dramatic reference to the trembling hand of the forger as it traces through the sinuosities of a signature.

Grove L. Johnson replied and, styling himself "only a country lawyer," said that a bad example had been set by the "leader of the San Francisco bar" in discussing the merits of the case at this time.

Johnson's challenge of the talesman was sustained.

The acceptance of the jury came unexpectedly, and when Attorney Freeman for the plaintiff said, "We accept the jury," the announcement created a stir.

Attorney Lusk said that the jury was satisfactory to the defense, and the twelve men were sworn in.

One peremptory challenge was left each side when the acceptance came.

Judge Pirkey announced an adjournment until 2 o'clock Monday afternoon, when the great battle for nearly a half million dollars will commence.

The plan of battle seems to have been clearly outlined in the examination of talesmen during the week. The experts, Ames, Kytka and Eisenschimel, pronounce the signature to the note to be a bungling forgery, while the plaintiff's attorneys say with an easy confidence that they will prove that the note is a good one, and that the circumstances of the transaction, termed queer by some, will be fully and satisfactorily explained.

It is predicted that the trial of the case will develop some startling sensations.

The interest in the celebrated case increases daily and the courtroom will be crowded when the fight begins on Monday.

Kytka's Kurious Killer.

Artists are full of fads, and Theodore Kytka the celebrated authority on chirography and photographic expert, is no exception.

Mr. Kytka's fad is out of the ordinary. He is a "crank" on firearms—particularly pistols. Mr. Kytka has a collection of pistols of every known make and ... He is an authority on pistols, is Kytka. Not only that, but Mr. Kytka is a wonderful pistol shot and has broken records with some of his pet shooting irons.

But the one pet pistol of Mr. Kytka is something worth looking at, and a Journal reporter had the pleasure of seeing this weapon and of being told about it. This gun is a curiosity. It was made in Austria (and by hand) and the explosive agent is dynamite. It is a curious looking weapon, but is the very acme of perfection in such an arm. Cartridges are placed in a steel chamber and one ball can be fired or six can be shot at one time in the space of an instant. There is no report. Only a puff like that made by a hod-carrier when he lights his clay pipe.

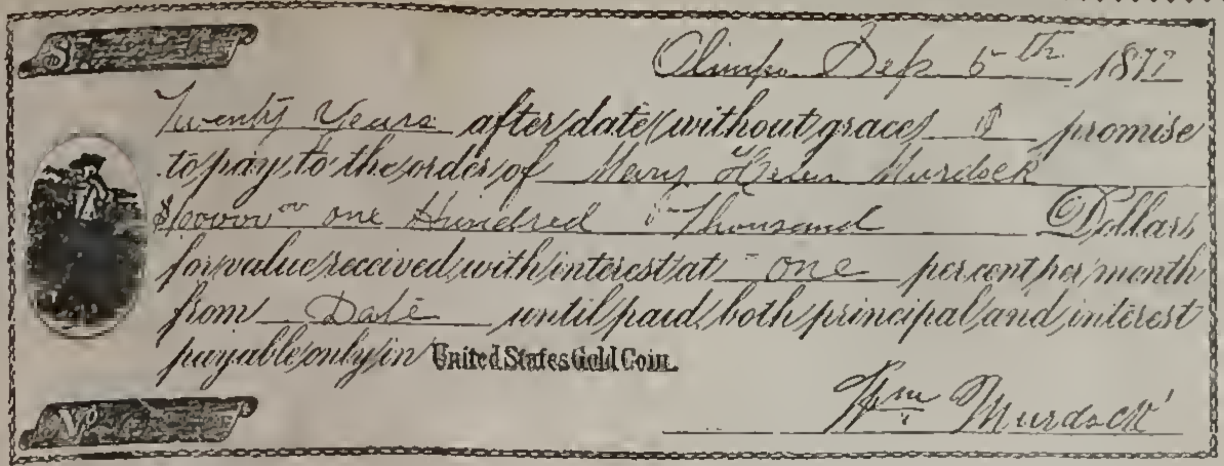
This gun is therefore like the "Vesuvius" which coughed up earthquakes at Santiago; and in comparison with any ordinary pistol, Kytka's Austrian terror is as a river boat carrying 1776 cannon compared to this same earthquaking "Vesuvius."

When these six bullets reach their mark they make a clean wound and there's no probing—they go through. Mr. Kytka and chief of police Lees of San Francisco are warm friends and they have made some interesting experiments with the weapon, such as sending the six balls through a solid piece of ... hardwood from a considerable distance, etc.

Mr. Kytka has a shooting gallery fitted up at his home and a favorite pastime is to take a company down stairs and shoot quarter dollars and dimes for the ladies, as souvenirs.

It struck the reporter that the dynamite pistol would be the thing for cats. A cat, you know, has nine lives. One shot calls everything off with six of the animals lives and we are prone to believe that when a hoodlum cat feels this procession of bullets plowing through his anatomy and finds six of his existences gone in such a mysterious manner that it's dollars to doughnuts the other three would be scared out of him on the spot.

PEOPLE FLOCK TO WILLOWS, AS TO A COUNTY FAIR, TO ATTEND TRIAL OF THE FAMOUS MURDOCK NOTE CASE


Olimpo Sept 5th 1877

Twenty Years after date (without grace) I promise to pay to the order of Mary Helen Murdock $100,000 one Hundred Thousand Dollars for value received, with interest at one percent per month from Date until paid, both principal and interest payable only in United States Gold Coin.

No. 93 Wm Murdock

NOTE ON WHICH THE CELEBRATED GLENN COUNTY CIVIL SUIT IS BASED.

The paper is claimed by defendants to be a forgery. Should the Court hold it to be valid, the judgment for plaintiff will be in the neighborhood of $500,000, because of the compounding of interest.

WILLOWS, April 6.—The end of the third day's proceedings in the Murdock note case finds eleven jurors passed, with an argument on as to the plaintiff's challenge of the twelfth. It is very probable that a jury will be sworn in to-morrow to pass upon the validity of the celebrated note.

Citizen Nelson, who denied making certain statements about the note, was excused this morning when a witness swore that such statements were positively made to him. The work of keen-eared detectives was much in evidence again to-day, and all of this serves to make the usually dry proceeding of selecting a jury quite breezy and interesting. Then, too, General Barnes was in a merry mood. He and Grove L. Johnson handed many peppered bouquets to one another.

The different opinions garnered by the numerous inquisitions are various and would fill a large volume. The attorneys have delivered long dissertations on the subject of what constitutes an unqualified opinion, and the harassed jurors are beginning to regret that they were ever able to hold such a boomerang-like article. The subject of expert testimony is also coming in for a great deal of attention in juror questioning.

There was much curiosity manifested in the courtroom to-day when the attorneys, in company with the three famous handwriting experts, repaired to the Judge's chambers, carrying with them cases of apparatus and a bundle of checks and books, the latter presumably containing specimens of the chirography of the man whose name is signed to the note in question.

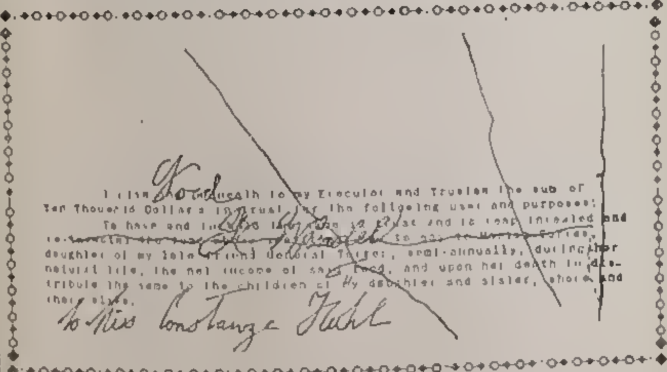
The nature of this celebrated note, it being payable twenty years after date, and bearing interest at 1 per cent per month, enters largely into the questioning of talesmen, and in a way that shows that the plaintiff's attorneys do not want to be obliged to remove any entertained prejudice as to the giving of such a document. When a juror testifies that he has remarked that he thought the transaction singular, or queer, he is in for a grilling. All of the penmanship experts present are witnesses for the executors, the holder of the note, as far as can be learned, relying on other than expert testimony to prove her case. As the case progresses, the confidence of the defense in their ability to prove the paper a forgery becomes more manifest. That witnesses will be hauled over the coals is a surety, and developments are awaited with the keenest interest.

The town is crowded, hotels are full and the influx continues. Mrs. Mary Helen Murdock, the plaintiff, is not present. It is understood that she will arrive from her home to-morrow. Her husband and two sons have been present each day.

THE EXAMINER, SAN FR.

HER NAME CUT FROM THE WILL, BUT STILL SHE DEMANDS HER LEGACY

Apr. 16-


I give and bequeath to my Executor and Trustee the sum of Ten Thousand Dollars in trust, for the following uses and purposes: To have and to hold the same in trust and to keep invested and to pay the net income to Marian Torres, daughter of my late friend General Torres, semi-annually, during her natural life, the net income of said fund, and upon her death to distribute the same to the children of my daughter and sister, share and share alike.

Void H. Windel

to Miss Constanze Habl

THE ODD CHANGE IN HENRI WINDEL'S WILL.

MISS MARIAN TORRES has made an application to the Superior Court for a legal interpretation of the will of the late Henri Windel. According to the petition of Miss Torres she holds that she is entitled to the interest on $10,000 to be held in trust by the executor of Windel's will, and she complains that there seems to be a disposition on the part of others interested in the estate to deprive her of this revenue.

Windel's will, as filed in court, bears on its face several erasures. The clause pertaining to Miss Torres provided that the sum of $10,000 should be invested for her benefit, the net income to be paid to her semi-annually and at her death the principal to be distributed share and share alike to the children of the testator's daughter and sister.

This entire clause was subsequently crossed out and across it was written, "Void. H. Windel," and words were added purporting to substitute Constanze Habl as beneficiary.

The writing bears a resemblance to that of Windel, the deceased, and its genuineness has not yet been questioned. Attorneys for Miss Torres take the position that even if Windel did obliterate the clause in this way, yet Miss Torres is entitled to the legacy mentioned in the will. Their contention is that the original intention of the testator was expressed when he executed the will in the presence of competent witnesses who testify that at that time he was of sound and disposing mind; that if he wished to alter the disposition of his estate he ought to have proceeded in the regular and legal way of executing a codicil, with the necessary witnesses, so that the question of his mental condition at the time of the proposed change could be shown, that the law does not countenance capricious changes of this kind in testamentary documents that have been executed with all the formalities required by the code; that as Windel's original will was duly acknowledged it must stand as the accepted expression of his intention, since the alteration bears no such proof of authenticity.

On behalf of the next of kin it will be argued that neither woman named in the clause is entitled to the money, since the name of Miss Torres was erased, and though Miss Habl's name is clearly written at the bottom the words which purport to give the money have been stricken out.

Supplement Willows

The Big Murdock Note.

Willows is just now filled to overflowing with people, having to do in some capacity with the Murdock note case, which is on trial in our Superior Court. One hundred jurors have been subpoened and all appeared but two. Nearly one hundred witnesses are in attendance, including such notables as Daniel T. Ames, the hand-writing expert from New York, who figured so prominently in the Fair Will case. There is besides, handwriting experts Carl Eisenschimel and T. Kytka, not less noted than Daniel T. Ames.

Judge Oval Pirkey seems to exactly fit the place, and acts as if the place fit him. At the opening of the case, Attorney F. C. Lusk asked that the record be made to show that W. H. L. Barnes and Richard Bayne of San Francisco, and Ben F. Geis of Willows, appear with him as Defendant's Counsel. Plaintiff's array of Counsel consists of Grove L. Johnson of Sacramento, W. P. Thompson of Fresno, Frank Freeman and W. W. Cannon of San Francisco and C. L. Donohoe of local fame. The Jury had been demanded by the Attorneys for the executors of the Murdock estate, who are defendants, the other side having waived a Jury.

The big note which causes all this commotion is as follows:

$100,000 Olimpo Sept. 5th, 1877.

Twenty years after date (without grace) I promise to pay to the order of Mary Helen Murdock $100,000 One Hundred Thousand Dollars, for value received, with interest at one per cent per month from date until paid, both principal payable in United States Gold Coin.

No. 93 Wm. Murdock.

The holder of this note asks that the estate of William Murdock, deceased, hand over the sum of $340,000, including interest on same. The matter truly presents a strange incident in human affairs.

Gawn Murdock and his family are among the most respected and best known of all old settlers in the Orland country. Gawn Murdock's name has stood as a synonim of honesty and integrity in all his business relations, for years and years.

On the other hand, we have in the deceased Wm. Murdock, one of the rich old California bachelors, that had not permitted himself to owe anyone a dollar for years past, so far as was known. He was one of the known rich men of upper California and had glittering gold piled away in the banks for which he had no particular use except to pay his debts, if any he owed. He was of the plain and saving sort, without vicious habits or extravagant ideas. He had heard before he died, that it was claimed that such a note was out, but he emphatically denied having ever given it. Whether he did or did not, is a question of fact that will be determined by the best means devised by human invention. Because that it is an unusually large note, is no reason why Mrs. Murdock should not collect it, if it be determined that the money is rightfully due her, just the same as if the sum amounted to only $10.

On the other hand, so vast a fortune as is represented by the Murdock estate, is a very tempting bait to human frailties in these hard times. We shall watch the progress of the trial with a great deal of interest and will try to furnish our readers with as much of the proceedings as our space will permit, giving the striking incidents as they may occur.

THE QUICK AND THE DEAD SLEEP SIDE BY SIDE THROUGH TWO MONTHS OF ARCTIC DARKNESS

Walter Wellman Tells the Story of His Explorations and Discoveries on His Polar Voyage, Which Include Startlingly Strange Experiences.

"WE FOUND THE SURFACE OF THE ICE IN AN ALARMING STATE OF UPHEAVAL"

MR. WELLMAN'S EXPLORATIONS.

Walter Wellman, the American explorer, has returned from his explorations in Franz Josef Land, which he undertook more than a year ago with an idea of perhaps reaching the North Pole and, at best, penetrating further north than any previous explorer had ever succeeded in reaching. He has arrived in England with his party of four Americans and five Norwegians. He tells in his own words the story herewith presented of his trip and the successes with which it met. While he failed to reach the pole, he is still hopeful that it can be done through Franz Josef Land. That he did not proceed farther north was due to an accident which befell him and compelled him to return to civilization for treatment, which he is now undergoing in England.

He established a station, which he called Fort McKinley, in Franz Josef Land which he confidently believes may be successfully used to reach the pole with some future expedition. Not only this, he has discovered a new [illegible] [illegible] the rigors of the climate. The story of his death, and the heroism of his sole companions, are graphically described and intensely interesting:

sole companions, are graphically described and intensely interesting:

Here is how Mr. Wellman describes the expedition:

By Walter Wellman.

Our party consisted of nine members, four of whom were Americans and five Norwegians. The Americans were Evelyn B. Baldwin, Quirof Harlan, physicist and photographer; the medical officer and myself. Our five Norwegian sailors were Bernt Bentzen (who was with Nansen on the Fram), who unfortunately lost his life, Paul Bjoervig, Daniel Johansen and two brothers named Emil and Olaf Ellefsen.

The objects of the expedition were twofold, first to complete the exploration of Franz Josef Land, of which the north and northeast parts were practically unknown, and second, to make, if possible, a high latitude, or even the Pole itself. The first part we were able successfully to accomplish, and the second we should have been able to achieve at least to the extent of advancing nearer to the Pole than any previous explorers, but for an accident to myself.

Our party assembled at Tromso on June 26, 1898, and thence sailed in the sealer Frithjof for Archangel, where our Siberian dogs, eighty-three in number, were embarked. From Archangel we steamed north in the direction of Cape Flora, Franz Josef Land, the headquarters of the Jackson-Harmsworth expedition. On July 23d we stepped ashore, and went to Elmwood, the depot made by Mr. Jackson.

The Union Jack, which had been run up on the flagstaff there when the British party left, was still floating in the breeze, and the lonely Arctic settlement remained in exactly the same condition in which it had been left. We had hoped to find some traces of Andree here, but were disappointed. We effected an entrance into the log house, having Mr. Harmsworth's permission, and took on board our steamer a small collapsible house to serve as our depot.

For the information of subsequent travelers, and also as a measure of precaution, we left some letters on the table of the log house and, after carefully refastening the doors, re-embarked to our ship. Before sailing we ran up an American flag on the pole underneath the British ensign. We steamed due east towards Cape Tegetthoff and reached there July 30th. Landing, we set to work to establish our head depot.

The provisions, sledges, etc., were all sent ashore, and on August 3d the steamer returned to Norway. Our headquarters were erected on a shelving beach, where twenty-five years previously Payer had set foot on Franz Josef Land. His was the only expedition that had ever been there. At the back precipitous basaltic cliffs rose to an elevation of 1,400 feet; in front was the dreary expanse of ice and sea. Our depot consisted in part of the small hut which we brought from Cape Flora, eighteen feet in diameter, circular in form and roofed with canvas, and an adjoining storehouse, built of lumber which we had brought from Archangel.

The Stars and Stripes were run up and the place was named Harmsworth House. My plan now was to use the remainder of the summer establishing an outpost as far north as possible and accumulating there stores and equipment. To this end Mr. Baldwin and a party of Norwegians started on August 5th with sledges, dogs and small boats over the ice, myself and the remainder of the party intending to follow in a few days. This we afterward found ourselves unable to do because of the sudden break up of the ice and the rough seas.

Meantime Mr. Baldwin penetrated as far as Cape Heller on the coast of Wilczek Land. Here he established an outpost and remained to await the arrival of our party. I sent two of the Norwegians back after them to recall them, finding our way blocked. These came up with them about September 28th. Nearly three weeks later they started back, leaving Bernt Bentzen and Paul Bjoervig behind to care for the outpost. After great hardships they reached us on October 30th.

We then settled down for the winter, spending our time hunting and in taking scientific observations. We had a number of exciting experiences with bears and walruses, but luckily escaped unhurt from all. The winter passed quickly and though attended by great discomfort none suffered injury, so when on February 18th the sun returned we were ready to proceed north without delay.

During the latter days of February there is little light. We stumbled along like drunken men in the deep snow and rough ice. On February 27th we came in sight of Baldwin's outpost, which he had named Fort McKinley. It is an odd circumstance that as we approached the mass of snow under which the hut was buried, the thought ran through my mind, "What if one or both of the men should be dead!"

As I advanced towards the tunnel which led down into the hut a man appeared at the mouth, rifle in hand. Instinctively I knew something was wrong. The man was Paul Bjoervig, and as he shook my hand the tears came into his eyes, and he said:

"Poor Bentzen is dead!"

It was true. Taken ill early in December, and steadily growing worse, he had been tenderly nursed by his comrade, Bjoervig. The two men had been close companions in Norway, and right glad were they of this chance to spend the winter together in a far northern hut, only twenty or thirty miles east of a similar hut in which two of their countrymen, Nansen and Johansen, had passed the winter of 1895-96.

Before Bentzen was taken ill the two comrades had talked, perhaps only half seriously, of the possibility of one or the other dying, and they made a mutual promise that in such an event the survivor would keep the body of his dead comrade in the hut till help came, instead of trying to bury it in the rocks, where bears and foxes might get at it.

"Of course you have buried Bentzen," I said to Bjoervig.

"No," he replied, "he lies in there," pointing to the hut. "I kept my promise."

At first I could not believe it possible that the quick and the dead had slept side by side through nearly two months of Arctic darkness. But there, in one end of the gloomy little hut, side by side, lay two sleeping bags. In one were the remains of Dr Nansen's former comrade, carefully covered, and in the other Bjoervig passed his lonely life. It would be difficult to imagine a more dreadful ordeal for test of human courage than this brave Norwegian had endured, and we were surprised to find him not only sane, but cheerful.

He had had no books, no companions but dogs, little to do; and how do you suppose this sailor managed to keep up his spirits? By reciting aloud over and over again the writings of Ibsen and other Norwegian poets, whose works he knew by rote—a remarkable instance, I take it, of the power of literature to afford solace even to a humble man through a terrible experience.

Next day he gathered stones and built a tomb, in which our dead comrade was carefully buried, a few fitting words being spoken as we all stood round. On that day we had 70 degrees of cold. Bentzen was a splendid fellow, and it seemed a queer dispensation of fate that he who had passed unscathed through the three years of the Fram's voyage should at last be buried in the eternal ice, a victim of some unknown disease.

After a delay of ten days, due to severe storms, our party of five, including Bjoervig, pressed northward, each man with a sledge and team of dogs. Notwithstanding storms and rough ice, by March 20th we were at latitude 82, east of Rudolf Land, discovered by Parker in 1874.

Our prospects at this time were most reassuring. We had everything we needed—tent, canvas canoe, plenty of food, men and dogs in good condition. We had passed through the period of darkness and greatest cold and had three months or more of the most favorable season before us. We were all confident of being able to reach at least the 87th parallel of latitude, and perhaps farther, before turning back.

It goes without saying that we suffered as men must always suffer on sledging expeditions in temperatures ranging from 25 to 45 below zero. Sleeping in a tent, with no fires for heating or drying, with blankets and sleeping bags frozen stiff like sheets of metal, requiring two hours of the heat of one's body to thaw them into wet wrappings. But all this is endurable by hardy men, and we were all in fine form and spirits, confident of our ability to push forward an average of nearly a degree per week thereafter.

Then occurred a seemingly trivial accident, which turned our satisfactory advance into a precipitate retreat. While struggling with my sledge and dogs in rough ice at the head of the party my right leg was bruised and sprained by a fall in a snow-hidden crevasse. At first the injury did not appear serious, though it was painful, and without saying anything to my companions I went on that day. Next morning I was lame, but, doubling my sledge with Bjoervig's, continued yet another day. Still I did not realize the seriousness of my hurt, and if something had not occurred to turn us back, we should have passed on so far that I should never have been able to return alive. But, fortunately for me, fate intervened.

The night of March 22d we were encamped upon thick, apparently safe ice, some ten miles from land, in calm weather. There was not the slightest sign of danger, even to our alert practiced eyes.

About midnight we were awakened by the ominous sounds of ice pressure. Before we could get out of the tent the ice opened underneath our sleeping bags, and, stepping out, we found the surface in a most alarming state of upheaval.

The ice was in violent motion, deep, water-filled crevasses yawned and a number of dogs and small sledges had been crushed. In the darkness and storm it was impossible to see in what direction, if any, safety lay, and we did not know at what moment we should find ourselves thrown into the water, there to be overwhelmed by the avalanches of ice.

We stood our ground, however, and managed to save most of our equipment and provisions. In doing so it was necessary to take chances of death by stepping upon pieces of ice already tilted at an angle of thirty degrees or more, their lower edges in the sea. My brave Norwegian comrades knew no such word as fear, and after a half-hour's struggle we reached a place of safety.

Some of our instruments and all our dog food were lost in the upheaval, and while it would have been possible to go on for a time the condition of my leg demanded retreat.

I continued walking, or rather stumbling, for two or three days more. At last, unable, unassisted, to get upon my feet when I chanced to fall in rough ice, and my leg being swollen to nearly twice its natural size from foot to thigh, there was nothing to do but go upon a sledge and be dragged by men and dogs back to headquarters and medical attendance. Forced marches by my devoted comrades, and the consequent shortening of the time during which I was compelled to remain in the field, saved my life.

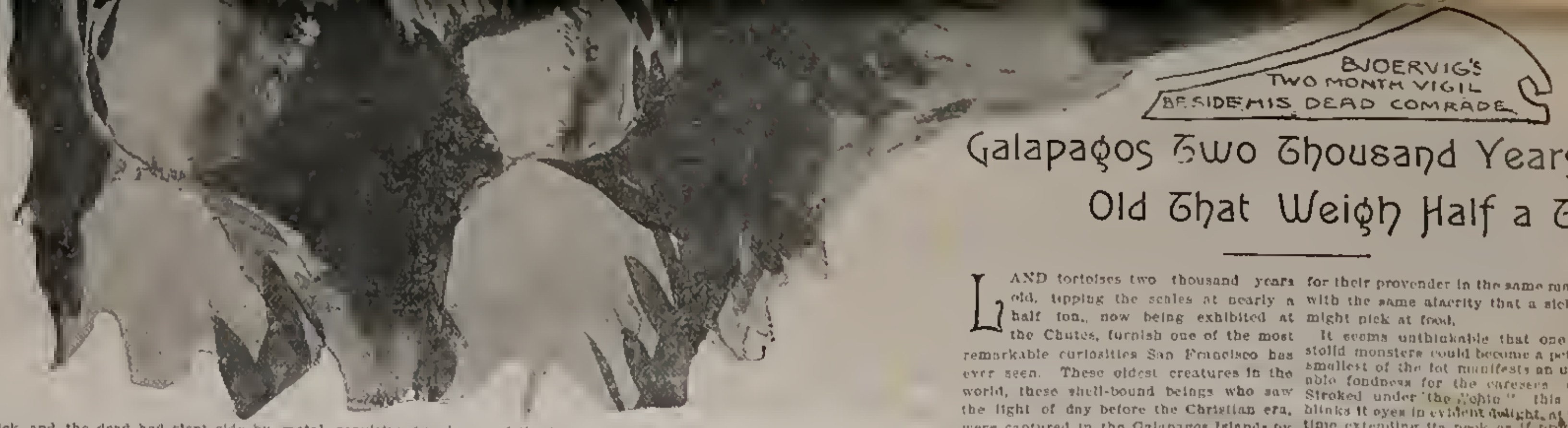
The point at which we turned back was about twenty-five miles northwest of the Freeden Islands, where Dr Nansen landed in 1895, and north of these islands we saw and took the bearings and photographs of three islands and a very large land, none of which had been seen by either Payer or Nansen. We were also able wholly to clear up the mystery of Payer's so-called Dove glacier, which simply does not exist, as Dr. Nansen had in part shown.

When we returned to the Harmsworth House I was under medical care. Mr. Baldwin, however, again took the field. Leaving the headquarters accompanied by four Norwegians, he examined the unknown region to the east of Wilczekland and made valuable discoveries, among them a new land which was totally unknown.

It lay thirteen miles east of Wilczekland—a large ice-covered island nearly as large as Wilczekland, and extending to 64 degrees east longitude. Several smaller islands were also discovered during this journey. After a week spent in the exploration of the land, the party sledged westward into Austria sound, and thence southward to Fort McKinley. Here two boats and provisions which had been left there were taken upon the sledges and hauled back to Cape Tegetthoff, the party arriving there on May 30th, having had an eventful but successful journey of five weeks' duration. The newly discovered land was named Graham Bell land, after the President of the National Geographical Society of America. Still another exploring journey was made by Mr. Harlan, and later a trip by steamer, the result being a fairly complete survey of the unknown and unmapped parts of the archipelago.

The whole party having then assembled at headquarters, we embarked on the sealer Capella on July 27th from Tromso and arrived safely in Norway.

I still believe it possible to reach the North Pole by Franz Josef Land, but whether or not I shall make another effort in that field I am unable to say.



Galapagos Two Thousand Years Old That Weigh Half a Ton.

LAND tortoises two thousand years old, tipping the scales at nearly a half ton, now being exhibited at the Chutes, furnish one of the most remarkable curiosities San Francisco has ever seen. These oldest creatures in the world, these shell-bound beings who saw the light of day before the Christian era, were captured in the Galapagos Islands by Captain Thomas and his crew of the schooner Julia E. Millard.

Huddled together in a repulsive group they present a very uncanny spectacle. The shell, dark colored and blocked off in irregular divisions, is the most striking feature. It is very convex, heavy and completely ossified. They have no occasion for endeavoring to change their coloring similar to their environment, for the shell is almost impenetrable. When you step upon the creature you can almost imagine that your feet are touching stone. The illusion is further carried out by this patriarch of the group by his remaining absolutely impassive to his burden. Only by dint of prodding the exposed portions of his anatomy can this queer thing be transformed into a beast of burden. Turned on his back this tortoise is the image of abject helplessness. One might suppose that this impotent creature would remain in that undignified position twenty centuries more, unless some outside force overcame its own inertia.

After a hurried inspection of the shell, which is such a wonderful part of the tortoise make-up, the attention is immediately drawn to the motive power and head. The tortoise is supposed to have derived its name on account of the curious way its fore legs are bent. When in repose the fore legs seem to protrude forward like mighty horns, blunt and resembling an alligator's skin in appearance. The tortoise is club-footed, the toes are distinct, the whole mechanism being developed for terrestrial life. Its elephant-like feet show great ruggedness and are fully capable of carrying the stupendous weight as century follows century.

Most repellant to the spectator is the large head, which is comparable to the head of a snake to a certain extent. Its lusterless eyes gaze around in half-sullen, half-languid glance at its new habitat. Its nose is very blunt and resembles two holes driven in a block. The mouth is quite a formidable, pretentious-looking affair, but destitute of teeth, having merely horny sheaths with sharp edges, which serve it in mastication. It is amusing to watch the cumbersome creatures devour the watermelon which is placed before them. Distending their jaws to their utmost limit, they lunge for their provender in the same manner and with the same alacrity that a sick chicken might pick at food.

It seems unthinkable that one of these stolid monsters could become a pet, but the smallest of the lot manifests an unmistakable fondness for the caresses of man. Stroked under the "chin" this tortoise blinks it eyes in evident delight, at the same time extending its neck as if proud of this scrawny possession.

While the unsightly appearance of these Galapagos renders them noteworthy, the thing which stamps them is their almost incomprehensible longevity. "Three score years and ten" simmers into insignificance when compared with a score of centuries. The tortoise carries the key which unlocks the secret door of his age on his back. The scientist by scrutinizing and collating the lines on the tortoise shell can determine to a nicety the age of this quasi-immortal being. Charles Darwin, when visiting the Galapagos Islands, saw the buzzards swoop down and capture the newly hatched tortoises, but it was his belief that the full grown only died by accident, such as falling over precipices. The inhabitants of the islands substantiated this theory.

Now, why is it that death's sickle is shattered when it encounters the tortoise? Is there an elixir of youth in the far-off Galapagos Islands? According to some inscrutable plan of Providence the tortoise is built to withstand the ravages of time. A recent writer throws some light on this abstruse subject. He maintains that the tortoise's body is spared the whole of that exhausting process of collapse and expansion which we call breathing, the shell is as rigid and unbending as a rock. Chest expansion is out of the question. Respiration is effected by the tortoise by inhaling air by means of producing a vacuum with its tongue and then swallowing the air like so much water, its capacious lungs receiving it. This little energy saving device adds numerous years to the life of the tortoise.

As mentioned above, this being has no teeth. It can munch its food by means of sharp, horny edges in its mouth, which do not wear out or drop out. They are always in order, and a usage of 500 years does not injure them so much as one bag of sweetmeats does the teeth of a child. So the tortoise can have no adequate idea of a toothless state, which would ultimately mean death. They have great "reserve force." If circumstances are such that it is impossible to obtain food for several months the tortoise calmly fasts until food is found. Sailors who visited the Galapagos in early times soon discovered this. They would capture easily the tortoises and deposit them in the hold of the ship, leaving them there without food or drink for months before slaughtering them.

As the tortoise can swim it is in no danger of drowning. It dies hard. It is extremely tenacious of life, surviving injuries which nothing else could. The heart of a decapitated tortoise continues to throb for many hours after every drop of blood has been drained from its body. The whole body seems to angrily resent the cessation of life's activity.

THE WORK GOES ON.

Ten Jurors Are Passed In The Murdock Note Case.

The Examination Of Talesmen Is Painstaking And Tedious To A Degree.

These jurors have been passed:

F. X. DeJARLAIS ISAAC MILLER
F. J. RYAN JOHN J. HULL
S. MAPES H. DOMONOSKI
C. M. SEHORN C. A. F. VERTNER
J. M. NEIDEFFER W. L. GRINSTEAD

Slowly moves the big case, like a ship starting from the ways. The vessel that bears all the hopes of the plaintiff has been builded with minutest care about the frame work of a dead man's alleged desire. From stem to stern and from turret to keel she is as trim as skillful hands can make her. Ahead lies a perilous voyage, beset with storms and reefs innumerable. The defendant's attorneys await like wreckers to shoal the ship whose honest purpose they deny. To those without the case the hurricane will doubtless afford a fascinating spectacle. To those within, it will probably afford opportunities that are rare and experiences that will become historic. The elements are gathering. The drawing of the jury is like the choosing of the ancient gods to sit upon a fray. In their hands lies the issue. For their fitness they are being weighed in a hair-balance and tested with a blow-pipe.

The Murdock case was called in the Superior Court yesterday morning at ten o'clock. Judge Pirkey stated that until further notice Court would convene at 9 a. m. and at 1:30 p. m.

The unwilling jurors had finished offering excuses and thirty-nine of them had been excused.

Yesterday's proceedings began with the examination of F. J. Ryan of St. John. In response to questions by Mr. Lusk, Ryan stated that he was a client of C. L. Donohoe, but that he had never discussed this case with him. He disclaimed any prejudice or opinion in the matter.

Mr. Lusk challenged Ryan because he was a client of one of plaintiff's attorneys. Mr. Freeman warmly protested the challenge, and it was finally disallowed.

Sylvester Mapes of Germantown had read articles bearing on the case in the Call though he could quote none of them. Mapes had done business with the Bank of Orland in which the plaintiff's son is employed, but the subject of the case had never been broached. Mapes was unchallenged.

H. B. Elliott remembered the death of William Murdock. He had been a friend of the deceased and from his knowledge of the man he did not believe it probable that he would execute such a note as the one in evidence.

The questioning of Elliott was resumed after the noon recess. It was elicited that the juror had a more or less clearly defined opinion which had been expressed. Mr. Lusk thought that this was only such as any juror might hold before hearing the evidence. Mr. Johnson addressed the Court with a plea for dismissal of Elliott, alleging that his bias discredited him. The Court concurred and the juror was excused.

C. M. Sehorn was taken in hand by Mr. Freeman and in answer to questions told all about himself. He disavowed a present interest in the Willows Journal. He had not discussed the case at length and believed himself impartial. He was not challenged.

Hugh Neilson was next examined. He had known the deceased Wm. Murdock, but had had no business relations with him. The matter of the juror's opinion was a little uncertain. He was open to conviction but he did not seem positive that he was at the present time uninfluenced. He said he had never expressed an opinion or a prejudice with regard to the case. The plaintiff's counsel questioned him closely on this point. He re-affirmed his statement. Plaintiff's counsel then moved a continuance of the juror's examination until this morning when witnesses could be heard. The motion was granted.

John Mann was asked many questions. He had more or less knowledge of the matters involved. He stated in reply to a question that he inclined toward an opinion with regard to the note. He was on the stand when Court adjourned.

THURSDAY'S SESSION.

Judge Pirkey took the bench promptly at 9 o'clock. All the talesmen answered to their names.

J. H. Soeth asked to be excused from further attendance because his turkey ranch needed immediate attention. Mr. Johnson facetiously agreed to consent on condition that Soeth send him a turkey. The juror was excused.

The case of juror Neilson was taken up. The plaintiff's side had two witnesses on hand to prove an expressed opinion. Bud Drew was called to the stand. Mr. Drew stated that he and held conversation with juror Neilson in front of Justice West's courtroom on Wednesday of last week. They had talked of the Murdock deposition and Mr. Neilson had said that it "looked like a thin story." He was not cross examined.

J. C. Zumwalt was placed on the stand. He had discussed the case with juror in question over a game of checkers on the famous board in Leddy's shoe shop, some time ago. He quoted Mr. Neilson as saying that he "did not believe Bill Murdock would give such a note." Cross examination was waived.

After he had examined Mr. Neilson, Mr. Lusk addressed the Court at some length. He claimed Neilson's eligibility. The attorney thought the juror had only such an undefined opinion as any intelligent man would hold.

Mr. Johnson went to some pains to illuminate the prejudiced condition of the jurors mind. He demanded unbiased jurors.

The Court sustained plaintiff's challenge and excused Mr. Neilson.

John Mann's name was again called. He was challenged for cause and excused by the Court.

John J. Hull expressed himself as having no opinion and no prejudice. He could mete out justice even to a banker. He had not discussed the case. He was passed by both sides.

Henry Domonski was questioned at length concerning his opinion or lack of opinion in the matter. Just before the noon recess Mr. Johnson challenged on the ground of bias and under the section relating to principal and client. At the afternoon session the Court disallowed the challenge.

Five additional jurors were summoned to the box. They were C. A. F. Vertner, Henry Jameson, J. M. Neidoffer, Chas. Scribner and W. L. Grinstead. R. B. Dunning was excused on account of sickness.

Juror Vertner was lead through the intricacies of expert testimony. He said he would give preference to expert opinion. He thought he could try the case impartially. He was allowed to pass.

J. M. Neidoffer knew little about the case. He was in no wise prejudiced. He was not challenged.

Charles Scribner admitted that a close personal knowledge of Gawn Murdock would influence his opinion wherever the latter was concerned. He was challenged by Mr. Lusk. Mr. Johnson demurred, but withdrew the objection. Scribner was excused.

W. L. Grinstead gave satisfactory answers to the numerous questions asked him and he was passed.

Henry Jameson is being examined at the hour of going to press.

BATTLE BEGUN FOR A FORTUNE

Opening Statement in the Murdock Suit.

PLAINTIFF AVERS THE NOTE IS GENUINE.

TWENTY YEARS' WANDERINGS OF THE PRECIOUS DOCUMENT IN THE CASE.

Defendant Interposes a Technical Objection That May Throw the Action Out of Court.

Special Dispatch to the "Chronicle."

WILLOWS, April 10.—The courtroom was crowded this morning, when Attorney W. M. Cannon arose to make his opening statement for the plaintiff in the now celebrated Murdock note case, in which Mrs. Gawn Murdock seeks to recover from the estate of William Murdock on an alleged note for $100,000 and interest at 1 per cent per month from the date of its issuance, twenty-two years ago. Attorney Cannon began by referring to the date of William Murdock's settlement on the farm, where he died, in 1860. He engaged in stock-raising and got hold of all the Government land he could. His cousin, Samuel, was also a stock-raiser on Stony creek, in partnership with his son, Gawn, the husband of the plaintiff. Samuel, from year to year, was loaning William large sums of money. Gawn, the son, objected, and finally had a falling out with his father, and a dissolution of partnership followed. Gawn paid his father a large sum of money, which also went to William. The father and son were never good friends thereafter.

In the fall of 1877 Samuel and William agreed to meet at the home of Gawn and settle their financial affairs. In the presence of Mrs. Gawn Murdock, of whom Samuel was always very fond though he disliked her husband, and wanted it understood that none of his money should ever go to him. It was found that $100,000 was due to Samuel. The plaintiff had two young sons, whom William Murdock also had great affection for. William agreed to make a note that would come due about the time the children came of age. A note was drawn in favor of Mrs Murdock on September 5, 1877. She took the note and rolled it around a slate pencil or lead pencil, rolled tinfoil around it and placed the package in a long, thin vial. This was put into another bottle, and these in still another. The last bottle was corked and sealed and all put in a tin can and the can stopped up. It was then taken to a certain spot and buried.

There the note remained for ten years, according to plaintiff, until 1887, when it was taken up by Mrs. Murdock and taken to Sacramento by her. She had negotiated for the purchase of some real estate, and wanted to use the note in a deal. While the note was in Sacramento it was seen by several persons who, Cannon stated, are entirely disinterested, and will be here to tell what they saw. After that the note was placed in the possession of Gawn Murdock, plaintiff's husband. It was by him placed in a private box and put in the Orland Bank, where it remained until 1890. It was then turned over again to Mrs. Murdock, who took it to San Francisco. She turned the note over to L. S. Migglison, and the latter to his brother, who was in the State of Ohio. It was by him, in 1894, turned back to the possession of the plaintiff, Mary Helen Murdock, who has never ceased to be the owner of the document since that time. In 1894 she gave it to her attorneys.

Counsel further stated that he would prove by reputable witnesses that one of the executors stated in the town of Willows that if Murdock had lived one or two weeks longer the note would have been compromised. He said they would show that Murdock knew all about the note. Every single fact would be proved by living eye-witnesses, who could be prosecuted for perjury if they swore falsely. Cannon said the other side was depending upon witnesses to swear the note out of court on mere opinions, witnesses hired to come here and swear, at so much per swear.

The first witness placed on the stand was Gawn Murdock, the husband of the plaintiff. Grove L. Johnson handed the witness the precious document which is to make him and his family independently rich if his wife is successful in her suit. Witness was cool and deliberate and was inspiring the audience with a confidence in the cause of the plaintiff when Attorney Richard Bayne brought the proceedings to an abrupt stop by an objection to the introduction of the note on the ground that it had never been presented for allowance to the executor in the manner required by law and therefore the plaintiffs had no standing in court. If the objection should be sustained it would be the end of plaintiffs' case.

General Barnes insisted on having the matter argued out at this time and the Court wanted counsel to argue it and present authorities. The jury was excused and counsel given until 9:30 o'clock to-morrow to prepare arguments and the court adjourned till that hour.

THE WOMAN WHO HOLDS THE FAMOUS HUNDRED THOUSAND DOLLAR NOTE

MRS. MARY HELEN MURDOCK.

WILLOWS, April 9.—The central figure in the great battle for a fortune which will commence in the Superior Court of Glenn county to-morrow is Mrs. Mary Helen Murdock, the woman whose name is written in the celebrated $100,000 note as payee. Mrs. Murdock presents this note and asks a jury to give her over a quarter of a million dollars, the amount of the principal and twenty years' interest—an amount which, if she gains will leave an immense estate insolvent and make the last will and testament of William Murdock a worthless paper. When this note was presented to the executors of William Murdock's estate after his death in 1891, they refused to act on the claim and suit was brought to recover the amount. Many lawyers of California are arrayed for and against the claim, and twelve men have been sworn to decide whether Mrs. Murdock is entitled to an immense fortune or is guilty of being a party to a felony. The sole issue is whether or not the signature of William Murdock to the note is a forgery.

Mrs. Murdock and her husband, Gawn Murdock, have lived near Orland, Glenn county, many years. Gawn is a son of Samuel Murdock, who was a cousin of William Murdock, the man whose name is signed to the note. Mrs. Murdock has two sons, one a cashier of the bank of Orland, the other a hardware merchant at the same place. The note is dated 1877, and Mrs. Murdock claims that it was given for money advanced by her husband's father, and was made payable twenty years after date, so as to fall due about the time her sons became of age.

The case will be a memorable one.

MRS. MURDOCK'S FIRST VICTORY

Call

Famous Note Introduced in Evidence.

Special Dispatch to The Call

WILLOWS, April 11.—The attempt of the attorneys for the defense to prevent the introduction in evidence of the note which is the basis of Mary H. Murdock's claim to a large share of the estate of the late William Murdock failed to-day. After the argument of counsel on the point raised yesterday had been concluded, Superior Judge Pirkey ruled in favor of the plaintiff, and the note was introduced as part of the evidence in the case.

Gawn Murdock, the plaintiff's husband, continued his testimony. He said he was in Chico when the note was made in September, 1877. When he went back a few days later he was shown the note. During the time he was in Chico after the note was signed he met ... Murdock, and the uncle told him that he had been at the home of the witness and had made the note for $100,000 in full settlement of the accounts between ... and Samuel Murdock, and had ... the $20,000 the witness had paid to ... Murdock a few days before ... reaching home Gawn, at his wife's request, made a copy of the note, as father had requested a copy. The witness said that he saw many times money paid to William Murdock by his father (Samuel), these transactions running from 1861 to 1877, the date of the note.

After he returned home from Chico ... made a copy of the note the original ... put into a glass bottle. This bottle ... sealed, put into another bottle and ... larger bottle placed in a powder-can ... buried in the stable, where it remained for ten years. In 1887 the note was ... up and taken to Sacramento, where a ... was being negotiated for a lot of ... the note to be used as part of the purchase price. The note was at ... presented to William Murdock by the ... sons who were expecting to take it ... William Murdock said it was all ... and would be paid at maturity.

The witness testified that William Murdock acknowledged the note in Sacramento in 1890. The witness positively identified the note as the one he saw ... his return from Chico. He was ... the stand at the adjournment of court.

GREAT LEGAL BATTLE OVER THE FAMOUS $100,000 MURDOCK NOTE IS FAIRLY ON

PROMINENT FIGURES IN THE MURDOCK LITIGATION AT WILLOWS.

WILLOWS, April 10.—It was an imposing array of attorneys, handwriting experts and men of affairs that assembled in Judge Pirkey's courtroom to-day, when the contest over the famous Murdock $100,000 note came on for trial, the jury having been selected and the preliminaries cleared away. When court convened there were present all the principals in the suit, several of the heirs under William Murdock's will and as many attentive listeners of both sexes as the chamber would accommodate. The plaintiff seemed to drink in each word uttered by her attorney in his opening statement, and plainly showed by her serious demeanor that she realized that the battle was on.

It took just thirty-five minutes for W. M. Cannon, one of the attorneys for Mrs. Helen Murdock in her suit for a fortune, to tell the court and jury this afternoon why the plaintiff asked a verdict in her favor. Attorney Cannon made no attempt at eloquence, treating in an easy, conversational way what he promised to prove.

Mr. Cannon commenced by telling how the note read and stated that the refusal of the executors either to reject or allow the claim amounted to a rejection of it; that suit was brought and the executors denied the execution of the note, virtually charging forgery. The attorney told of the early settlement in this section of William Murdock, whose name is signed to the note; of the fact that William's cousin, Samuel, who lived near him, had a son Gawn, who is the husband of plaintiff, and that Gawn had two sons, Stanley and Edwin, and of the splendid reputation of Gawn Murdock and family, who enjoyed the confidence and respect of the community.

As to the note's consideration, the attorney went back to 1861, when Samuel loaned William $1,000 and continued placing large yearly profits from his sheep-raising industry in the hands of William. He said he would prove that when Gawn went into partnership with his father, the son objected to the loaning of so much money to William and that the disputes between father and son resulted in strained relations, which culminated in Samuel leaving Gawn's home and going to reside with William for several months. It was then that William told Samuel that Gawn had not made a just settlement with Samuel. Samuel prepared to sue his son, and, to avoid a lawsuit, Gawn paid his father $20,000 in money and notes.

The attorney stated that the relations between Mrs. Mary Henry Murdock and Samuel were very friendly, and that Samuel's affection for his two grandsons was great.

Finally a settlement between William and Samuel was to be effected. The two men met at the house of Gawn, Mrs. Murdock alone being present with them, and struck a balance, which, with $20,000 there turned over to William by Samuel and the destroying of two promissory notes held by Samuel against William, one of which was for $26,000, made the total amount $100,000. At Samuel's request a note was made in the name of Mrs. Murdock and made payable twenty years from date, so as to become due about the time her boys became of age and to be for their benefit. The note was wrapped around a pencil and covered with tin-foil, then placed in a vial and sealed, the vial placed in a bottle which was corked, that bottle placed in another, and that one put in a can which was buried. This, the attorney said, remained buried for ten or eleven years, was then dug up and taken to Sacramento for a business purpose, where it was seen by persons who would so testify. It was then placed in possession of the plaintiff's husband, who placed it in the vault of the Orland Bank. It remained there until 1890, was then taken to San Francisco and put in the hands of a person there, was taken to Ohio and finally came back into the hands of the plaintiff.

Mr. Cannon said it would be proved that William admitted at various times the execution of the note and told the facts of the consideration. He stated that they would prove that one of the executors acknowledged that he knew of the note and stated that had William lived a week longer the note would have been made the subject of a compromise. He closed by saying that these things would be proved by testimony of persons known to be honest and truthful, and not by deductions and opinions of experts hired at "so much per swear."

Gawn Murdock, husband of the plaintiff, was called to the stand. He testified that he met William Murdock in Chico in September, 1877; that William told him he had made a settlement with witness' father and had given Mrs. Murdock a note for $100,000. Witness told him it was a bad way of doing business.

Upon Gawn Murdock's return home his wife showed him the note.

"Is this the note your wife showed you?" asked Grove L. Johnson, handing the witness the celebrated paper.

"That is the note," answered the witness.

Attorney Johnson then offered the note in evidence.

At this juncture Attorney Richard Bayne, for the defense, objected to the introduction of the note, claiming it irrelevant and incompetent. He claimed the plaintiff had no standing either in a Probate or any court, bringing up the point, already passed on by a former Superior Judge here on demurrer, that the note was never presented to the executors according to law, in that the paper was not properly described nor was any consideration shown.

This technical point put a stop to any further testimony and the point will be argued to-morrow morning. The jury was excused until the afternoon session.

Nothing else is talked of here but this case.

HISTORY OF THE MURDOCK NOTE TOLD IN COURT

MRS. MARY HELEN MURDOCK.

WILLOWS, April 10.—The taking of evidence in the celebrated Murdock note case, involving the validity of a note for $100,000, with interest amounting to $250,000, alleged to have been drawn by the late William Murdock in favor of Mrs. Gawn Murdock, the wife of a relative, began in the Superior Court here to-day. There was an immense array of legal talent on either side. Attorney William Cannon, in his opening statement to the jury, gave for the first time the facts regarding the note which is alleged by the defense to be a forgery. He declared the paper was executed by William Murdock in settlement of money due the decedent's brother, Samuel. The latter requested that the note be made out in favor of his daughter-in-law, to become due at about the time his grandchildren became of age. This was done and before the note became due and was presented William Murdock died.

Mr. Cannon said the note bore date of September 6, 1877, and was for $100,000, payable twenty years after date, with interest at 1 per cent a month. He told of William Murdock coming to this section in early days; how he raised cattle and sheep and acquired land. He had a cousin, Samuel Murdock, who had a son, Gawn W. Murdock, husband of the plaintiff. Mr. and Mrs. Gawn Murdock had two sons, Stanley and Edwin. Explaining the consideration for which the note was given Attorney Cannon went back to the time of 1861-62. Samuel Murdock was raising sheep. He loaned William $1000. After this and up to 1877 he loaned William other large sums of money, as there was a big profit in wool and sheep and these profits were placed in William's hands. Gawn went into partnership with his father and objected to turning over the earnings to William. A bitter feeling sprang up between Gawn and his father on this account. In 1876 the partnership was dissolved. A settlement was effected in 1876, by which Gawn agreed to pay to his father $15,000 for his interest. This amount was turned over to William by Samuel. Between 1876 and 1877, when the note in controversy is alleged to have been made, the feeling between father and son became so bitter that Samuel left the house of Gawn and stayed with his cousin, William, for two months. During this stay William told Samuel that Gawn had not made a just settlement with him. Gawn was threatened with a lawsuit, and to avoid it paid his father $20,000 in cash and notes. This was a short time prior to the execution of the $100,000 note by William Murdock to Gawn Murdock's wife.

Samuel had returned to Gawn's house in the meanwhile. Mary Helen Murdock's relations with her father-in-law were always friendly and the affections of William Murdock seemed centered on his two grandchildren, the sons of the plaintiff. Finally there was a settlement between William and Samuel. They met at Gawn's house and Mrs. Murdock was present when, in the settlement, the balance was struck at $100,000. At Samuel's request the note was made payable to Mrs. Murdock, but was to be for the benefit of the two grandsons, Edwin and Stanley. The note was made payable twenty years after date, so as to fall due about the time the boys became of age. As to the interest rate Attorney Cannon said the usual rates in those days were from 1½ to 1½ per cent a month and the rate given in the note really was lower than usual. Subsequently, and up to the time of William Murdock's death, Mr. Cannon said, it would be proved beyond dispute that William admitted at various times the execution of the note and the facts as to the consideration.

The attorney said he would show that Mrs. Murdock, the payee, took the note and that it was buried on the premises. The note was wrapped or rolled around a pencil, then placed in a vial, corked and sealed; then placed in a larger bottle and corked and then in another bottle, also corked. This bottle was placed in a tin can, which was topped with a saucer, and buried. It remained buried for ten or eleven years—until 1887 or 1888. Attorney Cannon said he would prove that one of the executors, before the existence of the note was made public, acknowledged that he knew of it and that, if Murdock had lived one week longer the note would have been compromised. Said Mr. Cannon:

"The issue in this case is clearly drawn. On the one hand the jury will be called upon to say whether it accepts the sworn testimony of the people whose reputation for truth, honesty and integrity is beyond reproach; the testimony of witnesses who will give facts which came under their own observation, or whether the jury will accept the opinions, inferences and deductions of experts who do not testify as to facts, and who are hired by the defense in this case to come into court and swear this note out of court and swear the charge of forgery upon the plaintiff in this action at so much per swear."

Gawn Murdock, husband of the plaintiff, was the first witness called. He told of the business transactions between his father and William Murdock. He identified the note as the one signed by William Murdock in 1877.

Grove L. Johnson, for the plaintiff, asked that the note be introduced in evidence. This was objected to by General Barnes, on behalf of the defendants, on the ground that the note could not be introduced, as the claim never had been properly presented to the executors. The argument on this question will take place to-morrow, the jury having been excused until 2 o'clock. If the defendants' point is good the case ends. Plaintiff's attorneys, however, contend that it certainly will be knocked out.

A Case That Will Compel Attention Throughout the Length and Breadth of the Land.

Features That Place It Among the Remarkable Litigious Contentions of the Century.

Payment Demanded on a Twenty-Year Note for $100,000, Drawing One Per Cent a Month.

Defense Will Attempt to Prove That the Plaintiff Is Trying to Brazen Out a Bold Forgery.

WILLOWS, April 10.—This community unreservedly declares itself ready to be damned if the Murdock note case is not a stronger drawing card than the Glenn County Fair.

To fully grasp the significance of this verbal venture one must be appreciative not only of the habitual conservatism of speech—the shunning of profane emphasis and adjuration of hyperbole observed by these simple folk, but realize the high degree of magnetism attached by them to their harvest exposition of farm products and its incidental attractions. It is the one great social event in their year — the annual break in the homely routine of their lives. And it is unfortunate for all concerned that their estimate of its magnificence cannot be thoroughly absorbed by the distinguished strangers who have come among them and supplanted in their admiration some of its stellar features.

General W. H. L. Barnes shows no elation of spirit at being regarded as a more interesting exhibit than the dropsical squash, nor does George L. Johnson appear gratified that he has eclipsed the tufted hog. Other legal lights of lesser brilliance apparently derive no joy from the unavoidable consciousness that they occupy a more exalted place in the public vision than ever was attained by the human-faced chicken or the five-legged calf. And if the eminent experts in chirographic analysis were blind and deaf they could not seem less flattered by the reverential awe with which they are gazed at and audibly discussed.

But the most conclusive evidence of the County Fair's comparative littleness is afforded by the congested condition of the hotels. Never in the town's career have so few unoccupied rooms been in evidence. Scores of talesmen and witnesses from all parts of the county are here, and many of them are accompanied by healthy-looking women and shy children, all eager to enjoy the free show. While the men spend their days sweltering in the courthouse or tailgating with tobacco-tainted saliva the sward adjacent thereto, the wives and daughters are touring the shops or visiting their town acquaintances. The streets are ablaze with gaily-striped shirtwaists and straw hats extensive as to brim. For thermometers under awnings register from 90 to 100 degrees.

AN EXTRAORDINARY CASE

It is no ordinary case that has thus excited Glenn county's interest. It possesses features which would compel the attention of communities much more accustomed to sensational happenings, and before its present trial has progressed very far its developments will be discussed beyond the boundaries of California.

The story, briefly told, is that Mary Helen Murdock is endeavoring to collect from the estate of William Murdock, deceased, payment on a note for $100,000 and interest at 1 per cent a month since the date of issuance, twenty-two years ago. William Murdock was a bachelor, whose cousin, Samuel, a widower, was father of Gawn Murdock, husband of the plaintiff in this case. William died on January 8, 1891, leaving an estate valued at $100,000. After the probate of his will was commenced Mrs. Gawn Murdock presented the note and demanded payment. With accumulated interest, her claim now amounts to $250,000. The executors of the estate protested that the note was not genuine, and their attorneys pronounced it a forgery. Then the claimant began suit to establish the validity of the note, but as the time for payment had not matured, the action was dismissed as premature. When the note became due, on September 6, 1895, the present suit was commenced, in accordance with the probate law, which provides that suits upon claims not due when presented must be commenced within two months after the date of maturity. This is the first time the case has been brought to open trial.

It is the prominence of the parties involved no less than the unusual phases of the plaintiff's claim that makes the case possess such interest for the people of Glenn county. The Murdocks were among the early settlers in the Sacramento valley, and "Bill" and "Sam" were as well known to the argonauts as "Gawn" and his wife and their two strapping sons are familiar to the succeeding generations of farming folk. "Bill" was a bachelor of thrifty—almost miserly—habit, who made his wealth by wool-growing. It is told that so frugal was he while acquiring his thousands that he deprived himself of life's luxuries and even stinted his outlay for necessaries. Whenever he came to visit Willows he brought along his own horsefeed, to the openly-expressed disgust of the liverymen, and made the hotelkeepers angry by carrying his own food in his pockets. As long as his apparel could be worn with respect to common decency he never patronized the clothing dealers. So, while making money, he made no friends.

"Sam" was also in the sheep business, but on a less extensive scale than his cousin. He inherited a considerable estate from his father, and his son Gawn lived with him. Early in the 70's Gawn married Mary Helen Ashurst, daughter of a Tehama county farmer, and the couple have lived together ever since. One of their sons is cashier of the bank at Orland and the other young man is in the hardware business at the same place. While the community is divided in opinion as to the genuineness of the wife's claim, there seems to be unanimous respect for her husband and sons, who are sturdily with her in her fight.

To people unacquainted with the parties in the case its interest consists in the great amount of money involved and the unusual features of the alleged transaction. Promises to pay $100,000 are not signed every day, nor is it usual to give a note for any amount payable twenty years from date of signature and drawing interest at the rate of 1 per cent a month during the interim. Then there is the fact that the alleged signer of this note was a niggardly old bachelor while its holder was a young married woman who sets up no plea of kinship or any material consideration whatever. To say nothing of the additional fact that the existence of such a document was not known to the old man's closest friends until he was on his deathbed, when, it is claimed, he pronounced it a forgery. These are features so uncommon as to attract widespread attention, and their investigation in open court by some of the ablest attorneys in California will be closely followed by millions of people who never before heard of Glenn county or its multitudinous Murdocks.

The plaintiff's case is handled by George L. Johnson of Sacramento, W. P. Thomson of Fresno, W. M. Cannon of San Francisco and Charles L. Donohue and Frank Freeman of Willows. For the defense the array of legal talent is no less imposing. It embraces General W. H. L. Barnes, E. S. Pillsbury and Richard Bayne of San Francisco, C. F. Lusk of Chico and Ben F. Geis of Willows.

Defendants in the suit are the executors of the William Murdock estate, consisting of B. H. Burton, cashier of the Bank of Willows; W. P. Harrington, cashier of the Colusa County Bank, and Adam Compton, farmer, a nephew of the deceased woolgrower and the principal beneficiary by his will. Burton and Harrington are heavy stockholders in the Bank of Willows.

THE PLAINTIFF'S CASE.

Mrs. Murdock's claim is clearly set forth in a deposition made by her to the executors, but her attorneys have some cards in reserve which they will not play unless their hand is forced.

It will be set forth that Samuel Murdock, father of plaintiff's husband, turned his surplus earnings over to his cousin William for safe keeping, and that this course was strongly opposed by his son Gawn. As a consequence, there were frequent quarrels between Samuel and his son, but between the elder man and his daughter-in-law good feeling always existed. This situation came to an end in 1816 [illegible], when father and son dissolved partnership, the latter paying a large sum of money for retention of the property, which was duly added to the hoard that Samuel had from time to time entrusted to William's custody. Then it was claimed by William that Gawn had not paid his father enough in the settlement, and a demand for $20,000 more was made, which Gawn paid, to avoid trouble. This final settlement was made on the day that the note for $100,000 was signed.

On this memorable occasion there were present in Gawn's house at Olimpo the three men, Mrs. Murdock and her two young children. When a settlement of William's account with Samuel was attempted it was found that all the money entrusted to the former for safe keeping was not available, and the balance of the amount due was transferred from Samuel to his daughter-in-law for the benefit of his two grandsons, of whom he was very fond. That was how the note in question came into being. Mrs. Murdock filled in the blank places, and William signed it then and there. Samuel had it made payable twenty years after date, so that it would fall due about the time the boys would become of age. If Samuel had not been on unfriendly terms with Gawn, the note would have been made payable to him instead of his wife. The rate of interest—1 per cent a month—was not unreasonable at that time, when 1½ per cent was freely paid on short loans.

While the note was carefully treasured, a great many people saw or heard of it before it attained maturity, say Mrs. Murdock's lawyers. It has been handled by witnesses who will be produced and it has figured as a collateral security. One of the present defen[illegible] [illegible] W. H. [illegible] the [illegible] W. [illegible] Murdock [illegible] that note could have been [illegible]. It is further [illegible] by George L. Johnson and colleagues that F. C. Lusk, one of the attorneys for the defense, was William Murdock's legal adviser for some time prior to the old man's death, and that while so acting he knew of the note being held by Mrs. Murdock, and discussed it with his client.

THE PLAN OF DEFENSE

To win its case, the defense must prove either forgery or no consideration, and from hints dropped here and there by General Barnes in court, it is inferred that he purposes to establish both, also that the trial will be prolific of insulting insinuations as to the plaintiff's character.

It will be claimed that Samuel Murdock's earthly possessions never exceeded in amount or value the sum of $18,000, and that his cousin William could not possibly have been indebted to him, as alleged by plaintiff. Witnesses will be called to testify that on his deathbed William denied having signed the note held by Gawn's wife, or any promise to pay anyone at any time a sum exceeding $[illegible]. Then the signature on this note will be compared with undisputed specimens of the dead man's chirography, to show that he did not make the former. This is where the experts will come in. Three of them—Daniel T. Ames, Carl Eisenschimmel and T. [illegible] have been here a week preparing photographic exhibits and noting the characteristics of William's penmanship.

In the line of defense it is also intended to be shown that the note held by Mrs. Murdock first came to light in 1893, about a year prior to the death of its alleged signer, when a San Francisco man named Megginson tried to sell it to Senator Stewart of Nevada. Megginson claimed that Mrs. Murdock had told him she had an uncle who was very rich and about to die, and that the note would be payable on its maturity from his estate, which was more than ample to meet its demand. The Senator wanted an explanation as to the "value received" mentioned in the note, but Megginson was unable to give it. If the consideration was valid, the Senator said, he would cheerfully buy the note for the price asked, $[illegible] in cash, but he must be satisfied on that point. As a result of this interview Mrs. Murdock went to Nevada and saw Senator Stewart, who, in the presence of his attorney, asked her what the consideration for the note had been. She replied that her "uncle" desired that she should inherit all his riches, but did not want to mention that fact in his will, so he gave her the note instead of making her his sole legatee. The attorney opined that such a consideration was absolutely null, and the negotiation was declared off right there.

After that, it is claimed, Megginson took the note to Toledo, Ohio, and there tried to dispose of it to his brother, a wealth man. It had been indorsed by Mrs. Murdock, and the Ohio Megginson advanced $500 on it, pending his investigation of its validity. As a result of his inquiries he indorsed it back to Mrs. Murdock, and it bears both indorsements now.

It is the evident theory of the defense that the note is the outcome of a scheme concocted by Megginson and Mrs. Murdock to raise money by selling it, and that, failing in that object, they deemed it safer to assert its genuineness than to destroy it, because its existence had become known to several people who might prove troublesome if they suspected forgery. So it was presented for collection to the executors, and when they repudiated it Megginson became scared and fled the country. Attorneys for the estate say that he confessed to fraud.

Attorney Lusk states that an intimation of the note being in existence came to him while William Murdock was nigh to death, and that he asked the old man if he had ever signed such an obligation. The answer was a flat negative, supplemented with a desire that the claim be protested by the heirs.

Mrs. Murdock is not mentioned in William's will, but her husband was bequeathed $[illegible]. The remainder of the big estate, consisting of lands, livestock, bonds, stocks and cash, was divided in varying proportions between Mary Compton, sister of the deceased, who lives near Chico, and her children, Adam, Henry, Ira, Mary and Lizzie, Hearn Murdock, brother of the deceased, of Lake county, and his three children; Hanse Murdock, another brother, and Gawn Murdock, a cousin of deceased.

READY FOR THE FRAY

Taking everything into consideration, it appears remarkable that an impartial and intelligent jury to try this case was impaneled within a week. Every man in the county knew the Murdocks, or some of them, and for five years the note has been a standard topic for the gossips. The case in all its bearings has been discussed in general merchandise stores and [illegible] circles and at church sociables and district [illegible] and other places where men or women congregated, and every man capable of forming an opinion [illegible] [illegible] harboring one [illegible], with the belief that Sheriff Stanton had a hundred talesmen on hand when the case was called, and was ready to [illegible] a [illegible]

[illegible] jury [illegible] [illegible] unless [illegible] [illegible] Murdock [illegible] [illegible] the court [illegible].

They [illegible] [illegible] [illegible] ship. The [illegible] appealed to and [illegible] upon the [illegible] of [illegible]. [illegible] man, and that will [illegible] minded that [illegible] comparatively [illegible] mind you will [illegible] woman is [illegible] her rights [illegible] round of capitalist [illegible] hand, or [illegible] the jury [illegible] little property, and it will be [illegible] emphasis and at later interest [illegible] the proposition [illegible] claim [illegible] validity of this plaintiff [illegible] rule, he cannot consistently [illegible] own last will and testament [illegible] tected by the law which he [illegible] vaged.

The defense is [illegible] tracted [illegible] George L. Johnson [illegible] [illegible] responsible for the [illegible] that the fight will be over [illegible] couple of weeks. His [illegible] declares, will [illegible] ly out of the enemy's [illegible] their case a [illegible] wreck [illegible] Barnes and his confreres say [illegible] about what their collective [illegible] but their corps of photographic and handwriting [illegible] are kept [illegible] ly at work.

J. V. CRAWFORD.

THE MURDOCK TRIAL.

WILLOWS, April 10.—The plain[tiff's] case in the matter of the Murdock note case has been clearly defined by counsel and her husband is now [illegible] examined in her behalf.

Attorney W. M. Cannon outlined the jury the case as they [illegible] prove it, and the latter [illegible] listened to by an immense crowd.

The circumstances as to the [illegible] of the note were told [illegible] the [illegible] jury and made a [illegible] impression [illegible] the hearers. The consideration [illegible] $100,000 note, is told, was the [illegible] entrusted to William Murdock by [illegible] Murdock, the father of Gawn, [illegible] the husband of the plaintiff.

When the balance of the account [illegible] struck, [illegible] given to William [illegible] Sam and the note made [illegible] Mrs. Murdock for the benefit of [illegible] her sons, who would come of age [illegible] the time the note was made [illegible]. The [illegible] told [illegible] to the [illegible] "uncle," [illegible] in a sealed bottle [illegible] dug up after ten years.

Mr. Cannon said they would [illegible] that William Murdock admitted the note and the consideration at various times. They would prove that [illegible] [illegible] admitted the note and [illegible] would have been [illegible] William died another [illegible].

He said they would prove by [illegible] many the facts from honest witnesses who were well known [illegible] [illegible] [illegible] to [illegible] [illegible]. He [illegible] listened to with [illegible] interest.

COURTROOM AT WILLOWS AND SOME OF THE PEOPLE CONNECTED WITH THE MURDOCK CASE

THE MURDOCK CASE GOES ON

Motion for a Nonsuit Is Denied by the Court.

JURY TO OECIOE THE STATUS OF THE NOTE.

NEPHEW GAWN TELLS HOW HIS WIFE HAPPENED TO RECEIVE IT.

Witness Did Not See the Document Executed—Swears His Uncle Acknowledged the Validity of the Paper.

Special Dispatch to the "Chronicle."

WILLOWS, April 11.—The Courthouse was again packed this morning with people interested in the Murdock note case. The entire morning session was occupied by the attorneys in arguing for and against the motion for nonsuit, made by the defendant on the ground that it had not been presented for payment in the manner required by law. The motion was denied at the opening of the afternoon session. Defendants' counsel reserved the usual exception and the taking of testimony was resumed.

Gawn Murdock, the husband of the plaintiff, was called. Report had had it that Murdock had said that he had seen the note made and delivered. Numbers had said if he swore to that they were willing to believe in the validity of the note. Rumor had been at fault, however, as Murdock stated that he was not even at home when the note was drawn or signed. Grove L. Johnson conducted the direct examination and the witness was asked but very few questions, merely identifying the note as the one shown to him by plaintiff on his return home from Chico, where he was on the date the note is alleged to have been drawn.

General Barnes conducted the cross-examination. Witness had fallen out with his father, Samuel Murdock, in 1872 because the father had persisted in loaning so much of his money to William Murdock.

"On the 4th of September," said the witness on cross-examination, "I went to Chico on business and did not return until [illegible] or 9th. While I was away the deal was made whereby my father had settled with William Murdock, and had had this $100,000 note drawn up by my wife and made payable to her, in order, as he said, that neither I nor Cam Ashurst should ever get a cent of his money. While I was at Chico I met Uncle Billy Murdock on Main street, and he said to me, 'Hello, Gawn, there is no use of your being mad at me any more. I have settled with your father by giving my note for $100,000. I also got from your father the $20,000 which you had paid to him in your and his settlement.' I said, 'I do not think the note is any good.'

"He had told me that he had made it payable to Mary, my wife. I asked him why he did that, and he replied that Sam had required it to be so, so that neither I nor Cam Ashurst should ever get a cent of the money when he was dead. I told Uncle Billy that he might not be worth a cent when he died, and that I thought it was a very funny way of doing business, and that I did not believe that he had given any such a note. When I went home, I asked my wife if she had taken such a note, and she told me she had. I do not know where she kept it, but she got it and had me make a copy of it, but I don't know the reason for it. I sealed it up in a glass vial and put it in a powder-can and buried it in one corner of the barn. It remained there until 1881 or 1885, when I went with my wife and dug it up. It had never been touched until then. It was as bright as the day it was buried. My wife took charge of it and took it to Sacramento. I saw William Murdock at the State Fair in conversation with Mrs. Murdock and a Dr. Hicks, who was a piece-horse man. My wife had taken the note there to be used in a transaction in which she intended to purchase some land, but did not consummate the trade.

"I always considered the note the property of Mrs. Murdock, and that I had nothing to do with it. When I saw Uncle Billy in Sacramento in 1887, I do not know whether I said anything to him about the note or not. I do not think I did. I saw him again in Sacramento in 1890, and my wife was with me, but she did not have the note. I talked to him about the note and he said the note was all right, and would be paid when due. There was a man there at that time of the name of Meggison, whom my wife had got acquainted with in San Francisco. She introduced him to me. He asked William Murdock about the note and said that my wife wanted to borrow some money on it. Uncle Billy told Meggison that the note was all right and would be paid when due.

"I do not know whether the copy of the note is in existence now or not. I do not remember that my father ever talked to me about the note at all. I do not know that there is a living person that ever heard me talking with William Murdock about the note. My father had bought a piece of land of William Murdock and had the deed made to my wife. I thought that he ought to have it made to me and I was mad about it. I do not even know personally that Mary Helen Murdock was present when the trade was made. The land mentioned was purchased and the deed made to my wife in 1872. In 1880 May 12th, I had found out that the deed was [illegible] and went to Orland with Uncle Billy and took another deed. The notary was the cashier of the Orland Bank and we went there to have the work done. The note was lying in that bank at that very moment, but neither Uncle Billy nor myself referred to it in any way."

General Barnes took the witness over all the monied transactions where William Murdock had received any money from Samuel or the witness, from their earliest dealings, and all that could be traced as having passed to William from either or both of them amounted to less than $40,000. Recess was announced till 9 o'clock to-morrow morning.

BANKED HIS WEALTH UNDER THE WOODPILE

A Queer Old Citizen Was the Late Samuel Murdock.

His Son Gawn Tells the History of the $100,000 Note.

UNBROKEN BY EXAMINATION

The Witness Sus'a'ns a Searching Inquiry Without Halting in H s Testimony.

[Special Dispatch to "The Examiner."]

WILLOWS, April 11.—Gawn Murdock, husband of the woman who holds the $100,000 note against the Murdock estate, was permitted to-day to tell his story of the circumstances that led to the existence of that valuable scrap of paper. It was a queer narrative, but with all its strangeness a connected one and as such stood the brunt of searching cross-examination without a break.

The forenoon was taken up in arguments as to the plaintiff's standing in court, the defense objecting to the introduction of the note, contending that her presented claim to the executors was not according to law. Attorneys Bayne, Barnes, Cannon and Johnson cited scores of authorities and read todo rections with astounding divergence of construction. Judge Pirkey overruled the objection of the defense, however, and the examination of Gawn Murdock was continued from the point where it was interrupted as told in to-day's "Examiner."

Answering Grove L. Johnson, witness said that when his wife showed him the note he made a copy of it and returned the original to his wife. He then told of it being buried, substantially as told in the attorney's opening statement. After burying the note in the barn he did not see it until about 1885, when he dug it up, in company with his wife. He found the note in the sealed vial, unaltered, and took it to Sacramento during the State Fair, for the purpose of a business transaction proposed by his wife. Several years after this his wife gave him the note, which he put in a tin box and deposited in the Orland Bank. In the fall of 1890 he returned it to his wife, and next saw it at the offices of certain San Francisco attorneys, in 1891 and 1897, and next yesterday, when it was handed to him on the witness stand to identify.

"Take the witness," said Attorney Johnson to General Barnes, and the spectators caught their breath and gave eager attention.

Mr Murdock was closely questioned as to his movements to and from his home at the time the note was dated, September 5, 1877, and stated that he left home on September 4th and returned home several days later. He was interrogated carefully as to his wife's movements at that time, the drift of the questioning being that Mrs Murdock might have been away from home at the date the note was signed. The witness said he had no personal knowledge of her being home, but found her at home when he returned, about September 9th.

Mr Murdock testified that, prior to his return home he met William, at Chico. William said to him "Hello, Gawn. You needn't be mad at me any more. I got $20,000 from your father and we have made a settlement."

William than told witness that he had made a note to "Mary" for $100,000, payable twenty years from date. Witness replied that such a note was no good, as the maker might not be worth a cent in twenty years.

General Barnes handed the note to witness and had him read it to the jury. He was then asked as to how he could identify it at this time, and he replied that the written portion of the note, other than the signature, was in his wife's handwriting; that his father, Samuel, asked her to write it, as he could not write, although he read a little.

Mr. Murdock didn't know the particulars of the settlement between William and Samuel when this balance of $100,000 was struck, and as to $20,000 being given to William by Samuel, he didn't know about that, nor that the money was "dug up in two cans and carried away in two sacks."

The number "93" in the left lower corner of the note was the subject of questioning, which suggests it as being important.

The note was handed to the jury to inspect and it was passed around.

As to the amounts loaned William by Samuel, father of witness, he remembered amounts turned over of $5,600 in 1862, $2,000 in 1863, $11,000 in 1872, $5,000 in 1876 and $20,000 in 1877. Witness said that Samuel kept large sums of money under his bed or beneath the wood pile. He did not know who figured the $100,000 balance.

Mr Murdock told of the strained relations between himself and his father Samuel and of his dislike for William. He objected, he said, to his father turning money over to William, and disliked William on account of his deeding a piece of land to witness' wife instead of to him. When the partnership with his father was dissolved he paid his father $8,000. Samuel left the home of witness and went to settle with William. William then said the [illegible] between the son and father was not just [illegible] years wrangling during which William wrote the witness telling him he [illegible] here to settle the matter, the witness paid his father $20,000.

General Barnes questioned witness in detail as to the visit to Sacramento [illegible] the note was taken there. Mr Murdock said his wife introduced him to [illegible] Meggison from whom his wife wanted to borrow money. They met William Murdock in the fair pavilion on the occasion and talked of wishing to borrow money on the note. William then remarked that the note was all right and he would pay it when due.

Witness said he had often talked of the note in the presence of his father, who told the wife of witness to take care of it.

The cross-examination was severe, and General Barnes' inflections were such as to suggest his belief that the story was a fairy tale. But the witness made a good impression, and, as his reputation is of the best, the first testimony for the plaintiff has elated her attorneys. The defense wore an expression which says, "Just wait until you hear us," and the counsel in particular believe they will knock all props from under the story.

It is believed by many that the defense will contend that Gawn Murdock has been led to believe certain things by his wife and will center their heaviest batteries on her.

The cross-examination of Murdock will be concluded to-morrow morning and, if rumors are to be believed, a witness for plaintiff will then appear who will give testimony most surprising.

The courtroom is packed with people, for it is believed that something is going to drop soon.

THE MURDOCK NOTE SUIT.

Trial of the Celebrated Case in Progress at Willows.

Features That Place It Among the Remarkable Legal Battles of the Century.

Plaintiff's Counsel Relates the Circumstances as to the Giving of the Note, and Outlines to the Jury the Case They Promise to Prove—Taking of Testimony Begun.

WILLOWS, April 10—This community unreservedly declares itself ready to be durned if the Murdock note case is not a stronger drawing card than the Glenn County Fair.

To fairly grasp the significance of this verbal venture one must be appreciative not only of the habitual conservation of speech — the shunning of profane emphasis and adjuration of hyperbole—observed by these simple folk, but realize the high degree of importance attached by them to their harvest exposition of farm products and its incidental attractions. It is the one great social event of the year — the annual break in the homely routine of their lives. And it is fortunate for all concerned that their estimate of its magnificence cannot be thoroughly appreciated by the distinguished strangers who have come among them and supplanted in their admiration many of its stellar features.

General W. H. L. Barnes shows no chafing of spirit at being regarded as a more interesting exhibit than the dropsical squash, nor does Grove L. Johnson appear gratified that he has eclipsed the fatted hog. Other legal lights of lesser brilliance apparently derive no joy from the unavoidable consciousness that they occupy a more exalted place in the public vision than ever was attained by the human-faced chicken or the five-legged calf. And if the eminent experts in chirographic analysis were blind and deaf they could not seem less flattered by the reverential awe with which they are gaped at and audibly discussed.

But the most conclusive evidence of the County Fair's comparative littleness is afforded by the congested condition of the hotels. Never in the town's career have so few untenanted rooms been in evidence. Scores of talesmen and witnesses from all parts of the county are here, and many of them are accompanied by healthy-looking women and shy children, all eager to enjoy the free show. While the men spend their days sweltering in the Courthouse or irrigating with tobacco-tainted saliva the sward adjacent thereto, the wives and daughters are haunting the shops or visiting their town acquaintances. The streets are ablaze with gaily-striped shirtwaists and shiny hats extensive as to brim, for thermometers under awnings register from 90 to 100 degrees.

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The story, briefly told, is that Mary Helen Murdock is endeavoring to collect from the estate of William Murdock, deceased, payment on a note for $100,000 and interest at 1 per cent. a month since the date of issuance, twenty-two years ago. William Murdock was a bachelor, whose cousin, Samuel, a widower, was father of Gawn Murdock, husband of the plaintiff in this case. William died on January 8, 1891, leaving an estate valued at $400,000. After the probate of the will was commenced Mrs. Gawn Murdock presented the note and demanded payment. With accumulated interest, her claim now amounts to $350,000. The executors of the estate protested that the note was not genuine, and their attorneys pronounced it a forgery. Then the claimant began suit to establish the validity of the note, but as the time for payment had not matured, the action was dismissed as premature. When the note became due, on September 5, 1897, the present suit was commenced, in accordance with the probate law, which provides that suits upon claims not due when presented must be commenced within two months after the date of maturity. This is the first time the case has been brought to open trial.

It is the prominence of the parties involved no less than the unusual phases of the plaintiff's claim that makes the case possess such interest for the people of Glenn County. The Murdocks were among the early settlers in the Sacramento Valley, and "Bill" and "Sam" were as well known to the old-timers as "Gawn" and his wife and their two stripling sons at present. In the succeeding generations of farming folk "Bill" was a bachelor of thrifty—almost miserly—habit, who made his wealth by wool-growing. It is told that no [illegible] while acquiring his thousands [illegible] When [illegible] he [illegible] his own [illegible] expressed [illegible] liverymen and made the [illegible] by carrying his own [illegible] his pockets. As long as he appeared to be worn with respect to common decency, he never patronized the clothing dealers. So, while making money, he made no friends.

"Sam" was also in the sheep business, but on a less extensive scale than his cousin. He inherited a considerable estate from his father, and his son Gawn lived with him. Early in the '70s Gawn married Mary Ellen Ashurst, daughter of a Tehama County farmer, and the couple have lived together ever since. One of their sons is cashier of the bank at Orland, and the other young man is in the hardware business at the same place. While the community is divided in opinion as to the genuineness of the wife's claim, there seems to be unanimous respect for her husband and sons, who are staunchly with her in her fight.

To people unacquainted with the parties in the case its interest consists in the great amount of money involved and the unusual features of the alleged transaction. Promises to pay $100,000 are not signed every day, nor is it usual to give a note for any amount payable twenty years from date of signature and drawing interest at the rate of 1 per cent. a month during the interim. Then there is the fact that the alleged signer of this note was a niggardly old bachelor, while its holder was a young married woman who is in no degree of kinship or any material consideration a wholesaler. To say nothing of the additional fact that the existence of such a document was not known to the old man's closest friends until he was on his deathbed, when, it is claimed, he pronounced it a forgery. These are features so uncommon as to attract widespread attention, and their investigation in open court by some of the oldest attorneys in California will be closely followed by millions of people who never before heard of Glenn County or its multimillionaire Murdocks.

The plaintiff's case is handled by Grove L. Johnson of Sacramento, W. P. Thompson of Fresno, W. M. Cannon of San Francisco, and Charles L. Donohue and Frank Freeman of Willows. For the defense the array of legal talent is no less imposing. It embraces General W. H. L. Barnes, E. S. Pillsbury and Richard Bayne of San Francisco, F. C. Lusk of Chico and Ben F. Geis of Willows.

Defendants in the suit are the executors of the William Murdock estate, consisting of B. H. Burton, cashier of the Bank of Willows; W. P. Harrington, cashier of the Colusa County Bank, and Adam Compton, farmer, a nephew of the deceased wool-grower and the principal beneficiary by his will. Burton and Harrington are heavy stockholders in the Bank of Willows.

THE PLAINTIFF'S CASE.

Mrs. Murdock's claim is clearly set forth in a deposition made by her to the executors, but her attorneys have some cards in reserve which they will not play unless their hand is forced.

It will be set forth that Samuel Murdock, father of plaintiff's husband, turned his surplus earnings over to his cousin William for safe keeping, and that this course was strongly opposed by his son Gawn. As a consequence, there were frequent quarrels between Samuel and his son, but between the older man and his daughter-in-law good feeling always existed. This situation came to an end in 1876, when father and son dissolved partnership, the latter paying a large sum of money for retention of the property, which was duly added to the hoard that Samuel had from time to time entrusted to William's custody. Then it was claimed by William that Gawn had not paid his father enough in the settlement, and a demand for $20,000 more was made, which Gawn paid, to avoid trouble. This final settlement was made on the day that the note for $100,000 was signed.

On this memorable occasion there were present in Gawn's house at Olimpo the three men, Mrs. Murdock and her two young children. When a settlement of William's account with Samuel was attempted it was found that all the money entrusted to the former for safe keeping was not available, and the balance of the amount due was transferred from Samuel to his daughter-in-law for the benefit of his two grandsons, of whom he was very fond. That was how the note in question came into being. Mrs. Murdock filled in the blank places, and William signed it then and there. Samuel had it made payable twenty years after date, so that it would fall due about the time the boys would become of age. If Samuel had not been on unfriendly terms with Gawn, the note would have been made payable to him instead of his wife. The rate of interest—1 per cent. a month—was not unreasonable at that time, when 1½ per cent. was freely paid on short loans.

While the note was carefully treasured, a great many people saw or heard of it before it attained maturity, say Mrs. Murdock's lawyers. It has been handled by witnesses who will be produced, and it has figured as a collateral security. One of the present defendant executors, W. H. Burton, knew of its existence during William Murdock's lifetime, and has since said that "had old Bill Murdock lived a while longer that note would have been lifted." It is further alleged by Grove L. Johnson and colleagues that F. C. Lusk, one of the attorneys for the defense, was William Murdock's legal advisor for some time prior to the old man's death, and that while so serving he knew of the note being held by Mrs. Murdock, and discussed it with his client.

THE PLAN OF DEFENSE.

To win the case the defense must prove either forgery or lack of consideration, and, from hints inadvertently dropped by General Barnes in court, it is inferred that he purposes to establish both, also, that the trial will be productive of interesting insinuations as to the plaintiff's character.

It will be claimed that Samuel Murdock's earthly possessions never exceeded in amount or value the sum of $18,000, and that his cousin William could not possibly have been indebted to him, as alleged by plaintiff. Witnesses will be called to testify that on his deathbed William denied having signed the note held by Gawn's wife or any promise to pay any one at any time a sum exceeding $150. Then the signature on this note will be compared with undisputed specimens of the dead man's chirography, to show that he did not write the former. This is where the experts will come in. Three of them—Daniel T. Ames, Carl Eisenschimmel and T. Kytka — have been here a week preparing photographic exhibits and noting the characteristics of William's penmanship.

In the line of defense it is also intended to be shown that the note held by Mrs. Murdock first came to light in 1890, about a year prior to the death of its alleged signer, when a San Francisco man named Megginson tried to sell it to Senator Stewart of Nevada. Megginson claimed that Mrs. Murdock had told him she had an uncle who was very rich and about to die, and that the note would be payable on its maturity from his estate, which was more than ample to meet its demand. The Senator wanted an explanation as to the "value received" mentioned in the note, and Megginson was unable to give it. If the consideration was valid, the Senator said he would cheerfully buy the note for the price asked, $5,000 in cash, but he must be satisfied on that point. As a result of this interview Mrs. Murdock went to Nevada and saw Senator Stewart, who, in the presence of his attorney, asked her what the consideration for the note had been. She replied that her "uncle" desired that she should inherit all his riches, but did not want to mention that fact in his will, so he gave her the note instead of making her his sole legatee. The attorney opined that such a consideration was absolutely void and the negotiation was declared off right there.

After that, it is claimed, Megginson took the note to Toledo, O., and there tried to dispose of it to his brother, a wealthy man. It had been indorsed by Mrs. Murdock, and the Ohio Megginson advanced $500 on it, pending his investigation of its validity. As a result of his inquiries he indorsed it back to Mrs. Murdock, and it bears both indorsements now.

It is the evident theory of the defense that the note is the outcome of a scheme concocted by Megginson and Mrs. Murdock to raise money by selling it, and that, failing in that object, they deemed it safer to assert its genuineness than to destroy it, because its existence had become known to several people who might prove troublesome if they suspected forgery. So it was presented for collection to the executors, and when they repudiated it Megginson became scared and fled the country. Attorneys for the estate say that he cannot be found.

Attorney Lusk states that an intimation of the note being in existence came to him while William Murdock was nigh to death, and that he asked the old man if he had ever signed such an obligation. The answer was a flat negative, supplemented with a desire that the claim be protested by the heirs.

Mrs. Murdock is not mentioned in William's will, but her husband was bequeathed $1,000. The remainder of the big estate, consisting of lands, livestock, bonds, stocks and cash, was divided in varying proportions between Mary Compton, sister of the deceased, who lives near Chico, and her children, Adam, Henry, Ira, Mary and Lizzie, Gawn Murdock, brother of the deceased, of Lake County, and his three children; Hanse Murdock, another brother, and Gawn Murdock, a cousin of deceased.

READY FOR THE FRAY.

Taking everything into consideration, it appears remarkable that an impartial and intelligent jury to try this case was impaneled within a week. Every man in the county knew the Murdocks, or some of them, and for five years the note has been a standard topic for the gossips. The case in all its bearings has been discussed in general merchandise stores and sewing circles and at church sociables and district reunions and other places where men or women congregated, and every man capable of forming an opinion was believed to be harboring one. It was with this belief that Sheriff Stanton had a hundred talesmen on hand when the case was called, and was ready to produce a hundred more when the first batch was excused. Superior Judge Pirkey had made arrangements to spend the summer, if necessary, in securing twelve good men and true, and the contending attorneys were prepared to talk each other into imbecility before they would yield a point of possible vantage in that jury box. Yet before forty of the first venire had been examined the panel was completed. In a week's time twelve men were found who could read and write, understand the nature of an oath and respected it, and had considered the Murdock note case without forming an opinion thereof that could not be nullified by the testimony of witnesses, the pleadings of counsel and the court's instructions.

They will have no easy time of it, these marvels of conscientious citizenship. Their latent prejudices will be appealed to and their emotions played upon like so many violins in the hands of virtuosos. Not one of them is a rich man, and they will frequently be reminded that this is a [illegible] wherein a comparatively poor woman—a woman, mind you, gentlemen, who were born of woman—is [illegible] her rights from a crowd of capitalists. On the other hand, every one of the jurymen has a little property, and he will be told with emphasis and at brief intervals that if the preposterous claim — putting it mildly—of this plaintiff is upheld by his vote, he cannot consistently expect his own last will and testament to be protected by the law which he has outraged.

The defense is cramped for a protracted siege. Grove L. Johnson, however, is responsible for the assertion that the fight will be over within a couple of weeks. His first witness, he declares, will sweep the wind completely out of the enemy's sails and leave their case a helpless wreck. General Barnes and his confreres say nothing about what their collective sleeves contain, but their corps of photographers and handwriting sharps are kept steadily at work.

TAKING OF TESTIMONY BEGUN.

When court convened to-day the plaintiff's case was clearly defined by her counsel, and her husband was examined in her behalf. Attorney W. M. Cannon outlined to the jury the case as they promise to prove it, and the interesting story was listened to by an immense crowd. Circumstances as to the giving of the note were told the court and the jury, and made a strong impression on the hearers. The consideration of the $100,000 note was told. Then money was advanced to William Murdock by Sam Murdock, father of Gawn, husband of the plaintiff. When the balance of the account was struck $20,000 was given William by Sam, and the note was made payable to Mrs. Murdock, for the benefit of the two sons, who would come of age at the time the note was made payable. The jury was told as to the note being buried, encased in sealed bottles and dug up after ten years.

Attorney Cannon said he would prove by the testimony and facts and from honest witnesses, and not by experts who testify to deductions and opinions.

Gawn Murdock, husband of the plaintiff, testified that he met William Murdock in Chico on September 1, 1877, and that William said: "I have made a settlement with your father, and given a note to your wife for $100,000, payable twenty years from date."

When the witness returned home his wife showed him the note. He was handed the note in question, and said that it was the one his wife showed him. He said the signature was William Murdock's. He knew his writing well.

When Grove L. Johnson offered the note in evidence the defense objected, bringing up the point as to the plaintiff having no standing in court, as the note was not presented to the executors according to law.

This point will be argued to-morrow morning. The jurors were excused until to-morrow.

THE PLAINTIFF'S CASE

Attorney Cannon Outlines What His Side Proposes To Prove---The Hearing Of Witnesses Begins.

At 2 o'clock Monday afternoon the trial of the Murdock note case was resumed. A large number of spectators were present. A score of ladies were in the court room and Judge Pirkey gallantly improved the first occasion to provide them with good seats.

Both sides consenting, the Court fixed the hours for daily session from 10 to 12 a. m. and 2 to 5 p. m.

Counsel of both sides concurring, Mrs. D. C. McCallum was sworn as a court reporter to assist her husband, the regular official.

All was in readiness for the actual trial to commence and Attorney Cannon stepped before the jury box to outline to the jury what the plaintiff proposes to prove. Mr. Cannon talked in a simple, earnest tone. The speech showed careful preparation and the points followed in natural sequence. Its delivery consumed about forty minutes. Once General Barnes interrupted to object to the statement at this time that the defense claimed criminality.

The following is an epitome of the opening statement: The time has arrived when the doors are to be thrown wide open and the whole world shall know all. First to the issue. A promissory note, dated September 5, 1877, payable twenty years after date, for $100,000, at 1 per cent per month, was executed by William Murdock on the day of its date. A claim based on it was presented to the executors, who neither rejected nor allowed it, and this suit is brought to recover the amount.

Every contention will be proved by people well known and thoroughly creditable.

The speaker digressed long enough to compliment the intelligence of the jury and the competency of the Judge.

Facts of Relationship.

William Murdock came to California in 1855 and settled on Angel slough in 1858. In 1860 he moved to Kanawha. He engaged in cattle and sheep raising, acquired government land, and grew to possess large means. His cousin, Sam Murdock, lived at Stony Creek in 1860 where he engaged in stock raising also. He, too, prospered. Sam's son, Gawn, became his partner. Gawn has lived nearly all his life at Orland. He is the husband of the plaintiff, Mary Helen Murdock. They have two sons, Edmund and Stanley. Sam's father lived at Grizzly Bend. Gawn Murdock is noted in the community for his sterling integrity. His name is a synonym for honesty. The plaintiff is the faithful partner of his joys and sorrows.

History of Consideration of Note.

In 1862 Sam loaned William $4,000 he had received from his father, and thereafter Sam yearly turned over to William the profits of his business. Gawn objected to this procedure; difficulty ensued and in 1876 the partnership was dissolved. Gawn agreed to buy out his father for $15,000. He paid $5,000 down, which sum was turned over to William. Sam left Gawn's house. He remained with William several months in 1877, during which time the latter persuaded him to demand a greater purchase price from Gawn. To avoid difficulty, Gawn then paid $20,000, part cash and the balance in securities. On September 5, 1877, Sam, William and Mary Helen Murdock assembled at Gawn's house to settle between Sam and William. A balance of $100,000 was struck and the note executed. This sum was intended as an inheritance for plaintiff's sons, Edmund and Stanley, and hence made payable twenty years from date. One per cent per month was a low rate at that time. There was always best of feeling between William and plaintiff. In making this note two previous ones were cancelled.

Afterwards William Murdock affirmed this note and its consideration to several parties. Words will come from the graves of William and Sam Murdock to refute the scandalous charges that have been made.

ORAL PIRKEY.

The Superior Judge who is presiding over the Murdock trial. Though of brief experience on the bench he is winning golden opinions for his able conduct of the exacting case.

Whereabouts of The Note.

Shortly after it was given, Mrs. Murdock wrapped it around a pencil; enclosed this in tinfoil; this in a vial; sealed this in a second vial, and this again in a third put this in a tin can; covered it with a saucer and buried it. After ten years (in 1887) the note was unearthed and taken to Sacramento where it might be needed in a purchase of land. Here it was seen by several persons. It was given to Gawn Murdock who put it in his private box in the vault of the Bank of Orland. In 1890 the note was sent to L. S. Megginson at San Francisco. In 1891 he sent it to his brother in Ohio, who in turn sent it back to Mrs. Murdock in 1894. Since that time it has been in the possession of plaintiff's attorneys.

"We shall prove to you that after the death of William Murdock one of the executors admitted that he knew of the note and that had William Murdock lived a week or two longer, it would have been compromised.

We will prove all this by well known witnesses. Will you hear them or will you accept the mere opinions of hired witnesses who come here to swear this note a forgery at so much per swear?"

General Barnes stated that the defendants would reserve their opening statement until all the plaintiff's testimony is in.

Mr. Cannon asked defendants' counsel to present the claim filed by Mrs. Murdock in 1891. The latter did not have these at hand.

Mr. Cannon asked defendants' counsel to admit the death of William Murdock, the appointment of Messrs. Harrington, Burton and Compton as executors, and the filing and proving of the will. The request was declined, and Clerk Sale was sworn as a witness. Mr. Sale testified to the papers filed in the estate.

Gawn Murdock on the Stand.

The Plaintiff then called Gawn Murdock to the stand.

The witness testified that he was 68 years old; was born in Ireland; came to America when 11 years old; lived successively at Grizzly Bend, Jacinto and Stony Creek. Wm Murdock was his father's cousin. He had seen the note. Mr. Johnson handed the note to him and he identified it. In September, 1877, he saw Wm. Murdock in Chico. William said he had just been to the ranch and settled with Sam; that he had given the $100,000 note. William said that he did not want him (Gawn) or Cam Ashurst to get any of the money. Gawn told William he didn't like the note; he objected to its running for so long a period. He went home from Chico and his wife showed him the note. He knew William Murdock's signature and recognized that of the note to be his.

Mr. Bayne objected to the introduction of the note in evidence. The plaintiff had filed her claim with the executors before the note became due and no explanation of its circumstance had been given. This point was argued and overruled by former Judge Moody. Judge Pirkey overruled it, but reconsidered his motion and asked that the matter be argued, as it was of too great importance to be passed lightly. It was decided to devote this morning's session to the point at law. The Jury was excused until 2 p. m., to-day. Mr. Bayne raised the additional point that the note has been endorsed and is therefore not payable to plaintiff.

TUESDAY'S SESSION.

The morning session was devoted to the argument of the defendant's objection to the introduction of the note.

A boquet of flowers relieved the austerity of the judicial desk.

Mr. Bayne argued his point at length, endeavoring to show the Court wherein the letter of the law had not been followed.

Mr. Cannon and Mr. Johnson then presented their view of the point at issue.

The argument of counsel are not produced since they are purely legal and not of general interest.

Judge Pirkey reserved his decision until after the noon recess.

When the afternoon session began Judge Pirkey at once decided the point submitted to him. He discussed the objection and stated that it resolved itself into a question of whether the note on its face was sufficient evidence as a claim. The Court believed it was, and the objection was overruled.

Gawn was recalled to the witness stand. He made a copy of the note when it was first shown him by his wife. He gave the copy to his wife. Witness told of the burying of the note just as narrated in the statement to the jury. Ten years after it was dug up and taken to Sacramento to the State Fair, where he saw Wm. Murdock. Six months later he received the note and placed it in the Bank of Orland. In the fall of 1890 he took out the note and gave it to plaintiff. He next saw the note in 1894 at Reddy & Campbells in San Francisco, and again in 1897 at Cannon & Freeman's

Cross-Examination By General Barnes

Witness talked to Wm. Murdock in Chico the 8th or 9th of September. William said he had received the $20,000, ($8,000 cash and two notes on Cam Ashurst and Bill Watkins) witness had paid his father Sam. Witness has kept an account with Bank of Orland since its organization about 1887. In Chico William told witness he (Gawn) needn't be mad at him any more since he had settled with Sam. Witness' quarrel with "Uncle Billy" began in 1872 because Sam paid $11,000 to William. Witness also disliked William because he had deeded a piece of land to his wife instead of to him. Subsequently he saw Sam pay $4,000 to William. Sam had kept the money under the wood pile. Witness had told William in Chico that he thought the note no good because William might have no money when it was due. William did not want Gawn or Cam Ashurst to have any of the money. Witness did not know of his personal knowledge that the plaintiff was at home on September 5, 1877. Previously plaintiff had gone to Allen Springs. Witness again identified the note. He testified that the writing of the note was by the plaintiff and the signature by William. Plaintiff had written out the note at Sam's request. Witness recalled very little of what his wife had said to him about the note when he first saw it. Sam Murdock did not read or figure. Witness did not know who figured out the $100,000 amount. Sam moved back to Gawn's in August before the note was made. Sam went to Chico and returned, on September 3rd.

General Barnes asked many questions concerning the whereabouts of William, Sam, Gawn and plaintiff about the time the note is said to have been given.

When William first told Gawn in Chico that he had given the note Gawn did not believe it. Witness remembered that Sam had turned over $5,600 to William in 1862; $2,000 in 1863; $17,000 in 1872; $5,000 in 1876; $20,000 in 1877.

The plaintiff had suggested the method of making up the note. Witness did not know the exact amount William owed Sam at the time the note was made.

General Barnes plied the witness with a long string of questions to ascertain from what transaction each of the sums paid by Sam to William was obtained. Witness' father owed him $10,000. Witness paid him $5000 in addition for his interest in the ranch. William persuaded Sam that he was underpaid. Sam demanded more. Witness then paid him $20,000—$8,000 in cash, the balance in securities.

A Daily Edition.

In line with its established policy of giving the people the best news in the best form, the PROMOTER will issue it daily during the continuance of the Murdock note case. In ordinary times neither the quantity nor quality of local news justifies a more frequent edition than that of every other day, but this big case at law is of special interest and a special effort will be made to keep our readers posted on its developments from day to day. The daily will be served to our subscribers without extra charge.

BUSINESS DONE WITHOUT BOOKS

How Gawn Murdock and His Father Sam Managed Their Affairs.

William Told Megginson That the Note Given Mary Helen Would Be Paid.

OBJECTION TO PLAINTIFF TESTIFYING

Argument on an Important Point in the Willows Case Will Be Made To-Day.

[Special Dispatch to "The Examiner."]

WILLOWS, April 12.—Gawn Murdock, the husband of Mary Helen Murdock, who is suing the executors of William Murdock's estate for $310,000, was cross-examined until 3 o'clock this afternoon by General Barnes, but although the witness could not remember some details, his testimony was quite strong and was given in a decidedly straightforward manner. The matter of partnership between the witness and his father, Samuel Murdock, was exhaustively gone into. It would seem that no books were kept, that Sam made sales of wool, sheep and other stock and took the money without consulting witness. When a settlement came up between them witness paid his father $5,000 in cash and canceled a charge of $10,000 against him on account of certain former transactions, making $15,000, the total amount of the settlement. At that time witness took a receipt from his father.

Witness was then questioned about his meeting with L. S. Megginson, to whom the note was first transferred by indorsement. He met Megginson while with his wife in the pavilion at Sacramento in 1890. They talked about the note, and Megginson said he would advance Mrs. Murdock money on it if it were good. The witness said that William Murdock was in the pavilion, and that they had better talk with him. They met William and after introducing Megginson, the latter told him that Mrs. Murdock wished to borrow some money on the $100,000 note, and wished to know if the note was all right. William replied that the note was good and that it would be paid when due. After a few interrogations as to the two indorsements on the note, one transferring the title from Mrs. Murdock to L. S. Megginson on November 5, 1890, and the other from L. S. to W. H. Megginson on October 16, 1891, the answers to which questions witness could not give, General Barnes said: "That is all."

The "surprise" referred to in to-day's "Examiner" was the testimony of T. J. Kirkpatrick, at one time Justice of the Peace. Mr. Kirkpatrick is sixty-five years of age and he has lived on Stony creek, near the Murdock place, for forty-three years. Mrs. Mary Helen Murdock is a sister to Kirkpatrick's wife. Witness testified substantially as follows:

I knew William Murdock intimately. In the year 1874 I heard a conversation between William and Sam at the Murdock home. [illegible] The conversation was about [illegible] William wanted Sam to [illegible] a note held by Mary. William wanted the interest reduced from 12 to 10 per cent. Sam would not agree. Later I had a conversation with William at my house. We talked about Sam and of the fact of his wanting to leave everything to his grandsons. I told William that Sam had been to see me and that I had drawn up an affidavit for him as to the indebtedness between them [illegible] that Sam wanted it to protect his grandchildren.

This affidavit was handed to witness and he was asked if that was the one referred to. He said it was. Witness stated that William read the affidavit and said that it was all right. Judge Pirkey overruled Barnes' objection to admitting the document in evidence and Grove L. Johnson read the affidavit. It was dated [illegible] October 31, 1874, and stated that money was loaned William from year to year and that affiant trusted to William to keep the books, etc. It closed in these words:

I have settled with William Murdock and have taken a note from him for the amount due me dated September 5, 1877, and made payable to Mary H. Murdock for the benefit of my two grandsons, Edmund and Samuel Murdock, and due twenty years from date.

General Barnes' cross-examination was brief and elicited no new facts.

The name of Mrs. Mary Helen Murdock was then called. The plaintiff was sworn and she had just answered the question as to her name, when General Barnes made an objection as to plaintiff testifying. The objection was made under a section which says that one who brings suit against executors of a deceased person cannot testify as to facts occurring before the death of such person. This would shut plaintiff out from telling of the transaction. The point will be argued to-morrow morning.

MURDOCK EXCUSED

T. J. Kirkpatrick Testifies for the Plaintiff.

Story of the Day's Proceedings Up to the Hour of Adjournment.

[illegible]

The cross examination by General Barnes of witness Gawn Murdock, yesterday afternoon, was principally as to the movements of witness at and about the time the $100,000 note is dated, September 5th, 1877, and as to the business transactions between William and Samuel Murdock (father of witness) and between witness and his father. The whereabouts of the note in all these years, was also gone into fully. Testified that he did not know of his own knowledge that his wife was at home on the day the note was dated. When he saw William Murdock at Chico, William said: "You needn't be mad any more. Your father gave me $20,000 and I have given Mary my note for $100,000, payable in twenty years." Said the writing in the note was that of his wife. Did not know how the $100,000 balance was arrived at. As to loans from Samuel to William, knew of $5,600 in 1862; $2,000 in 1863; $1,000 in 1872; $5,000 in 1876 and the final $20,000 in 1877. After settlement of witness with his father when partnership was dissolved, he paid his father $5,000 in cash and gave notes for a balance of $20,000, his father claiming the former settlement unjust.

The details of burying the note, digging it up, and about where it was taken, was then gone into. (This morning's examination tells that story.)

It was but a few minutes after 10 o'clock this morning when the jurymen had answered to their names and witness Gawn Murdock was again on the stand to be further cross-examined.

Witness desired to make a correction in his testimony, saying that if he stated that the last time he saw Wm. Murdock was at the Orland Bank when a deed was signed, such statement was incorrect, the last time he saw Wm. Murdock was at the ranch of witness. Testified, answering General Barnes, that he did not know the expenses of Samuel and family when they came to California were paid by William. Said expenses were paid by his father. Said his father started business with about 600 or 700 sheep, that was in 1851. Witness had some money when he was 15 years of age which was given him by his great uncle, Joseph McCafford. The sum was $2,000. Understood that the money, which was in his father's name, was used in the purchase of sheep. Witness went into partnership with his father in 1861, was to own one-half of the stock and was to do the herding. All the business witness engaged in was that with his father up to 1876. His father never had any stock outside of that belonging to the partnership. Not all loans from Samuel to William was that from the partnership earnings; $4,000 of it was from an inheritance.

Didn't think the loan of $5,600 made in 1862 was money from partnership business. All other moneys after this was sales of sheep, wool, etc., belonging to witness and his father. This money was simply "taken" by Samuel without consulting witness. When land was bought with partnership moneys, as far as he knows, deeds were made in name of witness. When sales were made, father of witness most of the time attended to such sales and usually kept the money.

His father knew that deeds were made in name of witness.

Down to 1876 don't think they had but little land. When settlement with his father came he paid his father $5,000 in [illegible] charged him with $10,000, the [illegible] being account [illegible] to [illegible]. His father agreed to this, [illegible] receipt from his father, Cannon and [illegible] all errors, had receipt [illegible] (the) barnes asked the attorneys to produce it and it was handed over. Was shown to witness by Barnes and witness identified it. (Marked as defendant's exhibit 5.)

Testified that the receipt was in his (witness) handwriting. General Barnes read the document, which was written in the first person, as: "Today I have settled with my father," etc., etc., and was signed by Gawn W. Murdock and Samuel Murdock, with a cross for the mark of latter. The jury inspected the paper.

Resuming, witness said the $5,000 paid his father was in full for sheep, land and everything owned by the partnership. The settlement was really for $15,000, the balance of $10,000, being an amount he considered over Samuel's partnership share loaned to William. No set valuation was put on the stock on hand. Could not tell how the amount of settlement was arrived at, but the sum of $15,000 was struck as the amount which would be mutually satisfactory. The $5,000 paid his father was from sale of stock and was money be believed his father had no interest in. Afterwards gave his father $20,000 when an unjust settlement was claimed; ($5,600 of this was in cash from sale of grain; balance was in notes.) One note was from Caut Ashurst and was for about $10,000, the other was a note from one Watkins for $2,000. Witness didn't know if he voted in 1877; couldn't remember as to voting or election; thought his precinct was called Olimpo. Said the precinct was changed to Orland and that he was instrumental in the change.

Did not know that there was an election on September 5, 1877, the day note was made. Did not know whether or no William Murdock voted on that day at Kanawha. General Barnes read the ticket as voted for on that day.

A certain visit made by witness at home of Gawn Murdock Sr. at Upper Lake was gone into. Witness did not remember that he spoke there of his father's financial condition, and said that he did not say there that his father was never worth over $25,000. Never said there that he had a row with his father because deeds for land were put in name of witness, nor that he had "got the best of the old man."

A trip made by witness and wife from Bartletts to Ukiah was brought up. They stopped at Gawn Sr.'s house. Did not remember that his wife Mary Helen, told Gawn Jr. that he ought to go over and make up with Uncle Billy so that he might get some of his money, as Bill was worth over a million dollars. Didn't remember of saying that William had about $300,000 in the bank and didn't owe anything, nor that William was worth more than the Glenn estate, as it was heavily in debt, and that William didn't owe anything.

Witness told of going to State Fair in 1887. Didn't remember the race where "Yolo Maid" won in three straight heats. Saw William at Sacramento then. Witness and wife called on Dr. Hicks, whom his wife knew. Didn't remember how the note was carried, but his wife had it.

Met Megginson in 1890 in Pavilion at Sacramento. Wife introduced them. They talked of the note, as to its being good. Witness said that William was there and had better talk with him. They found William alone in pavilion; Megginson was introduced, Megginson told William that Mrs. Murdock was talking of borrowing some money on this $100,000 note and wanted to know if it was good. William replied that the note was good and he would pay it when due.

The matter of the two endorsements which appear on the back of the celebrated note came in for some attention. One of these endorsements is that of an assignment or transference to L. S. Megginson dated in 1891, and the other, dated 1891, an assignment from L. S. to W. H. Megginson.

Objections galore came up in the course of General Barnes' questioning as to these endorsements, the grounds being that the questioning was not proper cross-examination and the matter only hearsay with witness.

The courtroom was crowded in the afternoon, the fair sex being in the majority. General Barnes in his continuance of the cross-examination of Gawn Murdock, took up the matter of these endorsements and the man Megginson. Witness said he had never seen Mr. Megginson at his (witness) home. Couldn't recollect of seeing the note at all between 1890 and 1894. In the year 1890 thought he, very probably, borrowed money.

A mortgage of something over $11,500 made in September, 1889 to Bank of Orland, mortgage being on property of witness, was referred to by General Barnes, and reference made as to Mrs. Murdock trying to borrow money at that time. Witness remembered the mortgage but not the date; did not remember of his wife's trying to borrow money then. Did not remember particulars as to Samuel setting up witness' brother Alexander in business. Did not recollect particu-

(Continued on page 4.)

lars as to his loan to Caut. Ashurst.

Attorney Johnson offered in evidence a paper as to an agreed settlement between witness and his father, made September 3, 1877, at Chico, in the office of Mr. Halleck, a Notary. Witness testified that the paper was drawn up in presence of himself and father at Mr. Halleck's office, and to his best recollection it was there read. Attorney Barnes objected to the document's introduction, claiming the paper only hearsay, and not attested or acknowledged in any legal form. Witness did not know that the paper was read in the presence of himself and father. Witness kept the paper and there was no copy of it. Attorney Johnson read the paper. It recited a settlement between Samuel Murdock and Gawn W. Murdock and gave certain details as to such settlement and acknowledgement of money, notes, etc. The paper was put in evidence, Judge Parkey overruling the objection. Answering General Barnes, witness testified that this settlement was made after his father returned from his stay at William's house; about a week afterwards, he thought. "That is all" said General Barnes.

Attorney Johnson then asked witness as to his leaving home on the first days of September, 1877 for Chico. His wife was not at home when he left home on the 4th, his wife was home when witness returned. When he settled with his father, he allowed his father all claims as to loans made to William Murdock. Never had any regular yearly settlements in the partnership business with his father. His father made most of the sales.

General Barnes asked witness as to who went to Allen Springs with him in 1877. He named the parties. Witness was excused.

T. J. Kirkpatrick was called. Testified was 65 years of age, lived at Stony Creek, lived there 43 years; brother-in-law of Gawn Murdock; Gawn married his wife's sister. Knew William Murdock intimately; and William was the seventh or eighth man he met in California. In 1878 heard a conversation between William and Samuel. The two men, himself and Mary Helen Murdock were present at Murdock's house. The conversation was about a reduction in interest William wanted Samuel to make on a $100,000 note held by Mary; wanted interest reduced from 12 per cent to 10. Sam would not agree to lower the interest. Later had a conversation with William at house of witness; talked about Samuel and of his "willing" his property to his grandsons and leaving his other relatives out. Witness asked William if he succeeded in getting the interest lowered; William answered that he had not. Witness told William that Samuel had been to see him and had witness draw up an affidavit as to William's indebtedness to Samuel in order to protect his (Samuel's) grandchildren.

This affidavit was shown witness and he said in answer as to whether that was the affidavit: "Yes, sir; that is the paper."

Testified that William read the affidavit at that time and said it was all right.

After the overruling of an objection as to its admittance attorney Johnson read the document. It was dated October 31, 1879, at Olimpo. It commenced: "I, Samuel Murdock, will make a true statement," etc., and went on to say what the statement would be as to William Murdock's business transactions with him.

It recited as to different amounts loaned William, and mentioned the $20,000 loaned William, and the taking of a note dated September 5, 1877 payable to Mary H. Murdock for benefit of grandsons Edmund and Stanley. It was witnessed by T. J. Kirkpatrick as Justice of the Peace.

After recess, General Barnes, questioned witness closely as to the affidavit, the making of it and particulars.

Mr. Kirkpatrick was excused and Mrs. Mary Helen Murdock, the plaintiff, called to the stand. General Barnes objected to the witness giving testimony and the matter was being argued when court adjourned.

AFFIDAVIT OF A DEAD MAN.

Samuel Murdock Acknowledged a Debt to His Brother.

HIS STATEMENT OF THEIR DEALINGS IS PRODUCED.

THE JUSTICE OF THE PEACE WHO MADE IT [illegible] ON THE STAND.

Document a Hard Blow to the Defense, Which Claims That It Has Been Manufactured.

Special D[illegible]

WILLOWS, April 1[illegible].—A [illegible] was landed in the [illegible] of the defense in the celebrated [illegible] note [illegible] to-day when the attorneys for Mrs. [illegible] Murdock introduced in evidence an affidavit made in 1879 by Samuel Murdock detailing his financial relations with William Murdock, who it is alleged by the complainant signed the celebrated note in 1877.

The [illegible] Thomas J. Kirkpatrick, a brother-in-law of Gawn Murdock, was called to the stand. He swore that when a Justice of the Peace on October 31, 1879, he had drawn up the following affidavit for Samuel Murdock:

October 31, 1879—Olimpo, Colusa County, California: I, Samuel Murdock, will make a true statement of the business transactions that have existed between myself and William Murdock, both of Colusa county, State of California. Particulars [illegible]. I began loaning money to said William Murdock in the years of 1861 or '62, I will not say which, and did continue to loan to the said William Murdock my money until 1877. The first he borrowed from me was money that was left to me by my father's estate and my brother, William Murdock, who had previously died in [illegible].

I let him have $[illegible] the first loan. I then loaned him the money that I sold my wool and sheep for from year to year, and trusted to William Murdock to keep the accounts, as I had no education. I think he kept the books as correct as he could until the last transaction, the settlement with Gawn Murdock. I loaned him $5,000 in April, 1876, and when I made my final settlement with Gawn Murdock I loaned William Murdock $20,000 the 5th of September, 1877, which was about two thousand.

I have settled with William Murdock and have taken a note from him for the amount due me, dated September 5, 1877, and a note payable to Mary H. Murdock for the benefit of my two grandsons, Edmund and Samuel Murdock, and due twenty years from date. His

SAMUEL X MURDOCK
Mark.

"State of California, county of Colusa—On this, the 31st day of October, 1879, before me, T. J. Kirkpatrick, Justice of the Peace in and for Stony Creek township, Colusa county, personally appeared Samuel Murdock, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same. In witness whereof I have hereunto set my hand and private seal, having no seal of office, the day and year in this certificate first above written.

"T. J. KIRKPATRICK, Justice of the Peace."

This document, which the defense declares a forgery, was not known to exist by any one but those immediately interested in the prosecution of the case, and its exhibition in court and identification by Kirkpatrick was a stunning blow to the lawyers for the defense. Kirkpatrick, a man of 65, who has lived for forty-three years at Stony Creek, sixteen miles from here, was formerly a Baptist minister. He is known by every one in Glenn county, and his startling story of William Murdock's admission of the existence of the $100,000 note, together with the affidavit drawn so many years ago, struck like a voice from the grave. It created consternation on the other side, and General Barnes, when he recovered from his astonishment, pronounced Kirkpatrick's testimony perjury and the document a rank forgery.

Kirkpatrick followed Gawn Murdock on the stand. He was closely cross-examined by the defense, but his plain replies to the questions of the lawyers made a deep impression on the jury. He said that Gawn Murdock and he had married sisters, and he had a lifelong acquaintance with the Murdocks. In 1879 he heard a conversation between William and Samuel Murdock at the latter's house about a reduction in interest that William wanted Samuel to make on a note for $100,000 held by Mary Helen Murdock, Gawn's wife. William urged that 10 per cent and not 12 per cent a year was sufficient, but Samuel, Gawn's father, would not agree.

Later Kirkpatrick talked with William about the matter and of Samuel's disposing of his property to his grandsons in the note made to his son's wife, to the exclusion of his children. Kirkpatrick said he had asked William if he had succeeded in having the interest on the $100,000 note lowered, and William replied in the negative. The witness informed William that Samuel had had him (witness) make for him a statement of his (William's) indebtedness to him, to which Samuel swore. Samuel could not write himself and said he did this to protect his grandchildren after his death.

When the affidavit was handed to Kirkpatrick to identify he said it was the same he had written and affixed his seal to in 1879 and which he had shown to William. He testified that William had read it and acknowledged its correctness.

Attorney Grove Johnson, for the complainant, who had been questioning Kirkpatrick, halted here and turned over the witness to General Barnes, leading counsel for the defense. Barnes was stumped and a recess was taken, during which Barnes, Lurk, Hayes and [illegible], attorneys for the defense, put their heads together. They had been utterly unprepared for the evidence of Kirkpatrick as to William Murdock's

TROUBLES PATCHED UP.

James Treadwell Compromises With the Girl He Beat.

MANY LEGAL TWISTS AND TURNS AT SAN JOSE.

THE [illegible] DAMAGE SUIT AGAINST THE YOUNG [illegible] TO BE WITHDRAWN.

Lawyers' Efforts to Fix Have the Couple Are Vain, and They Are Said to Have Gone East Together.

Special Dispatch to the "Chronicle."

SAN JOSE, April 1[illegible].—There were sensational developments here to-day in the matter of the trouble that James [illegible]

[illegible]

MURDOCK EXCUSED

T. J. Kirkpatrick Testifies for the Plaintiff.

Story of the Day's Proceedings Up to the Hour of Adjournment.

The cross examination by General Barnes of witness Gawn Murdock, yesterday afternoon, was principally as to the movements of witness at and about the time the $100,000 note is dated, September 5th, 1877, and as to the business transactions between William and Samuel Murdock (father of witness) and between witness and his father. The whereabouts of the note in all these years, was also gone into fully. Testified that he did not know of his own knowledge that his wife was at home on the day the note was dated. When he saw William Murdock at Chico, William said: "You needn't be mad any more. Your father gave me $20,000 and I have given Mary my note for $100,000, payable in twenty years." Said the writing in the note was that of his wife. Did not know how the $100,000 balance was arrived at. As to loans from Samuel to William, knew of $5,600 in 1862; $2,000 in 1863; $9,000 in 1872; $5,000 in 1876 and the final $20,000 in 1877. After settlement of witness with his father when partnership was dissolved, he paid his father $8,000 in cash and gave notes for a balance of $20,000, his father claiming the former settlement unjust.

The details of burying the note, digging it up, and about where it was taken, was then gone into. (This morning's examination tells that story.)

It was but a few minutes after 10 o'clock this morning when the jurymen had answered to their names and witness Gawn Murdock was again on the stand to be further cross-examined.

Witness desired to make a correction in his testimony, saying that if he stated that the last time he saw Wm. Murdock was at the Orland Bank when a deed was signed, such statement was incorrect; the last time he saw Wm. Murdock was at the ranch of witness. Testified, answering General Barnes, that he did not know the expenses of Samuel and family when they came to California were paid by William. Said expenses were paid by his father. Said his father started business with about 600 or 700 sheep; that was in 1858. Witness had some money when he was 15 years of age which was given him by his great uncle, Joseph McGifford. The sum was $2,000. Understood that the money, which was in his father's name, was used in the purchase of sheep. Witness went into partnership with his father in 1861; was to own one-half of the stock and was to do the herding. All the business witness engaged in was that with his father up to 1876. His father never had any stock outside of that belonging to the partnership. Not all loans from Samuel to William was that from the partnership earnings, $1,000 of it was from an inheritance.

Didn't think the loan of $5,600 made in 1862 was money from partnership business. All other moneys after this was sales of sheep, wool, etc., belonging to witness and his father. This money was simply "taken" by Samuel without consulting witness. When land was bought with partnership moneys, as far as he knows, deeds were made in name of witness. When sales were made, father of witness most of the time attended to such sales and usually kept the money.

His father knew that deeds were made in name of witness.

Down to 1876 don't think they had but little land. When settlement with his father came he paid his father $5,000 in cash and charged him with $10,000, the charge being account former business transactions. His father agreed to that. Took receipt from his father, Cannon and Freeman, attorneys, had receipt. General Barnes asked the attorneys to produce it and it was handed over. Was shown to witness by Barnes and witness identified it. (Marked as defendant's exhibit 3.)

Testified that the receipt was in his (witness) handwriting. General Barnes read the document, which was written in the first person, as: "Today I have settled with my father," etc., etc., and was signed by Gawn W. Murdock and Samuel Murdock, with a cross for the mark of latter. The jury inspected the paper.

Resuming, witness said the $5,000 paid his father was in full for sheep, land and everything owned by the partnership. The settlement was really for $15,000, the balance of $10,000, being an amount he considered over Samuel's partnership share loaned to William. No set valuation was put on the stock on hand. Could not tell how the amount of settlement was arrived at, but the sum of $15,000 was struck as the amount which would be mutually satisfactory. The $5,000 paid his father was from sale of stock and was money he believed his father had no interest in. Afterwards gave his father $20,000 when an unjust settlement was claimed; ($8,000 of this was in cash from sale of grain; balance was in notes.) One note was from Cam Ashurst and was for about $10,000; the other was a note from one Watkins for $2,000. Witness didn't know if he voted in 1877, couldn't remember as to voting at election; thought his precinct was called Olimpo. Said the precinct was changed to Orland and that he was instrumental in the change.

Did not know that there was an election on September 5, 1877, the day note was made. Did not know whether or no William Murdock voted on that day at Kanawha. General Barnes read the ticket as voted for on that day.

A certain visit made by witness at home of Gawn Murdock Sr at Upper Lake was gone into. Witness did not remember that he spoke there of his father's financial condition, and said that he did not say there that his father was never worth over $25,000. Never said there that he had a row with his father because deeds for land were put in name of witness, nor that he had "got the best of the old man."

A trip made by witness and wife from Bartletts to Ukiah was brought up. They stopped at Gawn Sr's house. Did not remember that his wife, Mary Helen, told Gawn Jr. that he ought to go over and make up with Uncle Billy so that he might get some of his money, as Bill was worth over a million dollars. Didn't remember of saying that William had about $300,000 in the bank and didn't owe anything, nor that William was worth more than the Glenn estate, as it was heavily in debt, and that William didn't owe anything.

Witness told of going to State Fair in 1887. Didn't remember the race where "Yolo Maid" won in three straight heats. Saw William at Sacramento then. Witness and wife called on Dr. Hicks, whom his wife knew. Didn't remember how the note was carried, but his wife had it.

Met Megginson in 1890 in Pavilion at Sacramento. Wife introduced them. They talked of the note, as to its being good. Witness said that William was there and had better talk with him. They found William alone in pavilion; Megginson was introduced; Megginson told William that Mrs. Murdock was talking of borrowing some money on this $100,000 note and wanted to know if it was good. William replied that the note was good and he would pay it when due.

The matter of the two endorsements which appear on the back of the celebrated note came in for some attention. One of these endorsements is that of an assignment or transference to L. S. Megginson dated in 1890, and the other, dated 1892, an assignment from L. S. to W. H. Megginson.

Objections galore came up in the nature of General Barnes' questioning as to these endorsements, the grounds being that the questioning was not proper cross-examination and the matter only hearsay with witness.

The court-room was crowded in the afternoon, the fair sex being in the majority. General Barnes in his continuance of the cross-examination of Gawn Murdock, took up the matter of these endorsements and the man Megginson. Witness said he had never seen Mr. Megginson at his (witness) home. Couldn't recollect of seeing the note at all between 1890 and 1894. In the year 1890 thought he, very probably, borrowed money.

A mortgage of something over $11,500 made in September, 1889 to Bank of Orland, mortgage being on property of witness, was referred to by General Barnes, and reference made as to Mrs. Murdock trying to borrow money at that time. Witness remembered the mortgage but not the date; did not remember of his wife's trying to borrow money then. Did not remember particulars as to Samuel setting up witness' brother Alexander in business. Did not recollect particulars as to his loan to Cam. Ashurst.

Attorney Johnson offered in evidence a paper as to an agreed settlement between witness and his father, made September 3, 1877, at Chico, in the office of Mr. Halleck, a Notary. Witness testified that the paper was drawn up in presence of himself and father at Mr. Halleck's office, and to his best recollection it was there read. Attorney Barnes objected to the document's introduction, claiming the paper only hearsay, and not attested or acknowledged in any legal form. Witness did not know that the paper was read in the presence of himself and father. Witness kept the paper and there was no copy of it. Attorney Johnson read the paper. It recited a settlement between Samuel Murdock and Gawn W. Murdock and gave certain details as to such settlement and acknowledgement of money, notes, etc. The paper was put in evidence, Judge Pirkey overruling the objection. Answering General Barnes, witness testified that this settlement was made after his father returned from his stay at William's house; about a week afterwards, he thought. "That is all" said General Barnes.

Attorney Johnson then asked witness as to his leaving home in the first days of September, 1877 for Chico. His wife was not at home when he left home on the 4th, his wife was home when witness returned. When he settled with his father, he allowed his father all claims as to loans made to William Murdock. Never had any regular yearly settlements in the partnership business with his father. His father made most of the sales.

General Barnes asked witness as to who went to Allen Springs with him in 1877. He named the parties. Witness was excused.

T. J. Kirkpatrick was called. Testified was 65 years of age; lived at Stony Creek; lived there 43 years; brother-in-law of Gawn Murdock; Gawn married his wife's sister. Knew William Murdock intimately; and William was the seventh or eighth man he met in California. In 1878 heard a conversation between William and Samuel. The two men, himself and Mary Helen Murdock were present at Murdock's house. The conversation was about a reduction in interest William wanted Samuel to make on a $100,000 note held by Mary; wanted interest reduced from 12 per cent to 10. Sam would not agree to lower the interest. Later had a conversation with William at home of witness; talked about Samuel and of his "willing" his property to his grandsons and leaving his other relatives out. Witness asked William if he succeeded in getting the interest lowered; William answered that he had not. Witness told William that Samuel had been to see him and had witness draw up an affidavit as to William's indebtedness to Samuel in order to protect his (Samuel's) grandchildren.

This affidavit was shown witness and he said in answer as to whether that was the affidavit "Yes, sir, that is the paper."

Testified that William read the affidavit at that time and said it was all right.

After the overruling of an objection as to its admittance attorney Johnson read the document. It was dated October 31, 1879, at Olimpo. It commenced: "I, Samuel Murdock, will make a true statement," etc., and went on to say what the statement would be as to William Murdock's business transactions with him.

It recited as to different amounts loaned William, and mentioned the $20,000 loaned William, and the taking of a note dated September 5, 1877 payable to Mary H. Murdock for benefit of grandsons Edmund and Stanley. It was witnessed by T. J. Kirkpatrick as Justice of the Peace.

After recess, General Barnes, questioned witness closely as to the affidavit, the making of it and particulars.

Mr. Kirkpatrick was excused and Mrs. Mary Helen Murdock, the plaintiff, called to the stand. General Barnes objected to the witness giving testimony and the matter was being argued when court adjourned.

Sensation in the Note Case.

OLD AFFIDAVIT IS PRODUCED

DESCRIBES THE DEAL BETWEEN THE BROTHERS.

Former Justice of the Peace Kirkpatrick Says William Murdock Admitted Having Executed the Note.

Special Dispatch to The Call.

WILLOWS, April 12.—When the Murdock note case was resumed this morning Gawn Murdock, husband of the plaintiff, was on the stand and his cross-examination was continued by General Barnes. He repeated much of his testimony of yesterday, giving dates and the sums of money given by Samuel Murdock to William Murdock. The witness told his story in a simple, straightforward manner that carried conviction.

The next witness was T. J. Kirkpatrick, a prominent farmer and a brother-in-law of the plaintiff, and it was during his examination that the first genuine surprise or sensation of the trial was sprung. Witness testified that he was Justice of the Peace in 1877 and 1878 in the township in which G. W. Murdock and Samuel Murdock lived. Samuel Murdock, William Murdock and himself were very friendly. Witness was the adviser of Samuel in the latter's lifetime. Two years after the day of the signing of the note in question Samuel called on the witness and said he wanted him to act as guardian of his grandchildren (the children of plaintiff) and if anything should happen to him (Samuel) before the note came due he wanted witness to see that the money went to his grandchildren. In order that Kirkpatrick should be advised as to particulars, Samuel Murdock wished to make an affidavit, and did swear to the following:

October 31, 1879. Olimpo, Colusa County, California. I, Samuel Murdock will make a true statement of the business transactions that have existed between myself and William Murdock, both of Colusa County, State of California, Postoffice Kanawa. I began loaning money to said William Murdock in the year of 1861 or '62, I will not say which, and did continue to loan to the said William Murdock my money until 1877. The first he borrowed from me was money that was left to me by my father's estate and my brother William Murdock, who had previously died in Grizzly Bend, Butte County. I let him have that the first loan. I then loaned him the money that I sold my wool and sheep for from year to year and trusted to William Murdock to keep the accounts as I had no education. I think he kept the books as correct as he could until the last transaction, the settlement with Gawn Murdock. I loaned him $5000 in April, 1876, and when I made my last settlement with Gawn Murdock I loaned William Murdock the $20,000 the 5th of September, 1877, which was about two years ago. I have settled with William Murdock and have taken a note from him for the amount due me, dated September 5, 1877, and made payable to Mary H. Murdock for the benefit of my two grandsons, Edmund and Samuel Murdock, and due twenty years from date.

(his)
SAMUEL X MURDOCK.
(mark)

State of California, County of Colusa.

On this the 31st day of October, 1879, before me, T. J. Kirkpatrick, a Justice of the Peace in and for Stony Creek Township, Colusa County, personally appeared Samuel Murdock, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and private seal, having no seal of office, the day and year in this certificate first above written.

T. J. KIRKPATRICK,
Justice of the Peace.

This affidavit he showed to William Murdock, two months after it was made, and, the reasons for making it having been explained, William Murdock said it was all right.

The introduction of this document, which looks as old as it purports to be, created a sensation.

The witness also testified to having been present at a conversation between Samuel and William Murdock in 1878, at which time William was trying to induce Samuel to reduce the interest on the note from 12 per cent to 10 per cent per annum.

WITNESS MURDOCK.

The Plaintiff's Husband Is Undergoing A Most Searching Cross-Examination By General Barnes.

Apr. 12 -

The cross-examination of witness Gawn Murdock, husband of plaintiff was concluded this afternoon by General Barnes. The examination was thorough and far reaching. The witness answered questions in a simple straight-forward manner.

At the press hour yesterday afternoon Gawn Murdock was on the witness stand. His subsequent testimony follows:

William did not attend Sam's funeral. For about twelve years previously William did not visit Sam's family. Witness had spoken to Wm. Murdock about the note in September, 1890, at the State Fair pavilion at Sacramento. William then said that the note was all right and would be paid when due. This was said in the presence of L. S. Megenson, from whom plaintiff wished to borrow money.

Witness had talked to his father Sam about the note. At the time the note was made Sam's immediate relatives were his son Gawn, his daughter Mary Ann, and the children of each.

Of the $11,000 turned over by Sam to William in 1872, $2,000 was in payment for a tract of land deeded by William to plaintiff.

A portion of the written deed was in the possession of plaintiff's counsel. By request it was handed the witness who identified it. It was placed in evidence by the defendants over the plaintiff's objection. This deed had been found defective in 1890 and a new one was made out. This was produced and introduced in evidence in the same manner as the other.

The last time witness saw William was on the occasion of William's signing the deed at the Bank of Orland. No reference was made to the note at that time.

At this period Court adjourned until ten o'clock this morning.

WEDNESDAY SESSION.

When Court was called this morning Gawn Murdock, who was on the stand, stated that he wished to make a correction. Mr. Johnson had informed him that he had testified that the last time he saw Wm. Murdock was on the occasion of the signing of the deed in the Bank of Orland in 1890. This was a mistake. Witness had seen William at a later date than this.

Witness told of his father's family coming from Ireland to the United States in 1854. He denied that the transportation expenses had been paid by Wm. Murdock. With $2,000 given him by his mother's uncle, Joseph McGifford, in New York witness had gone into the sheep raising business with his father Sam in 1861. Witness stated that a part of the money loaned by Sam to William were profits arising from the partnership business of Sam and Gawn and a portion of the money therefore belonged to Gawn though it was all claimed by his father Sam. So far as witness remembered the deeds of all lands purchased by him for the partnership were made out in his own name. The money used in the purchase was profits from [illegible] of sheep. Witness' father knew that he (Gawn) was having the deeds made out to himself and not to the partnership [illegible] formed for part of their [illegible]ested.

[illegible] witness dissolved the partnership [illegible] his father he agreed to give Sam $15,000 for his share. Gawn claimed that $10,000 of the money Sam had loaned William belonged to him. This was counted in the transaction and the balance of $5,000 was paid in gold coin. Witness had taken a receipt for this $5,000.

Upon inquiry by General Barnes this receipt was produced by plaintiff's attorney, identified by witness, and placed in evidence. This receipt was a statement written out by the witness, bearing date of April 26, 1876 and signed by him and Sam, the latter making his mark. It was signed at Gawn's house.

This receipt was submitted to the scrutiny of the jury.

Witness did not recall just how he and his father arrived at the $15,000 settlement. Sam said he would be satisfied if Gawn paid him $5,000 in cash and called their account square. Witness thought the partnership property was worth about $30,000. A quarrel followed this and a second settlement was made in 1877. Gawn paid Sam $20,000, of which $5,00 was coin, $10,000 in notes of Cam Ashurst, and $2000 in a note of Bill Watkins. Three Ashurst notes were for money loaned. This money had come out of the partnership, but witness claimed it it belonged to him.

Witness lived in Olimpo precinct. He did not know whether he voted in 1877. He was instrumental in having Olimpo included in Orland precinct in that year. Witness did not know whether Wm. Murdock voted that fall.

He was in the woods with Gawn St., and Gawn G. Murdock near Upper Lake in September, 1891. Witness denied that Gawn St., had said that he understood Sam to be worth $50,000. Witness denied that he had talked at that time about the settlement with his father, or that he had said that he "got ahead of the old man," or that he made a number of statements concerning the settlement, which statements were read to him by General Barnes.

At Gawn Sr's in the fall of 1887 plaintiff did not say to Gawn G. that he ought to make up with William so as to get a part of the million dollar estate. Witness also denied making at that time a number of statements which counsel read to him.

Witness was requestioned about the visit of himself and wife to the State Fair in 1887. His wife had the note with her. She wanted to buy property in Sacramento and trotting horses.

Witness first met L. S. Megenson in Sacramento in 1890. Megenson talked like he would loan some money on the note if the note was all right. Witness, plaintiff and Megenson went together and hunted up Wm. Murdock in the pavilion. Megenson asked about the note for $100,000. William said it was all right and would be paid when due. Megenson has since visited witness at Stony Creek.

General Barnes questioned witness about the endorsements on the note, one of Nov. 6, 1890 to Lawrence S. Megenson and one of Oct. 15, 1891 to Wm. H. Megenson. Mr. Johnson objected but was overruled.

AFTERNOON SESSION.

Witness testified that L. S. Megenson was at his home at Stony Creek in 1891, and again one week ago. Witness knew that note was endorsed to W. H. Megenson, but he never saw the man.

Witness borrowed $11,500 from Bank of Orland in 1890 on a mortgage. In 1891 he borrowed $15,000 from S. P. Union and paid at the Orland Bank.

Sam Murdock deeded all his land in Tehama county to his grandsons before he died.

In 18[illegible] Sam took more than 1,000 sheep out of the partnership flock and gave them to witness' brother Alex to start him in business. Witness told of buying property from Cam Ashurst and paying $12,000 for it out of the partnership fund.

The written second settlement between witness and his father was produced in Court. It was made out by a Notary Public in Chico named Samuel Hallett. General Barnes questioned witness regarding this paper.

With this the cross-examination closed.

Re-Examination by Mr. Johnson.

In reply to Mr. Johnson witness stated that his father Sam died March 31, 1880.

While the partnership existed, Sam made most of the sales, and there was no settlement between father and son at stated periods.

Mr. Johnson had no further questions and the witness was excused.

T. J. Kirkpatrick of Stony Creek was then called by the plaintiff.

IS IT FORGERY?

Attorney Lusk Says That is the One Issue.

The Third Day of the Great Murdock Case Finds Ten Jurymen Passed —The Proceedings.

Apr — 13 -

As we went to press yesterday afternoon, C. M. Sehorn had been passed as a juryman without challenge.

Isaac Miller of Butte City was called. Mr. Miller is slightly deaf but said he could hear an ordinary conversation. Mr. Miller did not remember of conversing about this case with either Mike Casey or Van Branham and did not recollect saying on the 23rd of February last that this was a "scheme of the lawyers to make money." He might have said so, however. After the questioning of attorneys Freeman and Lusk, Mr. Miller was passed.

Hugh Nelson was called and the "Leddy Checker Club" came in for its day in court. The members of the champion chess and checker club of Northern California were actually accused of talking! A chess player talk! Attorney Freeman positively asked Mr. Nelson what the checker club said about this case. (Had the members been in court, there would have been a riot.)

Mr. Nelson answered that to the best of his knowledge he didn't know what they said.

"Did you not, on April 4th, say to Tom Drew on the streets of Willows that you did not believe 'Uncle Billy' ever gave this note?" asked Mr. Freeman.

"I don't think I saw Tom Drew yesterday" answered Mr. Nelson.

After close questioning, Mr. Nelson flatly denied that he had so stated to Drew, and Mr. Freeman announced to the Court that he would put a witness on the stand to prove the statement.

Judge Pirkey told Mr. Freeman to produce his witness this morning.

John Mann who lives near Butte City was called. Mr. Mann was very straightforward in his answers. He looked the attorneys square in the eyes and had no hesitation in replying to questions. Said that Casey called on him and talked about horses and incidentally mentioned this case. Might have told Casey that he thought this an unreasonable note but had no fixed opinion. Could do justice to plaintiff and had no prejudice either way. Attorney Freeman challenged Mann, his grounds being the state of juror's mind and his opinion acknowledged. Attorney Lusk was questioning Mr. Mann when adjourning time came.

At nine o'clock this morning Court was called to order.

Proceedings were opened by attorney Freeman, who stated that Tom Drew was not in town. He called Bud Drew, a brother of Tom, to the stand and questioned him as to a conversation with Mr. Nelson held on March 30th (last Wednesday). Mr. Drew's recollection was not very clear as to the conversation, except that this case was discussed, the drift of Mr. Nelson's conversation being that Mrs. Murdock's claims made a "thin story."

Mr. Freeman then called J. C. Zumwalt and the "Leddy Checker Club" was again delved into. Mr. Zumwalt testified that Mr. Nelson told him that he "didn't believe Wm Murdock ever gave such a note." The defense did not care to question these witnesses. In response to Mr. Lusk's questions Mr. Nelson stated that Mr. Zumwalt was a truthful man and what he said was very probably true.

Mr. Lusk argued against the challenge for twenty minutes; Mr. Johnson following in a fifteen-minute talk. Mr. Lusk said that as the case hinged on the one fact: "Is the signature to the note a forgery?" He thought Nelson a qualified juror, having no opinion as to that.

Mr. Johnson argued that Nelson showed a decided bias. Judge Pirkey agreed with him and Nelson was excused, the defense excepting.

John Mann was then excused by Judge Pirkey, Mr. Mann having stated that he would go into the box with an opinion which would be hard to change. Defense filed an exception.

John J. Hull, who lives near Newville, was called. Had heard the case spoken of in a general way. Had heard said that it "was not a just debt." Had never talked with Casey, Branham and the two Drews. He was passed.

Henry Domonocki, residing near Germantown, was called. Milton French had talked with him about the note in a general way. Said that Casey had called on him at election time and talked about the case. Ca[illegible] had dinner at his place. Domonocki said that he thought it strange that Mr. Murdock should make such a will as he did, allowing this note to be in existence. Had no real opinion as to the matter. Attorney Freeman asked him if he did not say to Mr. Casey that "French couldn't be made to believe the

(Continued on third page.)

note was genuine and neither could I." Answered that to the best of his recollection he did not. The plaintiff's attorney challenged the juror on grounds of certain business relations testified to between the juror and Cashier Burton, one of the executors.

General Barnes argued the point for the defense, Mr. Johnson following. These two gentlemen showered bouquets at each other which contained many buds of high-colored oratory. The Judge reserved his opinion until after the noon recess.

When court convened for the afternoon session Judge Pirkey announced that he had carefully looked up the matter of the business relationship between Domonocki and the bank and that he would overrule the challenge and pass the juror. Plaintiff's attorney excepted.

Seven jurors were now in the box having been passed and the names of five summoned citizens were then called by the Clerk. The names drawn were: C. A. F. Vestner, I. M. Neideffer, Charles Scribner, W. L. Grinstead and H. Jamison.

Mr. Vestner, who lives near Orland, was quickly passed, his answers to questions proving satisfactory.

I. M. Neideffer, who also lives near Orland, was called. He proved satisfactory to both sides and was passed.

Charles Scribner, a resident of Newville, said that he had heard some talk about the case. Had heard a Mr. Laur say that he doubted the validity of the note. Had heard a Mr. Morgan say the same thing. Could pass fairly on the merits of the case. Answering attorney Lusk, Mr. Scribner said that his brother Jim was in partnership with Ed. Murdock (son of Gawn Murdock) in the hardware business at Orland. It would take evidence to change his opinion of the case; the opinion being based on his acquaintanceship with Gawn Murdock. Relations between the families of Scribner and Gawn Murdock were friendly and could be called intimate.

Mr. Lusk challenged the juror for cause and argued that the case of excused juror Elliott was similar; that Scribner had plainly shown a biased feeling on acc[ount] of the personal relations with the Murdocks. Judge Pirkey was about to [say] that he did not care to hear further argument when Mr. Johnson arose and s[aid] that he would withdraw objections to the challenge in order to show that he practiced what he preached. Judge Pirkey said that he honored Mr. Scribner for his loyalty to his friends, but a clear prejudice and bias was shown and Scribner was excused.

W. L. Grinstead of the Butte City country was called. Said that he had remarked that the transaction was a "irregular" one. Mr. Grinstead's answers were quite satisfactory and he was passed.

When twelve citizens have been passed the attorneys for plaintiff and defendant will then exercise their legal right of peremptory challenge. Each side in a civil action have four of these challenges; the law allowing fewer in a civil action than in a criminal action.

Those who have been passed up to the time we go press are: F. N. DE JARLIN, F. J. RYAN, SYLVESTER MAPES, C. M. SEHORN, ISAAC MILLER, JOHN J. HULL, HENRY DOMONOSKI, C. A. F. FESTNER, I. M. NEIDEFFER, W. L. GRINSTEAD.

and the Note Which Is Now the Bone of Contention Is Positively Identified.

Special Dispatch to The Call.

WILLOWS, April 13. The Murdock case opened this morning at 9:30 o'clock and the matter of the objection of the defense to the plaintiff, Mary Hel[en] Murdock, testifying was argued. The contention of the defense was that the plaintiff was incompetent under section 1880 of the Code of Civil Procedure of this State.

The point was argued fully by both sides and submitted. The court r[uled] that the objection was good and sustained it.

After the ruling, however, a [illegible] consultation was held and the defense withdrew all objections to the p[lain]tiff testifying and she was immediately placed upon the stand, and told [illegible] about the note and its making. [She] said that she was called home from [illegible] Springs by some [illegible], and arrived home at about midnight on April 4, 1877. On September 5, 1877, William and Samuel Murdock met her at her home, and after completing a settlement of their affairs, extending over a period of some fifteen years, and [the] note in question given as evidence [of] that settlement, Samuel gave William two notes, one of $[illegible] and one of smaller sum and $20,000 in gold coin. Witness knew of other sums of money passing from Samuel to William prior to the making of the $100,000 note.

Witness said that the agreement was mutual between the two men, and that it was the wish of Samuel that the note be made payable to plaintiff in order that his two grandchildren should get the money. The time of [illegible] years was also made for that purpose as Samuel said that at that time the boys would be wise enough to know the value of money.

Witness made a good appearance and General Barnes was unable to [shake] her in the least, after a severe cross-examination.

The next witness was [illegible] who in 1890 was present at an interview between the plaintiff and William Murdock, in which the plaintiff asked William for a payment of interest on the note, which request was refused, William remarking that the plaintiff ought to be satisfied, as she held a note for $100,000, and it would all be paid when due.

An effort will be made to impeach the witness by attempting to show contradictory statements made in [illegible] lives in the State of Washington.

[illegible] H. Ashurst testified to having called at G. W. Murdock's place on the [illegible] of September, 1877, and paid Samuel $10,000 that he owed him, which [illegible] was turned over to William on the following day when the $100,000 note was made. Ashurst is a brother of [the] plaintiff and was formerly a [illegible] and was handling a [illegible] and money and business at the time of the transaction.

[illegible], an attorney, [illegible] San Francisco but formerly of [illegible] months, testified to having seen the note in question at the State fair at Sacramento in September, 1890. He [says] that the note having had it in his [hand] at that time, making an [examination] of it for a client of [illegible].

Plaintiff's attorneys [illegible] that [illegible] the close of the [illegible] would in all probability [illegible]

PLAINTIFF'S CASE

Mary Helen Murdock Tells About the Big Note.

There Will Be But Two More Witnesses for the Plaintiff and Then for the Other Side.

Evidently the matter of why or why not the plaintiff, Mrs. Mary Helen Murdock, should testify in the matter of her suit against the executors of William Murdock's estate, did not greatly interest people generally, for there were but few spectators present when court convened at 9:30 this morning to hear arguments as to her being a competent witness.

General Barnes yesterday afternoon objected to the plaintiff testifying, quoting Subdivision 3 of Section 1880, which says that a party to a suit against the executors of the estate of a deceased person cannot testify as to facts occurring before the death of such person.

Grove L. Johnson argued the matter this morning, claiming that the taking of plaintiff's deposition constituted a waiving of this statute.

Judge Pirkey decided that plaintiff could not testify as to facts occurring prior to William Murdock's death. Mr. Johnson filed his exception to the ruling.

After a short recess and when the jurymen had answered to their names, Attorney Lusk arose and, to the surprise of everyone, withdrew all objections to Mrs. Murdock testifying. Mr. Johnson said that the only conversion he knew of to compare with that of defense was that of Saul of Tarsus.

Mrs. Murdock took the stand. She testified that in 1877 she resided near Orland; that she went to Allen's Springs in that year with her husband, three children and a Miss Wooten and a Mr. Bates. While at Allen's received word from Samuel Murdock to return home immediately. Left a Mr. and Mrs. Lewis in charge of the children at the Springs and returned home, arrived home on night of the 4th of September.

As to the making of the note, witness said that the two men, Samuel and William, met at the home of witness. They talked over their financial transactions and agreed to a settlement. Sam, her father-in-law, asked witness in presence of William to write the note; both men were present when it was written, and witness and Samuel saw William sign it. Couldn't give the exact language of conversation between the two men at the time. William read the note after it was written, both having agreed that the amount of $100,000 was the sum of the balance due. There was money in the room to the amount of $20,000; both men counted it. Sam wanted the note to be for benefit of the sons of witness, and asked that the note be made payable 20 years after date with interest at 12 per cent. William made no objection. William left the next morning, taking with him the $20,000.

Testified that her husband was not at home on the 4th when she arrived, nor on the 5th. She remained home a few days and then returned to the Springs. Two notes were produced by Samuel at the time the note was made, William received them from Sam and then tore them up. One of these notes was for $26,000, but the other, witness could not remember.

"Take the witness" said attorney Johnson, and there was a great straining of ears with the spectators, for a searching cross-examination by General Barnes was looked for.

Answering Barnes' questions: Maiden name was Mary Helen Ashurst, married in 1869 and lived near Orland ever since. Was 16 or 17 years old when married, had three children, two sons and a daughter, the daughter is dead. Was about 24 years of age when this note was made in 1877. Didn't know where the blank note came from; thought it was on the table when she entered the room. There was a table in the room, on which was pens and ink, etc. Sam called her in, and was standing up when she entered, William was sitting by the table. Besides pens and ink, there were papers and money on the table. The money was piled upon the table. Never had written a note before; had seen notes of Samuel Murdock's which had been given by William. Sam told her to make the note like the $26,000 note, only with different interest. Heard the men agree as to the time of the note. Witness said she wrote all of the note except the signature. Must have put the dollar mark on the note; said "all that's written, I wrote."

Didn't particularly remember putting in the $100,000 in figures, but must have done it. She read the note to Sam, then William read it. He signed it, she then took it.

At about this juncture General Barnes and Grove L. Johnson engaged in a wordy war and both grew exceedingly warm. "I have no bullets in this Court room" said Johnson, referring to words of the General. The judge called time.

Witness was closely questioned as to the kinds of pen and ink used. Said it was a "twin" ink-stand; it had two wells; didn't know if the ink in the wells was the same or different; there were always several pens in the house; she always used a fine pen.

Thought the number "93" was put in the lower left-hand corner because it was on the old note she copied from. Thought the money was in $100 piles, five twenties in a pile; not all of it was on the table, part of it was in a powder can in which Sam had brought it from the cellar. After counting the money the $20,000 was put in two canvas sacks; then William took charge of it and removed it to his bedroom.

William was figuring when she entered the room; didn't know how they arrived at the balance as being $100,000.

Testified that William left the next morning, she helped to carry the sacks of gold to the buggy; the bags were placed in the bed of the buggy in front of the driver. Her husband returned three or four days after this.

William came to the house on the 5th of September; Sam was expecting him, thought an appointment had been made at Chico. Thought the note was written just about "lamp-lighting time."

She arrived at her home about 11 o'clock on the night of the 4th, was there all day 5th, 6th and 7th, but didn't know exact day she left.

E. I. Robinson was called. Testified that he was a lawyer residing in San Francisco, formerly resided in Sacramento. Lived in latter place a number of years, practicing law. Knew Dr. Hicks of Sacramento quite intimately, was a client of witness. In 1887, was in partnership with an attorney named Alexander. Met Mrs. Murdock on the Sunday morning preceding the State Fair in 1887. Witness was handed the note. Said he saw it during the first week of State Fair in 1887. Had it in his possession for two nights and one day, he thought. No endorsements were then on the note. Met Wm Murdock during that State Fair, standing near a carriage in which was Dr. Hicks and Mrs. Murdock. Had a conversation there in which a remark was made as to "the $100,000 note."

Said his partner, Mr. Alexander, saw the note; Alexander lives in San Francisco.

General Barnes cross-examined witness. Mrs. Murdock gave the witness note at Dr. Hick's house in Sacramento; was introduced by Dr. Hicks. On one occasion witness met Mrs. Murdock on the first Monday morning of the fair at Dr. Hick's house. Was a chance meeting. First saw the note during the early part of the first week of the fair. The note was handed witness by Mrs. Murdock, was given him to inspect. The note was produced by her in the course of a business talk. Had the paper in his hand a moment or two. Identified it now by the general appearance of it. Is very certain that was the note, because it was an unusual one, etc.

Didn't know Mrs. Murdock's husband then; knows him now. The note was left in his possession several days after he saw it first. Thought the note was put in his pocketbook, took it to his residence, then to his office. Showed the note to Mr. Alexander for inspection. Witness returned the note to Dr. Hicks. Saw William Murdock at the fair ground during races; he was standing beside the vehicle in which was seated Dr. Hicks and Mrs. Murdock. Thought Wm. Murdock was about his height; about 5 feet 9.

Witness could not remember what William Murdock looked like, or whether he looked like an old man or no. Thought that Gawn Murdock and wife were not stopping at a hotel. When the remark as to the $100,000 note was made in presence of Hicks, Mrs. Murdock, Wm. Murdock and witness, did not know that Murdock made any remark. The conversation did not go into details as to the note.

Next time this matter came up, was about five years ago in office of attorney J. C. Campbell at San Francisco. Said that Dr. Hicks was now dead; Hicks was a horseman, a breeder of horses. Could not recall the date of Hicks' death.

General Barnes excused the witness. Before leaving the stand witness in response to a question from attorney Johnson, referred to a memorandum and said that Hicks died in 1893.

H. A. Skiff was called. Has been a conductor for the S. P. Co. the last three years. Knows Mr. and Mrs. Gawn Murdock and knew Samuel and William; was employed by Gawn in 1887, 1888, 1890 and 1891, not all the time during these years. Saw William at Gawn's house. Think he staid over night there in May, 1890. Heard a conversation there between William and Mary in the sitting room, was writing at the time. Mr. Murdock and William entered the room not noticing witness. At that time answering Mrs. Murdock William said to her: "You ought to be satisfied; you hold my note for $100,000 at 1 per cent interest, jist." Mrs. Murdock and William left together in a rig, going toward Orland.

Attorney Lusk took the witness for cross-examination.

First met William in the fall of 1878; met him after that, several times in Willows. Next saw him at Gawn Murdock's, a little while after Samuel died.

Lived in State of Washington when William Murdock died. On February 5th, 1895 at San Luis Obispo, met A. Merrill at a hotel. Never told Merrill he did not know anything about the Murdock note until after Uncle Billy died. Never told Merrill that he heard Mrs. Murdock ask William for money on the note, nor that Mrs. Murdock ought to make him a handsome present when she got the money.

Mr. Lusk asked witness as to telling a Mr. F. T. Grafford, in the State of Washington, certain things as to this Murdock matter.

Witness was asked about reading to Grafford from a letter said to have been received by witness from Mrs. Murdock which referred to a promise of what witness would do for her, also as to saying he would make a "good strike out of the Murdock will." Never told Grafford that his "price" to be a witness would be $10,000 and that Mrs. Murdock wanted him to testify. Might have told Merrill at San Luis Obispo that he had heard Mrs. Murdock asking Uncle Billy to pay her some of the interest on the note. Never told a traveling companion, Mr. Bryan, that Mrs. Murdock had written him, asking his price to be a witness and taking an envelope from his pocket, saying that he had answered that his price was $10,000. Mr. Skiff was excused and will be further cross-examined tomorrow.

C. B. Ashurst was called to the stand and examined as to business transactions with Samuel Murdock. He testified that he paid over $8,000 to Samuel Murdock on September 4, 1877. General Barnes cross-examined him but not at great length.

T. J. Kirkpatrick and Gawn Murdock were recalled simply to testify that Stanley Murdock, son of plaintiff, was always called "Samuel" and "Sammy" by his grandfather, Samuel Murdock.

Plaintiff's case will be closed tomorrow, so said attorney Johnson. Two more witnesses will testify.

Adjourned until ten o'clock tomorrow.

A deposition of Mrs. Murdock was referred to; the question was objected to and the defense did not continue as to that.

Witness did not know as to where the $20,000 paid William came from. Never saw the blank note before. She put the note in a book in the parlor. When her husband returned home he asked about the note, spoke of it as soon as he came home. It was her idea of burying it; thought it safer.

When General Barnes asked witness as to taking the note to Sacramento, the question was objected to by Attorney Johnson, the point being that no questions could be asked of witness on cross-examination which did not bear on those of direct examination.

General Barnes argued for ten minutes saying he had a right to follow the note in all its "devious wanderings from the day it was born until the day it shall die."

Mr. Johnson argued until the noon adjournment, saying that if they wished to ask such questions the defense should make her their witness.

When court convened this afternoon there was a large crowd of spectators present, the majority of them being women.

Judge Pirkey did not care to hear further argument as to the matter of questioning Mrs. Murdock; he sustained Johnson's objection.

Mrs. Murdock's cross-examination was then resumed by General Barnes. Witness testified as to taking the note, placing it in a book to the parlor and afterward showing the paper to her husband.

She told of wrapping the note around a pencil, covering it with tin-foil, enclosing that in a vial and then putting the vial in a bottle, etc. Then of placing the bottle in a can and burying the can in the barn. She said that she placed the can in the hole and her husband covered it up with earth. The spot where can was buried, was marked by her.

General Barnes endeavored to get in some questions as to the endorsements on the note and as to who wrote them, but the court sustained attorney Johnson's exceptions to the questions. The rulings were excepted to.

General Barnes then announced that he was through with the witness.

Answering attorney Johnson's question, Mrs. Murdock said that the interest on the "old note" was a higher rate than 12 per cent.

[Continued on page 3.]

MRS. MURDOCK WROTE FAMOUS $100,000 NOTE

After Showing It to Her Husband They Buried It.

She Saw the Division of Money Between Sam and William.

TESTIMONY OF A CONDUCTOR

H. A. Skiff Denies That He Asked Money to Be a Witness.

[Special Dispatch to "The Examiner."]

WILLOWS, April 1?—Mrs. Mary Helen Murdock was permitted to be a witness in her own behalf to-day in her suit for $340,000, the defense withdrawing all objections to her so testifying. Mrs. Murdock made a good witness. The crowded court-room was oppressively silent while she was testifying, so eager were the spectators to hear the now famous plaintiff tell of the valuable paper which is the subject of the litigation. Mrs. Murdock was quite at ease, and, although faint of voice, she never hesitated for an answer and told her story in a straightforward way. Her direct testimony commenced with the telling of a visit to Allen's Springs in 1877. While there, in September of that year, she received word from her husband's father, Samuel, to return home immediately. She arrived at her home on the night of September 4th; her husband was not there. The next day William Murdock came to the house and he and Samuel talked over their business transactions and indebtedness with a view to settlement, an appointment having been made by the two men.

After the two men had discussed the matter Samuel called her into the room. On a table were pens, ink, some papers, a blank note and many piles of twenty-dollar pieces. A powder can containing gold coin was near the table. The money had been brought to the house by Samuel from the cellar. Samuel asked her to write the note, telling her to make it like another one he showed her, which was for $26,000, only to make the amount $100,000, the interest one per cent per month, the time twenty years after date, payable to herself. William read the note after she had written it and he then signed it. Samuel then stated that the note was to be for the benefit of her sons, his grandsons, when they became of age. The men counted the money to the amount of $20,000, which was taken by William after being put into two canvas sacks, and two notes were handed over to William, who tore them up. One of these notes was the one copied from and was for $26,000; the other was for a smaller amount.

General Barnes cross-examined Mrs. Murdock very closely, and at length she said that William remained there all night, taking the money to his room. He left the next morning, the sacks being placed in the buggy in front of him.

She placed the note in a book and when her husband returned home a few days later he asked her if William had given her such a note, saying that William had so told him at Chico. She showed the note to her husband, and at her suggestion they buried it, as before related in her husband's testimony. She was about twenty-four years of age at the time the note was made, she did not know where the blank note came from; she wrote everything except the signature. As to the number "93" on the corner of the note, thought she copied that from the other note. She did not remember of putting the $100,000 in figures before writing the amount in words, but she must have done so. She read the note to Sam after it was written, as he could only read print a little.

General Barnes questioned her as to the pens and ink used. Witness said she had more than one pen there and that the ink-stand had two wells, but she did not know whether the ink was the same in both wells or not. Mrs. Murdock did not know how they arrived at the $100,000 balance, but they mutually agreed as to that sum.

When General Barnes asked witness as to the indorsements on the note the questions were not allowed. He argued that he had a right to follow the paper in all its "devious wanderings" and said that if Mrs. Murdock had been trying to swap it for "trotting horses or real estate, the jury should know it."

Plaintiff's attorney insisted that if the defense wished to question witness as to matters not touched in the direct examination, they should make her their witness. His objection was sustained. Mrs. Murdock's direct testimony was not shaken in the cross-examination.

E. L. Robinson, an attorney who had an office at Sacramento in 1887, testified as to seeing the note at Sacramento during State Fair time in 1887. He said he was introduced to Mrs. Murdock by a Dr. Hicks, and as she wished to make a business deal the note was given into his hands to inspect. The witness identified the note. He said he met William Murdock at the fair grounds and in Murdock's presence the witness spoke to Hicks about the $100,000 note.

H. A. Skiff, a Southern Pacific conductor, testified that he worked at Gawn Murdock's place in 1890 and one evening heard William Murdock say to Mrs. Murdock: "You ought to be satisfied, you hold my note for $100,000 at 1 per cent interest."

Attorney Lusk cross-examined the witness and asked him about telling different people in the State of Washington that he would "make a good strike out of the Murdock will."

Witness denied this; he also denied saying that Mrs. Murdock had written him about being a witness and that he said his price was $10,000.

It is believed that the defense will go on after Skiff hard and endeavor to impeach his testimony.

Only two more witnesses, it is said, will be called for the plaintiff, and it is expected that the opening statement of the defense will be made to-morrow. This is eagerly awaited, for they say "look out for squalls."

FIRST BLOWS AT THE NOTE.

Defense in the Murdock Contest Opens Its Case.

EVIDENCE FOR THE PLAINTIFF ALL IN.

ATTORNEY BAYNE OPENS FIRE ON THE DOCUMENT AND SAYS IT IS A FORGERY.

To-Day Will Be Consumed in a Tedious Process of Transcription, and the Writing Experts Later.

Special Dispatch to the "Chronicle."

WILLOWS, April 14.—Forgery was the charge hurled at the plaintiff in the Murdock case to-day, when the defense made its opening statement. The plaintiff's side closed its evidence at 3 o'clock this afternoon, and without ado Richard Bayne outlined what the defense will strive to prove. With Bayne is associated for the defense General W. H. L. Barnes of San Francisco, Ben F. Geis of Willows and F. C. Lusk of Chico. Bayne made a striking presentment of the aspect of the case from the defense's point of view, and in a few well-chosen words scored the testimony of the other side. Though the courtroom was like a bake-oven, it was crowded with both sexes.

Mrs. Gavin Murdock, the plaintiff, was again on the stand, and other witnesses before the plaintiff closed the case were H. A. Skiff, W. A. Schorn, Mrs. Glover, Cam Ashurst and D. E. Alexander.

The plaintiff's attorneys have built a strong bulwark of evidence about the famous $100,000 note. They have had many witnesses to prove that William Murdock at least tacitly had knowledge of it. Many have sworn to seeing it before 1890, when the defense claims it was forged. The reputation for veracity of Gavin Murdock, the plaintiff's husband, who avers he helped to bury the note shortly after its making, is good. Circumstantial details of the most minute kind connected with the career of the note from its date, September 5th, 1877, were produced. Lawyers for the plaintiff, she and her kith and kin interested in the jury attesting its validity, all express confidence in the jury's verdict.

A tremendous stake is at issue. Whether some $264,000, most of the estate of Farmer William Murdock, shall go as he willed it or be awarded to Mrs. Gavin Murdock, his grandson's wife, is to be decided. It is said that Lawyers Grove Johnson, W. P. Thompson, Frank Freeman, C. L. Donohoe and W. M. Cannon are to get half of the award if they win the suit. A dozen others are more or less financially interested and every one for fifty miles about is on tiptoe for the verdict. Other litigation may grow out of this. Family too bitter to express has ranged hundreds of persons against one another.

H. A. Skiff, a Southern Pacific conductor, was recalled by the defense as the first witness of the day. The lawyers again catechised him as to his conversations when in Washington on the subject of the coming trial of the Murdock case. He was asked if he did not say to several persons that he would never work any more if Mary Helen Murdock won her case, that he was good for $10,000 and would live in luxury. F. C. Lusk, attorney for the executors of William Murdock, read pages of depositions from persons now in Washington swearing to Skiff's loony statements as to his future testimony in the Murdock case. The defense tried in every way to impeach Skiff as a witness and grilled him for some time.

Mrs. Matilda Glover of 25 Hyde street, San Francisco, formerly Mrs. L. R. Lewis, was put on by the defense to prove a trip from Allen's Springs to her home taken by the plaintiff in the first days of September, 1877, when the plaintiff claims the note was made in a house on the plaintiff's farm. The witness remembered Mrs. Gavin Murdock was gone from the springs four or five days. She fixed the date because her husband had returned at day that if he were Gavin Murdock he would blow the head off a man making mischief between him and his father. The witness saw much of the plaintiff about 1882, when Mrs. Murdock lived in San Francisco.

Mrs. Murdock had a number of visitors, among them L. S. Megginson, whom the defense characterizes as the arch conspirator in a forgery scheme. General Barnes tried to show intimacy between Megginson and the plaintiff. It is claimed Megginson originated the idea of forging the note and persuaded the plaintiff to act with him. The witness acknowledged Megginson had called on her in the past year, when she lived on Polk street. He and Mrs. Murdock [illegible] at 3 Sutter street. Megginson visited the plaintiff at 76½ Kearny street almost every day during the time William Murdock was there. More was insinuated by the defense than was said in words. Megginson, who has put up considerable money to perfect the case of the plaintiff, is not in court. He has been in Willows off and on since the opening of the trial, but keeps discreetly secluded. He arrived on the train to-day, but disappeared at once.

Grove Johnson [illegible] the assignment of the $100,000 note from [illegible]

KYTKA INTRODUCING AN EXHIBIT IN COURT.

This is one of the exhibits, twelve feet high, of the alleged forged signature on the $100,000 note to which Expert Kytka is pointing, and eleven admitted signatures of William Murdock.

William Megginson to the plaintiff. It was admitted after argument, the defense withdrawing objections. With it was a deposition sustaining the assignment and showing that L. S. Megginson, a brother of William, had conveyed the note to the latter, who had reconveyed it to the plaintiff in 1893.

W. A. Schorn, a Willows dentist, said he knew all the parties to the suit. He had a conversation with H. H. Burton, an executor of William Murdock's estate, about March 5, 1894. John Boggs of Colusa first told the witness of the existence of the note. Burton admitted it and said that if William Murdock had lived two weeks longer the note would have been settled. Schorn had talked with Burton an hour and a half about the note. Attorney Lusk told the witness the same evening he had never heard of the note. Lusk, who represents the executors now in the defense of Mrs. Murdock's suit, was then looking after the affairs of William Murdock, then recently deceased.

In cross-examination Lusk to-day asked Schorn if he had not understood "settlement," as spoken of by Burton, to mean that the suit would have been begun to annul the note as a forgery if William Murdock had survived a fortnight longer.

Cam Ashurst, who has been on the stand several times, described a conversation with William Murdock shortly before he died. Murdock was in a sanitarium at San Francisco, and the witness accompanied Mrs. Elinor Murdock to see him. William was solicited to assist Mrs. Elinor Murdock financially, but said that while he had $50,000 or $60,000 in the Colusa Bank, he would have to pay a very large sum to Mrs. Helen Murdock in a short time, and would have to refuse.

D. E. Alexander, a lawyer of San Francisco, identified plaintiff's exhibit No. 1, the big note, as one shown him by his partner, Edward Robinson, in September, 1887, at Sacramento. Then he had examined it for a quarter of an hour, recognized certain earmarks, especially a picture of a farmer and a peculiarity of the "u" in "Murdock."

The plaintiff, recalled for further cross-examination, answered General Barnes' questions concerning her movements about the date of the note. She told how she and her husband buried the note after its making. The defense rested here, and a lengthy conference between the lawyers for the defense ensued.

Bayne, in the opening statement for the defense, occupied but a quarter of an hour. He impressed his hearers with the defense's confidence in its strength. He said the defense would prove the note was a forgery, that no consideration was ever given for its making, that the plaintiff was not even the rightful holder of the piece of paper on which it was written, and that it was of more recent date of making than its face showed. He expected the jury to receive the testimony of experts the defense would put on the stand the same as of any other witnesses under oath. The defense would not only make forgery the basis of its case, but would show the physical impossibility of the note having been executed by William Murdock at the time alleged.

Following the opening statement of Attorney Bayne the case for the defense was begun with the offering in evidence of about a thousand checks signed by William Murdock and whose genuineness was admitted by the plaintiff. Each was handled singly, read, its superscription recorded by the stenographer and then marked and numbered by the clerk of the court. This was a slow process and the crowd melted. It will take all to-morrow to finish this and Judge Pirkey excused the jury till Monday at 10 A. M., when the defense will put on its writing experts, Ames, Kytka and Eisenschimel. These will consume several days and there are fifty witnesses subpoenaed.

Most of the student stenographers of Glenn county are in court daily and half a dozen sit inside the railing and practice on the testimony of the witnesses. Three with bright red tresses are especially conspicuous. Besides, amateur artists pose as they put on paper amusing sketches of the figures of the trial. All the country side has forsaken its work and seeks the courthouse half an hour before the opening. Newspapers were never so much read hereabouts as now. Two local afternoon sheets publish nearly full accounts of the evidence of the day. The hotels are full, rooms at a premium and Willows is growing rich out of the fight over old Murdock's gold.

MRS. MURDOCK'S CASE IS CLOSED

Opening Statement by the Defense.

Special Dispatch to The Call.

WILLOWS, April 14.—When the Murdock note case was resumed this morning H. A. Skiff was called to the stand for redirect examination. He testified that he had not made the statement to any one that he was to get $10,000 for his testimony.

Mrs. M. J. Glover followed Skiff and told how she had met the plaintiff at Allen Springs in 1877. During the first days of September of that year her husband, who had been down at their home near Kirkland, came up to the springs and reported to Mrs. Murdock that there was trouble between the latter's husband on the one side and Samuel Murdock and William Murdock on the other. Mrs. Murdock was summoned home about the first of September and left immediately, remaining four or five days. The witness cared for the plaintiff's children while she was absent. General Barnes failed to shake her testimony.

C. B. Ashurst was recalled. He said he had called on William Murdock just a few months before the latter's death. Murdock told him of a large debt he had to pay soon.

D. W. A. Schorn said that in 1894 he was told by H. H. Burton, one of the executors of the estate, that had William Murdock lived a few weeks longer the note would have been settled.

After the introduction of an assignment of the note from William Megginson to the plaintiff and the reading of the deposition of William Megginson the plaintiff rested.

In its opening statement the defense claimed it would prove the note was forged. Handwriting experts will begin their testimony on Monday.

CLOSE OF THE PLAINTIFF'S SIDE IN THE MURDOCK CASE

HANDWRITING EXPERT THEODORE KYTKA.

In the great suit for the payment of the note for $100,000 said to have been signed by William Murdock twenty years ago in favor of Mrs. Mary Murdock, with interest, that expert on chirography, Theodore Kytka, will be a prominent witness. With other handwriting experts Mr. Kytka has examined thousands of checks and drafts signed by William Murdock. During the week Mr. Kytka will demonstrate to the jury how he arrives at the conclusion that William Murdock did not sign the $100,000 note.

[Special Dispatch to "The Examiner."]

WILLOWS, April 14.—The plaintiff's case in the suit of Mary Helen Murdock against the executors of the estate of William Murdock to recover $240,000 on a promissory note has been submitted to the twelve men who are to decide it, so far as testimony is concerned, the plaintiff herself being the last witness called to the stand. Richard Bayne made the opening statement for the defense this afternoon.

Witness H. A. Skiff, who was accused yesterday of having a $10,000 "price," was called for further cross-examination this morning and more questions about being "bought" were fired at him. He denied all the statements attributed to him. The only admission Skiff would make was that a friend told him he ought to receive $10,000, to which witness answered that if he got that much he would have quite a stake.

Mrs. Matilda Glover of San Francisco, who formerly lived near the Murdocks, testified that Mrs. Murdock was at Allen Springs during the summer of 1877 with her children. Witness was at the springs at the time. During the first days of September Mrs. Murdock received a message from her husband's father, Samuel Murdock, summoning her home. Mrs. Murdock left her children in charge of witness and remained away about a week. (The $100,000 note is dated September 5, 1877.) Witness was cross-examined very searchingly. She said she was a close friend of Mrs. Murdock and that after moving to San Francisco Mrs. Murdock always came to see her. She met Mr. Megginson and William Murdock together at Mrs. Murdock's rooms in San Francisco. William Murdock called to see Mrs. Murdock almost every day when witness and Mrs. Murdock once roomed together, and Mrs. Murdock's sons came there frequently.

Dr. W. A. Schorn, a prominent dentist here, testified that the late Senator Boggs, soon after William Murdock's will was filed, told him of the big note and advised him to see B. H. Burton, one of the executors, if he desired information. Dr. Schorn was at that time correspondent for a San Francisco paper and wished to report the matter. Witness talked with Mr. Burton, and in course of conversation the latter said that he knew of the note and that if William Murdock had lived another week the claim would have been settled. In the cross-examination the witness was asked if Mr. Burton did not say that if Murdock had lived another week a suit would have been brought to annul the note, claiming it a forgery and thus settle it. Witness said he did not so understand it.

C. B. Ashurst was recalled and testified that a few weeks before William Murdock died the old man told him that he had a "big debt to pay before long."

A long deposition of William H. Megginson of Ohio was read. He testified that he had held the $100,000 note as collateral security for moneys advanced. It contained cross interrogatories as to statements said to have been made by him concerning the relations between William Murdock and Mrs. Mary Murdock, and to all the questions Megginson answered in the negative.

D. E. Alexander, a San Francisco attorney, testified that he saw the $100,000 note at Sacramento in 1887. He identified the note.

Mrs. Murdock was then recalled and asked as to her trip from Allen's Springs and return in September, 1877.

"Plaintiff rests," said Grove L. Johnson.

Attorney Bayne then made the opening statement for the defense. He said that the defense claimed that the note had never been seen or signed by William Murdock, that no consideration had been shown, and that title to the note was in another. He said that they would not only prove the signature a forgery, but that it would have been a physical impossibility for the note to have been drawn at the time and place alleged. He asked the jury to weigh carefully the testimony of the experts who had made chirography a life study. Attorney Bayne occupied but a few moments in his statements. Nearly a thousand drafts and checks signed by William Murdock were then offered in evidence, and the reading of them will consume all day to-morrow. The jury was excused until Monday morning.

DAILY PROMOTER.

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT.

WILLOWS, CALIFORNIA, FRIDAY, APRIL 14, 1899. No 38

PLAINTIFF SCORES.

Sehorn Swears That Burton Told Him That Murdock Acknowledged The Note.

Plaintiff Closes Her Case. Defendants Open Their's.

In the closing hours of the plaintiff's side of the case sensations follow each other in quick succession.

Witness H. A. Skiff enters repeated denials to conversations of the most incriminating kind which are repeated to him.

Witness Mrs Matilda Glover tells of plaintiff's going home from Allen Springs at the time the note is said to have been signed. On her cross-examination an apparent effort is made to establish an intimacy existing between the plaintiff and the man Megensen. This indicates that part of the defendants' case may be a personal attack upon Mary Helen Murdock.

Dr. W. A. Sehorn testifies that Ben H. Burton, one of the defendants, shortly after the death of Wm. Murdock, told him that he knew of the note and that had William Murdock lived a week longer it would have been compromised.

Cam B. Ashurst tells of a reference to the note made to him by Wm Murdock.

D. E. Alexander swears he saw the note in 1877.

And the plaintiff rests her case.

At the press hour yesterday afternoon witness H. A Skiff was facing a hot volley of questions by Mr. Lusk. Witness denied that he stated that he would not become a witness in the Murdock case for less than $10,000, as that was his price. Witness said he might have told A. Merrill at San Luis Obispo that he only heard plaintiff ask William for interest money and had heard nothing else.

Witness had talked about the Murdock matter with Peter Bryan in Washington in February, 1894. Witness did not exhibit a letter to Bryan saying it was from Mrs. Murdock asking his price, and that he had replied to her that his price was $10,000. Witness denied exhibiting such a letter to others and making the same remark about it. Witness denied talking to H. J. Rizeor in Washington about the Murdock note, or asking him to go to the post office for him as he expected a letter about the note. Witness did not tell Rizeor that he might take a trip to California where he expected to make a stake out of the Murdock case. He denied making a number of similiar statements which were read to him.

Cam B. Ashurst on The Stand.

Cam. B. Ashurst was called. Witness is a brother to plaintiff. On September 4, 1877, witness paid Sam Murdock $10,000, about $8,000 being in coin, the balance in checks.

Cross-Examination By Gen. Barnes.

Witness stated that he married Gawn's sister and Gawn married his.

The $10,000 that witness paid Sam was in return of one of many loans made by Sam, and was in settlement of three notes. Part of the $8,000 was cash of Tehama county secretly loaned witness by Assessor Jack Ebry. The money was in twenties.

Witness told the details of his trip to pay Sam Murdock. Sam never charged witness interest on sums loaned him.

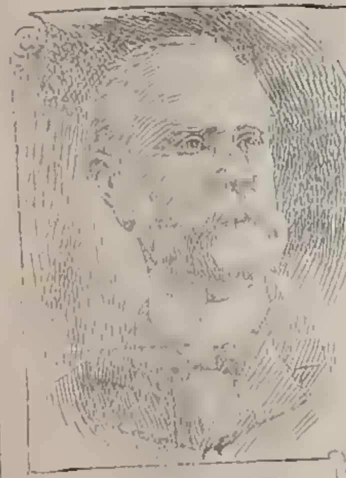
T. J. Kirkpatrick, who testified on Wednesday, was recalled. He stated in reply to Mr. Johnson that Sam always called his grandsons "Sammy" and "Grandpa." Gawn Murdock was again called and gave the same testimony.

Court then adjourned.

FRIDAY'S SESSION.

When Court convened this morning counsel for the defense called H. A. Skiff for further cross-examination. Mr Lusk repeated a number of purported conversations between witness and different parties in Washington in which witness said he was coming to California to testify in the Murdock case; that he was to receive $10,000 for his testimony, and that if Mrs. Murdock won her case he would not have to work any more. Witness denied every one of the conversations quoted to him.

Mr. Johnson attempted by questions to show how the witness happened to return to California, but objections to the questions were sustained.



WITNESS E. I. ROBINSON,

Who swears he saw the note in 1887

Mrs. Matilda Glover on The Stand.

Mr. Johnson called Mrs. Matilda Glover. Witness was formerly Mrs. S. R. Lewis. Witness lives in San Francisco, but resided in Glenn county for eighteen years. Witness spent summer of 1877 at Allen Springs. Plaintiff went home alone by stage in the first days of September and returned after four or five days. While plaintiff was away witness stayed at plaintiff's cottage and took care of children.

Cross-Examination By Gen. Barnes.

Witness' first husband, Lewis, died in Oxford in 1878.

The family in plaintiff's cottage consisted of Gawn, plaintiff, three children and Jim Bates. Plaintiff went home on September 1st. Plaintiff had received a letter from Sam on the previous day summoning her home. Witness fixed the date because on that day her husband, a very quiet man, had said if he was Gawn Murdock he would blow off the head of the man who was trying to make trouble between him (Gawn) and his father (Sam).

In answer to question, witness went into the details of her history.

Witness told of stopping with plaintiff at several lodging houses in San Francisco about 1892. Witness had met a number of the friends of plaintiff who visited her there. At the Arlington she met L. S. Megenson who had come to visit plaintiff or Mrs. Tease. Witness had met Megenson on several occasions, first at the Owl drug store. Megenson visited witness at her home on Polk street a year ago. Megenson visited witness at other places.

Re-examined by Mr. Johnson, witness said Megenson visited plaintiff at the Arlington almost every day during the time William Murdock was there.

Dr. W. A. Sehorn On The Stand.

Mr. Johnson called Dr. W. A. Sehorn. Witness was the local correspondent for the San Francisco Chronicle in 1894. In his newspaper capacity witness held a conversation with B. H. Burton, one of the executors and defendants in this suit. General Barnes objected to the conversation being repeated, but the objection was overruled. Burton had told witness that it was known that the $100,000 note existed and had Wm. Murdock lived a week or two longer the note would have been compromised. Burton objected to witness sending the report to the Chronicle until he (witness) had seen Mr. Lusk the attorney for the estate.

Cross-Examination By Mr. Lusk.

Witness did not remember that Mr. Burton had said that William had denied to him that he ever gave such a note; that the note held by Mrs. Murdock was a forgery, and that had William lived a week longer he would have instituted Attorney Lusk to bring a suit for its cancellation on the ground of fraud.

WITNESS T J. KIRKPATRICK,

Who swears he made the affidavit that confirms the note.

Cam. B. Ashurst Recalled.

Mr. Johnson recalled Cam. B. Ashurst. Witness, in company with Mrs. Eleanor Murdock, to see William at a sanitarium in San Francisco shortly before his death in 1891. They had asked William to give financial assistance to Mrs. Eleanor Murdock. Witness had declined, saying that he had $50,000 or $60,000 in the Colusa bank, but that he would have to pay a large sum to Mary Helen Murdock in a short time.

Mr. Johnson offered in evidence an assignment of Wm. H. Megenson (to whom the note was last endorsed) conveying his interest in the note back to the plaintiff. General Barnes objected to the paper being placed in evidence and it was decided to argue the matter after the noon recess.

AFTERNOON SESSION.

When court convened after the noon recess Judge Parker overruled defendants' objection and allowed plaintiff to place W. H. Megenson's assignment to the plaintiff in evidence. Megenson's deposition was then read to the Court.

D. E. Alexander On The Stand.

Mr. Johnson called D. E. Alexander. Witness is a lawyer residing in San Francisco, but lived in Sacramento in 1887, where he was a partner of E. I. Robinson. Witness was handed the note. He testified that the same note was shown him by Robinson in 1887.

Cross-Examination By Gen. Barnes.

Witness could identify the note because its large amount, long time, high interest and a peculiar "o" in the signature had made a strong impression upon his mind. After 1887 witness did not see the note again until three weeks ago when it was shown him by Attorney Cannon. Witness was questioned closely and expressed himself as absolutely certain that the note now in his hand was the one he saw in 1887.

Plaintiff Rests The Case.

Mr. Johnson arose and addressed the Court. "We rest our case," he said.

The plaintiff was recalled by General Barnes. Witness had been driven home from Allen Springs by a man named John. Gawn came after witness had been at home several days.

The Defendants Open.

Attorney Richard Bayne made the defendants' opening statement to the jury. Its delivery occupied only ten minutes. It was pointed and forcible, but gave little intimation of the testimony to be introduced.

The salient points of the statement were a denial that Wm. Murdock made the alleged note, that there was absolutely no consideration for the note, and that the title to the note is not now vested in the plaintiff, but in Wm H Megenson.

It will be shown that plaintiff's utterances have been contradictory to any existing consideration, that she has in the past claimed love and affection as the motive of giving, and that she tried to transfer it to another party where the consideration would play no part.

Defense will prove that William never saw the note. His physical inability to have given it on its date will be shown. It will be shown that the note was manufactured since William's death.

Mr. Barnes pleaded for a proper consideration of the testimony of experts who are men noted for their capability, experience and close study.

"Our defense is that this note is forgery."

Court then took a recess.

The remaining hour of the afternoon session was consumed by defendants' counsel in reading and offering in evidence checks bearing the acknowledged signature of Wm. Murdock. There is about a thousand of these.

It became evident that all of tomorrow will be required to get in the exhibits and the Court excused the jury until Monday morning.

THE DAILY PROMOTER.

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT.

VOL. 3 | WILLOWS, CALIFORNIA, MONDAY, APRIL 17, 1899. | No. 45

THE DEFENSE HAS ITS AMMUNITION READY; THE TESTIMONY BEGINS TOMORROW.

Gen. Barnes States That The Defendants Will Prove The $100,000 Note Written Subsequent To March 12, 1890.

The lawyers managing the big case make haste slowly. The exhibits bearing the acknowledged pen marks of dead William Murdock are being read, copied on the court record, and added to the big pile on the Clerk's desk which has already assumed astonishing proportions. The documents comprise checks and deeds signed by William Murdock and they are part of the paraphernalia used by the experts to demonstrate that another hand wrote the name to the note for a hundred thousand dollars. The process of getting all these papers in evidence is a tedious one. It began Friday afternoon. At the expiration of half an hour General Barnes had read fifty of the checks into evidence. There are near a thousand signed documents and at this rate it was estimated that the General's sonorous tones would charm the empty benches for ten straight hours.

Early Friday afternoon the jury was excused until Monday, and the monotonous business went on all day Saturday. When Court adjourned only five hundred checks had been marked as exhibits.

The jury and the crowd appeared in Court again this morning, both ready and anxious for the sensational trial to proceed. But disappointment awaited them in the shape of unread exhibits. The jury was excused until ten o'clock tomorrow morning and the spectators were not long in drifting away from a performance which failed to interest them.

The forenoon dragged along as did Saturday. At three o'clock this afternoon seven hundred and nineteen checks and deeds had been taken into judicial cognizance and counsel for the defense announced that they were all of that lot.

General Barnes then produced about fifty letters and similar instruments. He proposed to have them identified by executor Adam Compton, and to place them in evidence.

Mr. Johnson voiced an objection for his side on the ground that while the letters were introduced merely as proofs of signature, their contents might have some bearing on the case. The point was warmly argued by both sides.

While speaking in this connection General Barnes declared that the defendants would prove that the $100,000 note was written subsequent to March 12th, 1890, and that the signature of the note was a forged copy of that of a deed bearing that date, wherein William Murdock conveyed to Mary Helen Murdock certain property which he had already deeded to her in 1872, but which was re-conveyed because the validity of the original instrument was questioned.

Mr. Johnson asked that the statement be spread upon the Court record, and this was done.

The plaintiff's objection to the introduction of the letters was sustained by the Court.

Mr. Johnson then announced that his side had no objection to the date and signature of each letter being clipped off, pasted together on a sheet and offered in evidence. The defendants' counsel availed themselves of the privilege.

The remainder of the afternoon session was taken up in this work and in offering expert's photographs, etc., in evidence.

It is announced that taking of testimony will commence tomorrow morning upon the convening of Court. It is said that the three experts on chirography, Eisenschimel, Kytka and Ames will be first upon the stand. Their exhibits and their testimony will be unique, and such as is seldom witnessed outside of Court rooms in the large cities. According to one of the experts they will be able to demonstrate their statements on the stand by the enlarged photos they have prepared. Carl Eisenschimel says that experts testimony is not abstruse, and that anybody can discover the findings of the experts when they are pointed out.

A laboratory has been fitted up at the residence of B. F. Giels by the experts. Among other things it contains the $10,000 photographic apparatus owned by Theodore Kytka, and the $1,800 microscope which was manufactured under the supervision of Mr. Kytka for use in the celebrated Fair will case.

The affidavit of Samuel Murdock, which T. J. Kirkpatrick swears was made before him, was photographed by the experts this morning in the presence of Attorney Freeman.

The duration of the case is variously estimated. Some people who know little about the case say that a verdict will be rendered in a fortnight. Others think the great show will be open to the public for at least three weeks longer.

In a case of this kind it is astonishing how many conflicting statements are heard concerning it. One thing which has given rumor a fair field is the secrecy which both sides of this great case have maintained.

A man who stands close to the defendants states that there will be half a hundred witnesses, in which case the end will not be visible for some days. When the defense has in all its evidence, the plaintiff will open again to do a little rebutting, and probably the defense will take time to say a word about that, all of which takes time and a great deal of it.

QUIET DAY IN MURDOCK CASE.

PREPARING TO PROVE THE NOTE A FORGERY.

OVER FIVE HUNDRED SPECIMENS OF WILLIAM'S SIGNATURE INTRODUCED.

From These the Defense Experts to Prove That the Document Calling for a Fortune Is Spurious.

Special Dispatch to the "Chronicle."

WILLOWS, April 16.—Interest in the Murdock case lagged to-day. The courtroom was deserted, save by Judge, lawyers and experts. The entire time was taken up in the introduction of checks and notes signed by William Murdock from 1872 to the time of his death in 1891. These, to the number of 500, were offered in evidence by the defense, and, after being read and entered in the court record, were allowed, without dispute on the part of the plaintiff, who acknowledged their genuineness. They are to show William Murdock's handwriting during the last twenty-two years of his life, and on these the defense hopes to prove the forgery of the big note. As there are still some hundred, besides various deeds and other papers, to be entered, it is anticipated that Monday will be consumed in the same work. Upon its completion the experts will take the stand. Kytka, Ames and Eisenschimel have exhaustive exhibits, and will probably be given two days each before the jury.

Detectives are active to-day among witnesses, and the defense will seek to impeach a number. L. S. Megginson, charged by the defense with being the arch conspirator in the alleged forgery scheme, is here and will appear in rebuttal for the plaintiff. The wildest rumors of the plans of the defense are circulating. It is said that a former employe of Dan Murdock, Joe Thurston, will swear that he saw the note some years ago, and then it was for but $10,000. The idea would be to show that the plaintiff had conceived various [illegible] before the one of the $100,000 note. The lawyers for both sides are in close conference to head off any possible coup by the other side.

DECLARES IT A FORGERY.

An Expert's Opinion of the Murdock Note.

FLAWS PICKED IN THE SIGNATURE.

MURDOCK SAID TO SHOW THAT IT WAS MADE PIECEMEAL AND LABORIOUSLY.

"Wm. Murdock" Alleged to Have Been Placed Over and Traced From the Name on Two Deeds.

Special Dispatch to the "Chronicle."

WILLOWS, April 16.—The hunting of experts in the Murdock note case will begin probably to-morrow, when the defense finishes its introduction in evidence of a thousand and odd notes and checks signed by William Murdock. Then the men who have spent months past in studying the famous note to prove it a forgery will take the stand. First a great number of photographs of genuine signatures of the deceased taken from checks dated from 1872 to 1893 will be produced, all enlarged from fifteen to twenty times and all designed to show the jury the real characteristics of William Murdock's writing for the last twenty years of his life.

With them will be compared the signature to the $100,000 note claimed by the plaintiff to have been made by the deceased in 1877. It will be alleged by the defense that the note in the contest was not signed by Murdock, but was forged by some one from two deeds to which the forger had access, conveying property to the plaintiff by William Murdock.

Carl Eisenschimel, the San Francisco expert who was prominent in the Berker and Botkin cases, will be called to show how the note was made, and two deeds will play a leading part in his testimony. His evidence will be to the following effect: He finds that William Murdock wrote a fluent hand, as of a business man used to the frequent signing of his name, and had marked characteristics in his chirography. Contrary to this, the signature on the $100,000 note was done by "tracing, drawing, piecing, patching and retouching." The "Wm" in a thousand exemplars adduced is never written twice alike in full, but placing the "Wm" of the forged note over the "Wm" of the 1890 deed, the two exactly match in form and alignment.

The "Wm" on the note, it is claimed, shows strokes made in a number of artificial movements, instead of one bold dash, as was the alleged signer's writing habit. A magnifying glass exhibits plainly this fact. The forger made it by putting the note over the deed against a window pane and tracing the "Wm." The vertical position of the note caused the pen to be held so that the ink flowed back upon it, forcing the signer to frequently dip it in ink and thus make "Wm." in several strokes.

The "M" in Murdock has its smallest flourish begin on the outside of the rest of the letter, while in all the exemplars where the flourish appears the flourish is started on the inside. The whole Murdock was made by copying from the Murdocks in both the deeds. A small size "O" was chosen from one deed and will be a revelation when placed before the jury's eyes under microscope. It will be seen to be made in four pieces, parts usually made in upstrokes being made contrariwise.

A singular feature is the terminal stroke of the "k" ending the signature. In the $100,000 note it is a simple lower forward curve, which is found in the deed of 1880. The exemplars of 1872 to 1875 show that no such hook was used, but that the terminal stroke of Murdock's signature was a decided flourish. The lower forward curve as the terminal of "k" first appears in 1879, and then once only in forty-five signatures, and was gradually adopted by him.

All the small letters in "Murdock" represent all the features of forgery, the experts say. They were made in labored efforts, with different slants from the genuine. "Murdock" was first done in pencil and then covered with ink, the forger seeking to combine the features of the two "Murdocks" on the deeds in his possession. Under the microscope the use of a pencil eraser is evident, in some places the ink on the shaded lines being nearly rubbed off when the pencil marks were sought to be removed.

These are but a few of the characteristics of the celebrated note claimed by the experts. Ames and Kytka will corroborate all this and each has prepared a separate, exhaustive study of the note and genuine signatures.

COURT LESSONS IN CHIROGRAPHY

Handwriting Experts Testify in the Murdock Note Case.

Photographic Transparencies Are Not Admitted in Evidence by Judge Pirkey.

CANNON'S THEATRICAL PERFORMANCE

Kytka Testifies That He Believes the Signature in Controversy Was Traced.

(Special Dispatch to "The Examiner.")

WILLOWS, April 19.—This has been the first lively day of the defence in the Murdock case. Only a forenoon session was held, however, an adjournment being ordered at 12 o'clock on account of a death in Attorney Freeman's family.

The morning opened with a debate on the admission of enlarged copies of the Murdock signature, which copies had been filed and were intended for use as transparencies. General Barnes and Attorney Richard Bayne argued the point for the defense. General Barnes alluded to the use of the stereopticon in the Sharon case and of the use of the enlarged photographs in many of the recent celebrated trials at San Francisco.

Mr. Bayne, replying to Grove L. Johnson's remarks about experts, who "swear at so much per swear," sarcastically alluded to "lawyers who work for contingent fees—whose only hope of pay is in the success of their case," and lawyers "like wolves, who cannot eat unless they break into the fold and feed on the flock."

When the debate was ended Judge Pirkey sustained the plaintiff's objection, preventing Expert Kytka from putting the enlarged photographic transparencies together for the purpose of a comparison which would tend to prove that the note signature had been partially made by a tracing from the genuine signature that was on a deed.

The transparencies were admitted in evidence despite the plaintiff's objection, however, and the jurors will be permitted to make for themselves the comparisons that Mr. Kytka was not allowed to make. When he was prevented from comparing the enlarged transparencies, Expert Kytka made the comparison of the original deed signature and the signature on the $100,000 note. He fastened the deed to a window-pane on which the sun was shining and placed the note over the other document, and a very practical transparent view of the two signatures was thus obtained. Writing Expert Daniel T. Ames provided a large magnifying glass and the jurors saw for themselves how the signatures fitted. Attorney W. M. Cannon of San Francisco, who is one of the leading lawyers for the plaintiff, strongly objected to what he called "this theatrical performance," but his objection was overruled.

Mr. Kytka next showed, as a revelation of the microscope, that in signing the deed from which the note signature is alleged to have been traced, William Murdock began the first downward stroke of the letter "W" considerably above the point seen in the signature. The ink did not flow, but the marks of the pen point were left. To remedy the defect caused by the failure of his pen, Murdock made an unusual and somewhat flourished cross stroke in the signature of the note, Kytka testified, the effect of the pen failure and the cross-stroke amendment were faithfully reproduced by the tracing. In other words, the exact defects of the deed signature are in the note.

General Barnes questioned Kytka about the latter's experience as a handwriting expert, all the previous testimony having been given as that of an expert photographer. The witness told of his testimony in eighty California trials, including the famous will cases at San Francisco.

"Were you a handwriting expert in the Fair will case?" asked General Barnes.

"No; I made 16,000 photographs in that case and it kept me very busy," was the reply.

"Have you formed an opinion as to how the abbreviation 'Wm.' in the Murdock note was made?" inquired General Barnes, while the plaintiff's objections were shouted in vain.

"I have."

"What is your opinion?"

"That part of the signature was traced."

Expert Ames is to give his testimony to-morrow.

SEHORN'S STORY DOESN'T STAND

Superior Judge Pirkey Rules That It Was Not Admissible.

The Defense to the Murdock Note Scores Its First Point.

BUSHELS OF EXHIBITS ARE OFFERED

The Battle of the Experts Against the Signature to the Obligation Begun.

(Special Dispatch to "The Examiner.")

WILLOWS, April 18.—General Barnes and his associates in the Murdock case scored a big victory over Grove L. Johnson to-day when Judge Pirkey ordered the testimony of Dr. A. W. Sehorn to be stricken from the record.

Dr. Sehorn is a prominent local dentist. Last week he testified that the late Senator Boggs, soon after the William Murdock will was filed, told him of the $100,000 note and advised him to see H. H. Burton, one of the executors, if he desired information. Dr. Sehorn was at that time correspondent for a San Francisco paper and wished to report the matter. Sehorn said he talked with Burton and that the latter said he knew of the note, and that if William Murdock had lived another week the claim would have been settled.

The attorneys for the defense claimed that this testimony was inadmissible and Judge Pirkey took the matter under advisement, deciding against the plaintiff this morning.

To-day has been occupied with the introduction of Expert Theodore Kytka's enlarged photographs of the William Murdock signatures. The lawyers who are trying to have the note declared genuine are using every effort to shut off the Kytka evidence, but one by one the exhibits are being piled up in tremendous array. The floor about the witness box is covered with piles of photographs and negatives, big and little, a series of highly magnified signatures extending nearly to the ceiling; a blackboard is covered with diagrams and illustrations, the clerk's desk is filled and heaped up with Murdock documents of all kinds, and on the desk before Judge Pirkey stands the $1,800 microscope that was used in the Fair case.

To-night an armed man is guarding the courtroom to prevent mutilation of the exhibits or any interference with them.

The day closed with arguments on the admissibility of the transparencies prepared by Kytka, showing how the signature on the note fits another signature on a deed. The defense claims that these transparencies show conclusively that the note signature was made by tracing. The point to be made by the use of the Kytka transparencies is one of the strongest on the side of the defendant, and the plaintiff's attorneys are fighting very hard to shut them out.

General Barnes gave Glenn county a fine sample of his eloquence when he replied to the general objections. He was not content with his wish to send the alleged forgers to San Quentin, but he consigned them "to the very depths of hell."

Before the expert testimony was begun General Barnes called Morrison Bryan of Winthrop, Wash., to break down some testimony given for the plaintiff last week by H. A. Skiff, the witness who was accused of having a $10,000 price on his evidence. Bryan quoted Skiff as saying to him on several occasions that he was to get $10,000 for his testimony in the Murdock case.

TELLS OF FLAWS IN SIGNATURE.

EXPERT KYTKA AGAIN ON THE STAND.

FEATURES OF MURDOCK'S HANDWRITING POINTED OUT TO THE JURY.

Remainder of the Week Will Be Consumed in the Introduction of Similar Testimony.

Special Dispatch to the "Chronicle."

WILLOWS, April 19. The main incident of the Murdock note trial to-day was the testimony of Handwriting Expert Theodore Kytka, who was on the stand yesterday. He explained to the Court and jury why he believed the signature to the $100,000 note purporting to have been made in 1877 was in part an exact tracing of William Murdock's signature to a deed dated May 17, 1890.

The first hour of the session was spent by General Barnes and Grove L. Johnson in arguing the objection raised yesterday by Johnson against introducing signatures of the note and of the deed of 1890, photographed on translucent paper and superimposed so that the similar formation of the letters might be noted. Judge Pirkey ruled that the introduction of the superimposed photographs was not within the limitations of the statute, though the jury might make such comparisons as they chose.

From his screen on the wall, on which are tacked immense photographic enlargements of Murdock's signature, Expert Kytka showed the unusual manner in which the "Wm" abbreviation on the deed of 1890 was written. In every instance but one Murdock signed his given name with the abbreviation, but the "Wm." of the deed and that of the note appear to differ in characteristics from the writing on any of the other several hundred exhibits. Kytka showed that in the deed signature the initial stroke of the pen on the "W" failed to mark, leaving two furrows of the pen nibs plainly discernible under the microscope. The stroke is continued from the point where the ink flowed, and with a second stroke the letter is finished in a manner strange to Murdock's signature. The "W" of the note is a facsimile. Kytka stated that he found the "Wm." on the note to be a tracing. He superimposed the note above the deed against a window pane in the courtroom and the Judge and jury viewed them with a magnifying glass. Counsel presented the jury with copies of each photographic signature in evidence.

The court adjourned at noon out of respect to Attorney Freeman's mother, who died Thursday morning. The exhibitions kept in the courtroom at night by the defendant's exhibition. Expert Ames takes the stand to-morrow. He will be followed by Eisenschimel and the latter by Hickok. The remainder of the week will probably be taken up in hearing expert testimony.

Many rumors are afloat concerning the discoveries made by the Pinkerton men and the amateur detectives who swarm the town. The jurymen return to their homes at night, but they are closely watched.

THE DEFENSE

The Other Side of the Note Story Due.

Circumstances as to the Big Note Which the Defense Will Make the Most Of.

Proceedings in the case of Mary Helen Murdock vs. the executors of the estate of Wm. Murdock went on today, but the monotonous reading of checks and drafts bearing the signature of William Murdock was all that was done.

These papers were read by the attorneys for defense, recorded by the court reporter and marked as exhibits by the clerk.

At 10 o'clock Monday morning the defense will begin to introduce their testimony.

Much speculation is being indulged in as to just what sort of testimony the defense will introduce. Attorney Bayne's opening statement did not throw much light on what they really would attempt to prove. He stated that "forgery" and "physical impossibility" to make the note of the time and place alleged were to be proven, and that was about the sum and substance of it.

It is rumored—and the rumor comes from the camp of defense—that a full three weeks will be taken up in the introduction of their testimony. What will it be? They maintain an easy confidence in their ability to tear down the structure reared by plaintiff and the testimony of witnesses is eagerly awaited.

It will be claimed that William Murdock never signed and never saw this $100,000 paper, and the attorneys say openly that they will prove the signature to be a rank forgery.

If the charge is proven such a gathering together of perjured testimony was never before heard in a court room as that of plaintiff's witnesses.

Much time will be taken up in the testimony of the famous experts, and wonderful exhibits will be shown by these men. It will be claimed that the "Wm" in the note's signature was traced from the signature to a deed made by Murdock in 1890, which deed has been in the possession of Mary Helen Murdock. It is said that the two "Wms" are exactly the same in tracing and shade. The plaintiff's attorneys simply say that this fact is a "coincidence"—and that's all.

The defense claim that Wm. Murdock, at the time this note is dated, always put a down flourish at the end of the "k"; but did not in the late years of his life. There is no such flourish to the "k" in the note's signature. Plaintiff's attorneys say that this amounts to nothing, that no person writes his or her name always the same.

The defense will treat this whole story of plaintiff as a concocted scheme, aided and abetted by forgery and perjury—and there you are.

One thing is sure: The defense will make a fierce onslaught on the plaintiff's forces and will give no quarter.

EXPERT KYTKA'S THEORY.

Says the Murdock Note Signature Was Traced From a Deed.

WILLOWS, April 19.—In the Murdock note case Expert Kytka consumed the morning session in demonstrating to the jury his theory as to how the signature on the $100,000 note was traced from William Murdock's signature on a deed. Kytka had not finished his direct testimony at noon, when court adjourned to attend the funeral of Attorney Frank Freeman's mother. Kytka will resume his testimony to-morrow morning.

SOME SIGNS OF FORGERY

Kytka and His Camera in the Murdock Note Case.

General Barnes Introduces a Great Number of Signatures by William.

WHAT THE DEFENSE EXPECTS TO PROVE

Signer's Signature at the Date of the Note Not a Likeness of the Alleged Signature.

[Special Dispatch to "The Examiner."]

WILLOWS, April 17.—All this section of California is absorbed in the contest over the Murdock note. People drive in from a distance of twenty miles to attend the court sessions. Five lawyers are trying to convince a jury that the note is valid, and four lawyers, headed by General Barnes of San Francisco, will to-morrow set out to prove that the note is a forgery.

General Barnes is eloquent and fearless in his declarations of forgery, and four celebrated experts are here to show just how and when the document was forged.

To-day's session of the hearing was held without a jury, the defendants offering exhibits in great array. General Barnes and Attorney Lusk of Chico placed on file 768 specimens of the William Murdock signature.

"We say that this forgery was committed since March 12, 1890," said General Barnes during an incidental argument, "and we want to show the signatures through the various years from 1873 to 1893. If this is a genuine paper, the more examples we have of the signature the better it will be for the gentlemen on the other side. We want to show the development of William Murdock's handwriting, the formation of the habit. We want to show that the imitation of the signature in this note was from a signature made in 1890 and not from a signature made in 1877. We will show that the signature on the note could not have been the signature of William Murdock in 1877."

Theodore Kytka will begin his testimony to-morrow. He has been at work here for weeks. In the western part of the town he has a small barn fitted up as a photographic studio, and there he works away on handwriting enlargements and reproductions. The giant camera that figured in the Fair case stands on wheels in the open air, and the barn is becoming a place of wonder to the boys and girls of Willows. Mr. Kytka has the note signature and two admittedly genuine signatures enlarged to exactly the same sizes. By placing one over the other he will show that "Wm.," the abbreviation of William, corresponds almost exactly in the note with the same portion of the signature in one of the deeds, which circumstance he claims to be proof of tracing.

"Two genuine signatures of a man," says Kytka, "will never exactly fit in that way, and in this particular case the pen was taken from the paper four times."

The word Murdock, so Kytka and the other experts agree, was copied from a second deed.

Experts Eisenschimmel, Ames and Hickok will also testify that the note was forged.

The attorneys for the defense have openly charged the plaintiff's witnesses with perjury, and the trouble has hardly yet begun.

Some time this week the defense will produce a memorandum book in which William Murdock made an entry of a $15 business transaction on September 6, 1877, but in which there is no reference to the $100,000 note, bearing interest at 1 per cent a month for twenty years, which he is alleged to have signed on that date.

Five Pinkerton men are here in connection with the case, and it is said that since the very beginning of the trial they have kept close watch of the jurors. All sorts of corruption stories are afloat, and if any of these are founded on fact, the detectives ought to establish a big sensation before the case is ended. The rumors of bribery and attempted bribery are limited only by the number of persons involved, and most of them must be absolute fabrications, even if there is truth in any of the stories that make up the local gossip.

The Pinkerton agents are in the employ of the defendants, and it is apparent that General Barnes and his associates think it wise to take unusual means to prevent fraud. The detectives are expected to become witnesses for the defense before the trial is ended.

DAILY PROMO[TER]

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT.

WILLOWS, CALIFORNIA, TUESDAY, APRIL 18, 1899.

THE DEFENSE BEGINS.

Dr. Sehorn's Testimony For The Plaintiff Is Ordered Stricken Out By The Court.

The business end of the Court room presented the appearance of an overgrown art gallery this morning. The light was softened by drapings on the windows. A long table stood in front of the jury-box and this was stacked with piles of great photographs, all enlargements of the acknowledged signature of William Murdock. On the floor were other piles of photos, some of them of acknowledged signatures and others of the alleged signature of the dead man as it appears on the note. On a screen eleven feet high were tacked ten photos of signatures, each photo being 4 feet long and 1½ feet wide. A large blackboard stood in the corner by the jury-box. On a little table stood the $1,800 microscope used in the Fair will case.

The hearing of the Murdock case began this morning with a gentle surprise, which was sprung from the bench. Judge Pirkey announced that the testimony of Dr. A. W. Sehorn, given for the plaintiff, would be stricken from the record, and he instructed the jury to give it no consideration. The Judge held that after deliberation he had decided that the testimony was improper.

The defense placed Mott Bryan of Washington on the stand. Witness was called to testify regarding the alleged statements made to him by H. A. Skiff, who testified for the plaintiff last week. Witness stated that Skiff has said to him on several occasions that if the Murdock case went the right way he would have "no further use for the Methow." Skiff had told him he was to get $10,000 for his testimony in the Murdock case. Skiff first made such a statement to him in February 1894.

Mr. Johnson asked but few questions of the witness.

Expert Kytka On The Stand.

Theodore Kytka was called. In answer to General Barnes' questions witness stated that he is a documental photographic expert. Witness had been employed professionally in the Fair will case, Botkin case, Figel case, Hecker and Creegan case, Bell case, Davis will case, and many other California cases of much importance. Witness described the photographic enlargements, etc., made by him in each of these cases. Witness told of the Goerz lens used in his photographic work. It is a rectilinear copying lens made in Berlin.

Witness had been employed in the Murdock case for six months. The photographs he made of the note are enlarged to three and one-half diameters. Witness illustrated the properties of the Goerz lens and the meaning of the terms used on a blackboard. The plates were developed by the finest process known.

Witness exhibited his enlarged photos of William Murdock's signature, the plates employed and the original checks from which the photographs were made. Witness testified that the reproductions were exact. Each photograph was identified by witness with the check from which it was made and the photographs placed in evidence over the plaintiff's continued objection. General Barnes stated that a copy of each one of these photos had been prepared for each juryman and also a copy for plaintiff's counsel.

There were seventy-nine enlarged photos of the signatures to checks.

Another lot of photos were produced. These were reproductions, exact size, of the entire checks from which the enlarged photos of signatures had been made. The work of getting these properly labeled and placed in evidence consumed the remainder of the morning session.

MARY HELEN MURDOCK

Who Is The Plaintiff In One Of The Most Remarkable Suits For A Dead Man's Money Ever Tried In California. The Picture Is Supplied Through The Courtesy Of The Evening Post Of San Francisco.

AFTERNOON SESSION.

When Court was called to order after the noon recess the placing in evidence of the photos of William Murdock's signature, together with the plates from which they were made, was continued.

A larger crowd was in attendance than that of this morning. A large number of ladies sat in the section which has been reserved for them. It is a matter of surprise that in the trial of a cause celebre such as this the number of spectators should so seldom be large enough to fill the court room. Willows people have heard so much about the mysterious Murdock note during the past few years that it had grown stale as a subject of persistent gossip and the matter having to some extent grown trite the sensations succeeding each other at the trial are taken largely as a matter of course and only on days of special note has the local interest been keen enough to make people leave their affairs to attend the session of Court.

Expert Kytka explained to the Court and jury the process which the checks and signatures are enlarged. The plate bearing the photographed check, exact size, is placed in a camera and projected upon a large screen on which impression paper is arranged. The rays are magnified at tenfold and an enlarged picture is the result.

The large screen on the wall contains twelve enlarged signatures. One of these signatures is that of the note, another is from the deed of 1890, from which the defense claims that the signature to the note was in part copied. Others of these immense signatures are taken from instruments signed about the time the note is alleged to have been made. These last will be used to show that while the signature of the note is similar to writing of 1890 and the note doubts it differs in several respects from the handwriting of William Murdock in 1877.

At the hour of going to press the work of putting the photographic exhibits in evidence continues.

MURDOCK NOTE SUIT.

EVIDENCE FOR DEFENSE BEING HEARD.

Judge Pirkey Charges the Jury to Discard the Testimony Given by Dr. W. A. Sehorn.

WILLOWS, April 18.—The jury were promptly in the box at 10 o'clock for the Murdock note case this morning. Judge Pirkey announced that he had erred in allowing evidence of Dr. W. A. Sehorn. After careful examination he had found that the objections of counsel were well taken and should have been sustained. He therefore charged the jury to discard the testimony of the witness and not to consider it at all.

After this Morrison Bryan was called for the defense. He stated that he lived in the State of Washington in 1894 and was acquainted with William Murdock during his lifetime. Then he resided in this State. He was acquainted with Witness Skiff when he resided in the State of Washington in 1894, and also knew him in this State, when he resided in the town of Orland. This question was asked by Mr. Lusk.

"Mr. Bryan, at your ranch in the State of Washington, in the month of February, 1894, did Mr. Skiff tell you that he had to go to California to testify in a $100,000 suit, and that he was to get $10,000 for his testimony?"

Objected to and objection overruled. The answer was, "Yes, sir, he did."

"Did he tell you that if he were successful in winning the suit he would not have to work any more?"

Objected to and objection sustained.

Cross-examination.

"Did you make any writings or keep any written account of anything said to you by Skiff in regard to this matter?"

"I did not."

"Did you come to California solely for the purpose of being a witness in this case?"

"I did."

Redirect:

"Mr. Bryan, Skiff stated on the stand that you said to him that if he came to California as a witness in the Murdock case he ought to have $10,000 for his testimony."

Objected to, objection sustained and witness excused.

The next witness was Expert Kytka. He stated that he was a native of Australia and had been in California [illegible] years. He said that his occupation was that of a microscopist and that he was prepared with instruments and magnifying lenses to enlarge and examine handwritings. He explained to the jury his method of work, after which a number of notes that had been signed by William Murdock and enlarged by the expert were offered in evidence, and, after a spirited controversy by the attorneys were allowed by the court.

At the afternoon session Expert Kytka was again on the stand, and photographs of checks and drafts signed by William Murdock, additional negatives from which photographs were printed were introduced, and he was asked to identify each.

Quite a wordy war ensued when Barnes offered in evidence photographic transparencies of the "Wm." in the deed of 1890, which is held by Gann Murdock, husband of the plaintiff, and the "Wm." in the famous $100,000 note. These were first shown separately, then placed together, one over the other, so that the exactness of the two might be seen by the jury. This is the defendant's principal point that the name of William Murdock on the deed was traced on the note.

Plaintiffs objected to this being shown to the jury, and arguments as to whether or not it should be admitted will be continued at to-morrow's session.

Hickok, another noted handwriting expert, arrived to-day, and will testify for the defense. The exhibits of the defense are stacked all over the courtroom, and an armed man will guard these to-night.

THE DEFENSE

Expert Kytka Identifies Many Negatives.

Apr 17

Morrison Bryan Testifies to Things Said by Witness Skiff in Washington.

After a short delay the great Murdock note case, in which a fortune is at stake, has again been set in motion. This morning promptly at 10 o'clock Judge Pirkey called court to order. All the jurymen were present and seemed somewhat rested by their short vacation.

The court room was not as crowded as usual, but still there were quite a number of spectators present. Mrs. Murdock did not appear in the forenoon at all. The notes and checks which were being read yesterday had all been finished and everything was cleared ready for evidence.

Expert Kytka had all his apparatus arranged on a long table before the jury. Before the examination of witnesses was begun Judge Pirkey created quite a little excitement by announcing that he had come to the conclusion that the testimony of Dr. W. A. Sehorn should be ruled out, as it was irrelevant and immaterial, and that he would do so on his own motion without any further comment.

Dr. Sehorn's evidence, given last week, for plaintiff, was in regard to a conversation held with B. H. Burton in 1894 in which Burton said that "if William Murdock had lived another week the note would have been settled."

He told the jury that they should not consider said testimony at all and that they should treat it as if it had not been given. Plaintiff excepted.

Morrison Bryan, of Winthrop, Wash., was the first witness called by defense. Testified that he was living in the State of Washington in 1894; was acquainted with Mrs. Mary Helen Murdock and also with H. A. Skiff; knew him in 1894; also knew him before he went to Washington while he was living in Orland; stated that in winter of 1894 Mr. Skiff told him he had to go to California as he had to Kytka to identify this deed and signature as an exact reproduction, for the defense will make this one of their main points—that the signature on the note was traced from the signature on the deed.

The next negative introduced was the signature of the $100,000 note and the deed of 1890 a little different from the rest inasmuch as it showed the amount of ink used in both and was for the purpose of showing how, if one signature was traced from another, more ink should be used upon the forged signature than upon the original. He said that this could be produced through a system designated as the microphotography process. Barnes interpreted this explanation for the jury and opposing counsel. Barnes instructed the clerk to mark this very carefully and far up in the corner.

Last exhibit shown was another photographic reproduction of the signature on the $100,000 note and the deed of 1890. Kytka said these were made the same size and transparent so they could be compared and contrasted easily by placing one upon the other, and by the aid of light, see the way in which the signature to the deed was traced upon the note.

Recess was then declared.

Expert Kytka was then asked to place defendants exhibit 868-89 being the "Wm." in the deed of March 12th 1890, and the "Wm." to the $100,000 note, one over the other, and fasten them together. This done, it was then shown that these two signatures were taken at the same time under exactly the same conditions and were in every respect correct. Mr. Kytka then in the presence of the jury prepared two more of "Wm's," one of the deed of March 12th, 1890, and one of the notes dated Sept. 5th, 1877—the $100,000 note.

It was then on behalf of the defendant offered to present these two "Wms" thus, one placed over the other, to the jury that they might see the exactness of the two, the defendants claiming that the "Wm" of the deed of 1890 was used in making the "Wm" of the note; in other words the "Wm" in the note was traced from the "Wm" in the deed of 1890.

The plaintiffs objected to this being shown to the jury. The defendants intend to testify in a $100,000 note case and that if his side won the suit he would not have to work any more.

Objections here were numerous by Johnson, but were promptly overruled by Judge Pirkey, to which plaintiff excepted.

Mr. Bryan testified that Skiff said he would get $10,000 for testifying. Said Skiff talked frequently about this matter; never made any written memorandum of the conversations, but remembered almost all that was said. Worked together on a public hall in Winthrop.

After a short cross-examination by Johnson, Bryan was excused.

Theodore Kytka was next called by defense. Said: "I am a native of Austria, but am a naturalized citizen of the United States; have lived in California six years. I am an examiner of documentary deeds and an expert in handwriting; have had experience in this line in a great many cases; was on Botkin case, Fair case, etc. Was employed in this Murdock case about six months ago; have enlarged checks and deeds of Wm. Murdock; and also note in question."

Witness then showed the jury by illustration on blackboard what he meant by enlarging. Said that in the Botkin case Mrs. Botkin was charged with sending a box of poisoned chocolates through the mail and it was his duty in that case to determine whether the address on that box was written by Mrs. Botkin. Said that he had been employed in various other cases and told what he did in each case. Stated that he did this enlarging with his "Goerz."

This instrument was very competent so witness said. Said his lens was used for reproducing and that it was perfect. He was asked to show the jury how lens was tested. Did this on blackboard. "I tested my lens and it was all right, to developing pictures I use such a process that a correct negative is reproduced. This method of reproducing is the best method now known to scientists." Witness produced first negative of signature of checks which he said was exactly like original. Kytka then selected the checks from the rest and showed these to jury. They looked exactly alike. He then produced the next negative that he took and showed this to jury. Said this also was an exact reproduction of original check. Negatives were offered in evidence by Barnes.

Objection by Johnson.

Objection was overruled.

Barnes showed a cardboard upon which were some photographs of signatures on notes. Kytka said these were correct reproductions of negative. Each was offered in evidence and were allowed notwithstanding objections by Johnson. Clerk was instructed to mark each exhibit as handed in, so they could be identified.

Barnes read dates which notes and checks were drawn but Johnson kindly informed him that it was unnecessary. Barnes said he had several copies of these and would like to give the jury six of them, so that two jurymen could examine them together and so that they could examine them very carefully.

Barnes consumed a greater part of the forenoon in presenting defendant's exhibits of photographs in evidence. Johnson stated that it would be understood that they objected to each of these photographs being admitted as evidence, and furthermore that as court overruled these objections, it would be understood that they would make an exception to each case.

As attorneys proceeded in this uninteresting work the audience was seen to slowly diminish in size.

Kytka has a foreign accent which is extremely hard to understand unless very close to him and the court reporter caused great deal of amusement by asking him to repeat several answers.

Once while reading a number of checks, General Barnes was informed by Johnson (he Johnson) believed that Barnes had made a mistake. Upon examination it was found by Barnes that this was so.

When court adjourned at twelve o'clock they were still introducing these exhibits in evidence.

AFTERNOON SESSION.

This afternoon at two o'clock Mr. Kytka was again put on the witness stand and the photographs and negatives of checks, etc., were again taken up and offered in evidence just as they were in the forenoon.

Mrs. Murdock was in Court accompanied by her son, Edmund.

Many people were in attendance and continued to come in slowly as the case proceeded. The young ladies were well represented.

Going over these signatures and photographs was very monotonous and uninteresting. Each negative and plate was identified by witness Kytka and each was said to be correct. The intent and expectant onlookers were considerably disappointed when they found that the afternoon proceedings would simply be a repetition of the morning's work, and one could notice the restless stir and the longing desire for a change that never came. After about one hour and a half there was a change but the change was but slight.

Kytka said: "I have some signatures which I have enlarged still more. These are the photographic reproductions that you see against the wall."

Witness proceeded to show how he enlarged these signatures by illustrating on a blackboard.

Prof. Kytka no doubt understands his business for he never hesitated in his explanation. He said that these large photographs were just as correct as the smaller ones and were not exaggerated or changed in the least but were an exact reproduction.

As each exhibit was handed in it was accompanied with the original check from which the negative was taken.

The crowd was held, not by the interesting work that was being done, but from sheer curiosity and an expectancy that something would turn up which would amuse them.

Kytka must have spent tireless labor in the production of these exhibits.

At last he offered the negative of the $100,000 note. Barnes showed him the original note, marked as plaintiff's exhibit "A," and asked him if his negative was an exact reproduction of this. Witness answered that it was the same in every particular, with the exception of the color. Attorney Cannon remarked that it made no difference anyway as they were all color blind.

After this the photograph of the signature of the deed which William Murdock made in 1890, from which the signature to the $100,000 note is alleged to have been made, was entered as an exhibit. Barnes was very particular in getting

(Continued on page 4)

sisted that this was very proper, as they are reproductions or enlargements of the originals. Further argument will be heard tomorrow morning at 9:30.

Court will adjourn at noon tomorrow to allow some of the attorneys to attend the funeral of the late Mrs. Freeman.

H. A. Skiff, Accused by the Defense in the Murdock Note Case.

SEHORN'S STORY DOESN'T STAND

Superior Judge Pirkey Rules That It Was Not Admissible.

The Defense to the Murdock Note Scores Its First Point.

BUSHELS OF EXHIBITS ARE OFFERED

The Battle of the Experts Against the Signature to the Obligation Begun.

[Special Dispatch to "The Examiner."]

WILLOWS, April 18.—General Barnes and his associates in the Murdock case scored a big victory over Grove L. Johnson to-day when Judge Pirkey ordered the testimony of Dr. A. W. Sehorn to be stricken from the record.

Dr. Sehorn is a prominent local dentist. Last week he testified that the late Senator Boggs, soon after the William Murdock will was filed, told him of the $100,000 note and advised him to see B. H. Burton, one of the executors, if he desired information. Dr. Sehorn was at that time correspondent for a San Francisco paper and wished to report the matter. Sehorn said he talked with Burton and that the latter said he knew of the note, and that if William Murdock had lived another week the claim would have been settled.

The attorneys for the defense claimed that this testimony was inadmissible and Judge Pirkey took the matter under advisement, deciding against the plaintiff this morning.

To-day has been occupied with the introduction of Expert Theodore Kytka's enlarged photographs of the William Murdock signatures. The lawyers who are trying to have the note declared genuine are using every effort to shut off the Kytka evidence, but one by one the exhibits are being piled up in tremendous array. The floor about the witness box is covered with piles of photographs and negatives, big and little, a series of highly magnified signatures extending nearly to the ceiling; a blackboard is covered with diagrams and illustrations, the clerk's desk is filled and heaped up with Murdock documents of all kinds, and on the desk before Judge Pirkey stands the $1,500 microscope that was used in the Fair case.

To-night an armed man is guarding the courtroom to prevent mutilation of the exhibits or any interference with them.

The day closed with arguments on the admissibility of the transparencies prepared by Kytka, showing how the signature on the note fits another signature on a deed. The defense claims that these transparencies show conclusively that the note signature was made by tracing. The point to be made by the use of the Kytka transparencies is one of the strongest on the side of the defendant, and the plaintiff's attorneys are fighting very hard to shut them out.

General Barnes gave Glenn county a fine sample of his eloquence when he replied to the general objections. He was not content with his wish to send the alleged forgers to San Quentin, but he consigned them "in the very depths of hell."

Before the expert testimony was begun General Barnes called Morrison Bryan of Winthrop, Wash., to break down some testimony given for the plaintiff last week by H. A. Skiff, the witness who was accused of having a $10,000 price on his evidence. Bryan quoted Skiff as saying to him on several occasions that he was to get $10,000 for his testimony in the Murdock case.

MRS. MURDOCK LOSES A POINT

Dr. Sehorn's Testimony Stricken Out.

Special Dispatch to The Call

WILLOWS, April 18.—When the Murdock note case was called this morning Judge Pirkey announced that, after having looked up authorities, he had decided the evidence of Dr. Sehorn, which he admitted last week, was irrelevant. He ordered that it be stricken from the records. Sehorn testified that he had a conversation in March, 1894, with Executor Burton of the Murdock estate and that Burton had told him that had William Murdock lived a week longer the note would have been settled.

After Judge Pirkey had instructed the jury to pay no attention to the evidence of Dr. Sehorn the defense called Morrison Bryan to impeach the evidence of H. A. Skiff, who testified that he heard a conversation between Mary Helen Murdock and William Murdock wherein William Murdock admitted the genuineness of the note. Bryan testified that Skiff told him in 1895 that he had to go to California to testify in the Murdock case, and that if his side won he (Skiff) would not have to work any more.

General Barnes, in his cross-examination, asked Skiff if he had made such a statement and Skiff denied ever having talked with Bryan about the case.

Expert Kytka was on the stand all day exhibiting photographs of the signatures of William Murdock and demonstrating to the jury his idea of how and why the note is a forgery. After Kytka will come experts Ames, Eisenschimmel and Hickok. Then the defense will attempt to prove that William Murdock was at his home all day on the day that the note was alleged to have been signed at Mrs. Murdock's residence, twenty miles distant.

The defense has five Pinkerton detectives here watching the jurors, who are greatly disgusted at being "spotted." One of the attorneys for the defense created a sensation to-day by going to one of the most prominent citizens in the county and telling him if he did not quit talking to a certain juror he would be called up before the court.

Mrs. G. W. Freeman, mother of Attorney Freeman, one of the counsel in the Murdock case, died this morning. Court will adjourn at noon to-morrow to attend the funeral.

DAILY PROMOT

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT.

WILLOWS, CALIFORNIA, WEDNESDAY, APRIL 19, 1899.

KYTKA ON THE STAND

Expert Points Out The Similarity Of The Note's Signature To That Of The Deed Of 1890.

Just before the Court adjourned yesterday afternoon an incident occurred which led to the raising of an important point at law and the opening of the vials of oratory.

Expert Kytka was on the stand. From among his exhibits the expert produced a sheet of glass having pasted on it an enlarged copy of the "Wm" of the signature of the deed of March 12, 1890, made on translucent paper. On another sheet of this semi-transparent paper was the enlarged "Wm" of the signature of the hundred thousand dollar note. At General Barnes' request expert Kytka fastened the sheet containing the signature of the note directly above the signature of the deed, the object being to show that the letters were of exactly the same size and formation. General Barnes desired to hand this to the jury for examination. Mr. Johnson objected, talked of the progress of modern science; of the camera, and of the microscope by means of which the defense proposes to show where the paper has been scraped and rubbed to remove the pencil drawings of forgery.

Mr. Johnson again addressed the Court in a speech as warm as that of General Barnes.

The Court reserved a ruling on the objection until this morning.

WEDNESDAY'S SESSION.

Court convened half an hour earlier than usual this morning in order to allow counsel to argue the point raised Tuesday afternoon.

General Barnes talked against the objection, citing many records of cases which contain favorable opinions on photographic exhibits. Counsel spoke of the absolute accuracy of the camera and its invaluable services in many cases at law.

KYTKA AND HIS EXHIBITS.

Though Taken Some Days Ago, The Above Picture Shows Expert Theodore Kytka Exactly As He Appeared This Morning When Explaining To The Court And Jury The Similarity Between The Abbreviation "Wm" As It Occurs On The Deed Of May 12, 1890, And On The $100,000 Note. Each Of The Photographed Signatures Is About Four Feet Long By One And One Half Feet Wide. This Picture Is Supplied The Promoter By The San Francisco Chronicle, Which Great Newspaper Has Contained Full And Accurate Accounts Of The Murdock Suit.

Counsel Barnes then had witness Kytka produce two sheets of paper bearing the same signatures as the superimposed photographs. In the presence of the Court, the expert treated the paper with lucca oil to render them translucent. One of these was placed above the other and Barnes wished to show it to the jury.

Mr. Johnson again objected, claiming that the evidence was third hand—that it consisted of enlarged photos of other photos of the signatures, all prepared by an expert in the employ of the defendants. Mr. Johnson stated that several States prohibited expert testimony altogether. He read a statute which permits exhibits of handwriting, but does not mention photos. The writing offered, he said, was not Wm Murdock's, but Kytka's.

In reply, General Barnes referred to Mr. Johnson as antediluvian. He at law.

Mr Bayne followed in a speech prefaced with a complaint against the warm invective used in arguing this point yesterday afternoon. The attorney cited other decisions favoring his view of the objection.

Mr. Johnson replied to Bayne's reference to invective, declaring that brick throwing had in no instance been begun by himself. He argued the objection at some length.

The Court sustained the objection, ruling that one translucent sheet containing "Wm" of the note might not be superimposed above the translucent sheet containing the "Wm" of the deed. His Honor stated that the ruling would not effect the status of the large number of photos admitted in evidence.

Expert Kytka was again called to the stand by General Barnes. Over the plaintiff's objection he was allowed to show by means of the enlarged photographic signatures on the screen against the wall the successive strokes by which the "Wm" of the deed was made. Wm of the deed, the expert claimed, was begun with a downward stroke in which for a little distance the ink failed to flow and in which the nibs of the pen made dry furrows discernible under the microscope. The incompleted initial line had been retraced, the pen moving in an opposite direction and at the curve making a double line. In answer to General Barnes' question, witness said that the "Wm" of the deed and the "Wm" of the note were just alike in size and general formation.

Witness stated that he had placed one above the other and found that they fitted almost exactly.

The witness stated that he had made a study of handwriting for ten years, and that he had given expert testimony in more than eighty cases.

Asked what his conclusions were after examining the two, witness said he would pronounce the signature of the note a tracing of the signature of the deed of 1890.

In order to demonstrate this, witness took the deed and note and superimposed one above the other against a window pane. The Judge and jury moved to the window and examined the two.

The witness arranged in order the copies of photographic exhibits prepared for the jurymen.

The hour for the noon recess had arrived and Judge Pirkey announced, the attorneys concurring, that there would be no session of the Court this afternoon out of respect to the memory of attorney Freeman's mother.

Court will convene at half past nine o'clock Thursday morning.

THE DEFENSE SCORES ONE.

Sehorn's Evidence in the Murdock Case Stricken Out.

SAID WILLIAM MIGHT HAVE COMPROMISED.

WITNESS SKIFF, FOR PLAINTIFF, GIVEN THE LIE FROM THE STAND.

Sworn Evidence That the Southern Pacific Conductor Stated He Expected Big Pay — Experts Introduced.

Special Dispatch to the "Chronicle."

WILLOWS, April 18.—After two days spent in tedious reading and placing in evidence checks and other documents bearing the acknowledged signature of the dead William Murdock, the $100,000 note suit again took on the semblance of progress this morning. The crowd which had gone back to farm during the uninteresting proceedings of Monday, was on hand. It was the same crowd which early and late for the past fortnight has listened open-mouthed to the evidence for the plaintiff. It was a good day for the gallery. Up to this time the sensations have emanated from the lawyers and from the witness stand, but this morning one came from the bench. As soon as Judge Pirkey took his seat he announced that the testimony given for plaintiff by Dr. W. A. Sehorn would be stricken from the record and he ordered the jury to give it no consideration. His honor stated that after deliberation he considered Sehorn's testimony improper.

Dr. Sehorn is a dentist who swore that B. H. Burton, an executor of William Murdock's will and who is one of the defendants, told him just after the old man's death that the existence of the note was not a secret and that had William Murdock lived a week or two longer the note would have been compromised. A high value had been set upon this testimony and its sudden striking out astonished the plaintiff's attorneys. It had been expected that the defense would open the ball with its experts, when Hiram Johnson [illegible]

[ORNIA: WEDNESDAY EVENING, APRIL 19, 1899.

THE DEFENSE GETTING DOWN TO BUSINESS.

HANDWRITING EXPERT KYTKA AND HIS BIG EXHIBIT.

Expert Kytka has an impressive array of photographs of the signatures of Wm. Murdock and also notes and checks which passed through Murdock's hands and which he signed. These exhibits are arranged tastefully on a long table in front of the jury. He has one very large board, 3x10 feet, placed against the wall near the Judge's chair and which can be plainly seen by the jurors. Upon this board are other large photographic pictures of Murdock's signature. They were all enlarged from the originals and differences and likenesses can be easily detected. Above is a photographic copy of this exhibit, with Mr. Kytka pointing to the signature of the $100,000 note, which he says is a very clumsy forgery.

Another curiosity for inspection is the lens which Kytka uses in magnifying these notes, etc. This lens is a very powerful magnifier and cost the owner $1,800. Two men are kept constantly to guard all these exhibits and this instrument. At every recess of court crowds of people rush up to these exhibits and spend all the time possible in examining them.

THIS morning court convened at 9:30, a little earlier than usual, and consequently there were not many in the court room. General Barnes arose and continued his argument in favor of admitting fac-simile copies of signatures in evidence. Read from Abbott's Trial Evidence, page 398, par 17, which said that a photographer could be put on the stand as expert, and his photographic productions could be admitted as evidence.

Barnes read various other citations and then gave way to attorney Bayne, who after protesting against the opposing counsel using invectives in their arguments, which he said were entirely out of place here, proceeded to say that no matter if this kind of evidence is only admitted by a statute, still this would be enough to guide the court in its decision in regard to this point, for to the statutes passed by the Legislature we owe a great many of our privileges of today. Also cited many references which bore upon the point in question. His argument consumed about thirty minutes.

(Continued on page 3.)

Johnson then, on behalf of plaintiff, said that this is not a question of admissibility of photographic reproductions, as counsel for defense said, but was a question whether or not comparisons of these reproductions are admissible. Referred to many decisions of other courts and opinions of well known authorities.

Judge Pirkey said: "This is a close question. There is no question about these photographic reproductions being admitted as evidence, but I seriously doubt if these comparisons should be allowed, and therefore sustain the objection of plaintiff, and these comparisons cannot be admitted as evidence, but the jury can, if it so desires, examine these."

Expert Kytka then took the stand and testified that he had had the $100,000 note in his possession and also the deed of Wm. Murdock made in 1890, and had examined them carefully.

Court here declared a recess of five minutes.

After recess Kytka was again put on the stand. Testified that when signature to deed was made in making the "W" the ink did not flow freely and therefore the "W" was not made as the writer intended. Had placed the "Wm" of note over the "Wm" of deed and the lines, etc., fit over each other with but few exceptions. "Wm" of note seems to have been traced from "Wm" of deed, but seems to have been done clumsily. The differences are so small that they are hardly noticeable. Had been an expert on handwriting for about ten years. For the last five years have devoted whole time to this expert work. Had been in about eighty cases. In Fair case made about 16,000 photographs of various signatures, etc. Witness took "Wm" of deed and "Wm" of note and placed them one over the other and showed them to the jury.

Six sets of photographic reproductions of seventy-nine signatures of Wm. Murdock and which also contained the signature of the note, were given to the jury for examination.

Court then adjourned to 9:30 tomorrow morning, to allow some of the attorneys to attend the funeral of the late Mrs. Freeman, who is the mother of Fred Freeman, one of the attorneys for the plaintiff.

ture of the deed of March 12, 1890, made on translucent paper. On another sheet of this semi-transparent paper was the enlarged "Wm" of the signature of the hundred thousand dollar note. At General Barnes' request expert Kytka fastened the sheet containing the signature of the note directly above the signature of the deed, the object being to show that the letters were of exactly the same size and formation. General Barnes desired to hand this to the jury for examination. Mr. Johnson objected.

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The Court sustained the objection, ruling that one translucent sheet containing "Wm" of the note might not be superimposed above the translucent sheet containing the "Wm" of the deed. His Honor stated that the ruling would not effect the status of the large number of photos admitted in evidence.

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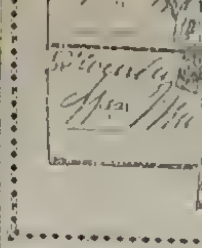
Theodore Kytka, who announced himself as a documental photographic expert, had the courtroom transformed into the semblance of an art gallery. The light was softened by window drapings. In front of the jury box a table was piled high with enlarged photographs of checks, deeds, etc., bearing the acknowledged signature of William Murdock, while on a screen against the wall were twelve enlarged signatures, the photos measuring 4x1½ feet. One of them is the signature of the note. Just above it is a signature to the deed of May 12, 1890, from which the defense claims the note signature was copied. Others are signatures made in 1876 and 1877, by which it will be shown how different was Murdock's penmanship at the time it is alleged the note was made. Expert Kytka explained his process of enlargement to the jury and more than 100 photographed signatures and plates from which they were made were offered in evidence over Attorney Johnson's objection. Kytka produced a photograph of the "William" of the note and that of the deed of 1890, taken on translucent paper. When one was superimposed on the other and held to the light it was seen that they were of exactly the same size and formation.

Attorney Johnson made an appeal on legal grounds to have these photographs refused as evidence.

General Barnes, in reply, called Johnson an antediluvian and talked vehemently of "damnable forgeries," "Indian cunning" and "the rights of litigants." The point raised covers a large part of the photographic exhibits. The Court will decide the point tomorrow morning.



HANDWRITIN[G]

Expert Kytka has m[...]
Murdock and also notes [...]
which he signed. Thes[e ...]
the jury. He has one [...]
Judge's chair and which [...]
other large photograph[s ...]
from the originals and [...]
a photographic copy of [...]
the $100,000 note, which [...]

Another curiosity fo[r ...]
these notes, etc. This [...]
Two men are kept const[antly ...]
every recess of court cro[wds ...]
time possible in examini[ng ...]

THIS morning co[urt ...]
9.30, a little earli[er ...]
consequently ther[e ...]
in the court room. Ge[neral ...]
and continued his argu[ment ...]
admitting fac-simile cop[ies ...]
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Evidence, page 398, par[...]
that a photographer cou[ld ...]
stand as expert, and [...]
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enough to guide the co[urt ...]
In regard to this point, [...]
passed by the Legislatu[re ...]
many of our privileges [...]
cited many references [...]
the point in question, [...]
consumed about thirty [...]

Johnson then, on hi[s ...]
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Judge Pirkey said "[...]
question. There is no [...]
these photographic repr[oductions ...]
admitted as evidence, [...]
doubt if the comparison [...]
toward, and therefore sust[ained ...]
of plaintiff, and these c[...]
not be admitted as evide[nce ...]
can if it so desires, exam[ine ...]

Expert Kytka then to[ok ...]
testified that he had [...]
note in his possession an[d ...]
of Wm Murdock made [...]
examined them carefully [...]

Court here declared [...]
minutes.

After recess Kytka w[...]

COURT LESSONS IN CHIROGRAPHY

Handwriting Experts Testify in the Murdock Note Case.

Photographic Transparencies Are Not Admitted in Evidence by Judge Pirkey.

CANNON'S THEATRICAL PERFORMANCE

Kytka Testifies That He Believes the Signature in Controversy Was Traced.

[Special Dispatch to "The Examiner."]

WILLOWS, April 19.—This has been the first lively day of the defense in the Murdock case. Only a forenoon session was held, however, an adjournment being ordered at 12 o'clock on account of a death in Attorney Freeman's family.

The morning opened with a debate on the admission of enlarged copies of the Murdock signature, which copies had been filed and were intended for use as transparencies. General Barnes and Attorney Richard Bayne argued the point for the defense. General Barnes alluded to the use of the stereopticon in the Sharon case and of the use of the enlarged photographs in many of the recent celebrated trials at San Francisco.

Mr. Bayne, replying to Grove L. Johnson's remarks about experts, who "swear at so much per swear," sarcastically alluded to "lawyers who work for contingent fees—whose only hope of pay is in the success of their case," and lawyers "like wolves, who cannot eat unless they break into the fold and feed on the flock."

When the debate was ended Judge Pirkey sustained the plaintiff's objection, preventing Expert Kytka from putting the enlarged photographic transparencies together for the purpose of a comparison which would tend to prove that the note signature had been partially made by a tracing from the genuine signature that was on a deed.

The transparencies were admitted in evidence despite the plaintiff's objection, however, and the jurors will be permitted to make for themselves the comparisons that Mr. Kytka was not allowed to make. When he was prevented from comparing the enlarged transparencies, Expert Kytka made the comparison of the original deed signature and the signature on the $100,000 note. He fastened the deed to a window-pane on which the sun was shining and placed the note over the other document, and a very practical transparent view of the two signatures was thus obtained. Writing Expert Daniel T. Ames provided a large magnifying glass and the jurors saw for themselves how the signatures fitted. Attorney W. M. Cannon of San Francisco, who is one of the leading lawyers for the plaintiff, strongly objected to what he called "this theatrical performance," but his objection was overruled.

Mr. Kytka next showed, as a revelation of the microscope, that in signing the deed from which the note signature is alleged to have been traced, William Murdock began the first downward stroke of the letter "W" considerably above the point seen in the signature. The ink did not flow, but the marks of the pen point were left. To remedy the defect caused by the failure of his pen, Murdock made an unusual and somewhat flourished cross-stroke in the signature of the note, Kytka testified, the effect of the pen failure and the cross-stroke amendment were faithfully reproduced by the tracing. In other words, the exact defects of the deed signature are in the note.

General Barnes questioned Kytka about the latter's experience as a handwriting expert, all the previous testimony having been given as that of an expert photographer. The witness told of his testimony in eighty California trials, including the famous will cases at San Francisco.

"Were you a handwriting expert in the Fair will case?" asked General Barnes.

"No, I made 16,000 photographs in that case and it kept me very busy," was the reply.

"Have you formed an opinion as to how the abbreviation 'Wm.' in the Murdock note was made?" inquired General Barnes, while the plaintiff's objections were shouted in vain.

"I have."

"What is your opinion?"

"That part of the signature was traced."

Expert Ames is to give his testimony to-morrow.

"FORGERY," SAYS EXPERT AMES IN MURDOCK CASE

Declares That the Name on the Big Note Is Not Genuine.

It Is Crude Work, Says the Expert, and Two Kinds of Ink Were Used.

SOME EMPHATIC TESTIMONY

All Day Long There Is a Procession of Jurors and Lawyers to the Microscope.

[Special Dispatch to "The Examiner."]

WILLOWS, April 20.—Writing Expert Ames to-day testified emphatically that the name of "William Murdock" which is signed to the big note that is the basis of a suit against the Murdock estate is a crude forgery.

This has been a day of procession in the Murdock case.

Early in the forenoon writing expert Daniel T. Ames adjusted a [illegible] to the window [illegible] in the [illegible] which [illegible] Murdock [illegible] trying to collect [illegible]. Judge Pirkey looked through the glass until the twelve jurors followed in single and solemn order. Next in procession were the lawyers for the defense, and then the attorneys for the plaintiff.

Another exhibit was placed in focus, and then another, and all day long the processions were continued. During recess the Glenn county residents sought the privilege of gazing through the instrument, and in that procession the ladies were a majority.

Mr. Johnson of Sacramento seemed to see funny things in the microscope. He laughed every time he looked. He urged his associates, lawyers Cannon of San Francisco, Thompson of Fresno and Donohue of Willows to look through the microscope, and each one smiled as he turned away. Nobody laughed but the lawyers who are fighting against the scientific testimony to the effect that the note is a forgery, and each of these lawyers declared that he could see none of the alterations and erasures described by the expert.

"I haven't seen a thing that I couldn't see with the naked eye," remarked Mr. Johnson.

"Perhaps you have very keen eyes," replied General Barnes.

"I have," said Mr. Johnson. "I will match them against any microscope ever made."

The exhibits under the microscope were of the alleged lead-pencil outlining of the note signature, the patched-up ink markings and careful drawings of the signature as it stands, the erasure of the pencil marks and consequent abrasion of the note's surface, and many defects in the signature.

"Can you as an expert tell whether there has been any interference with the fiber of the paper in this note?" asked General Barnes of Ames.

"I can."

"Has there been any interference?"

"There has."

"Of what kind."

"Erasure with a rubber. The fiber in the signature space has been worn off and swung out of place, parts of it lying across parts of the signature."

When the microscope work was ended General Barnes inquired:

"Mr. Ames, in your opinion is the note signature the genuine signature of William Murdock?"

"It is not," replied the expert.

"Was it written by Mr. Murdock?"

"It was not."

"Have you any doubt on the subject?"

"None whatever."

When Mr. Ames qualified as an expert he stated that he had testified about handwriting in more than 1,200 cases throughout the United States and in London and Paris. He said that when he first saw the note it was submitted to him in San Francisco by Lawrence S. Meggison, who is said to be interested in the plaintiff's side of the case and to whom the note was indorsed.

The declaration by Mr. Ames that the note signature was forged is very sweeping and emphatic. The expert even says that the forgery was a very crude one, and that inks of two slightly different colors were used.

On cross-examination the plaintiff's attorneys intend to occupy only about ten minutes to-morrow morning, and then Expert Eisenschimmel of San Francisco will testify about the signature and the methods employed in making it. Some sensational direct evidence is expected to be given as soon as the experts' testimony is all heard.

CLEARLY FORGED, SAY THE PENMEN

Strong Swearing by Experts Against the Murdock Note.

Carl Eisenschimmel Says He Refused a Retainer by the Plaintiffs.

[Special Dispatch to "The Examiner."]

WILLOWS, April 21.—Carl Eisenschimmel, the San Francisco expert in handwriting, to-day gave the main part of his testimony in the Murdock case. He declared the signature to the note on which an attempt is being made to collect $361,000 from the William Murdock estate to be a very poor forgery. Further, he testified the note was originally submitted to him by the holders of it, and that he then pronounced the signature a forgery and declined to testify in support of it. The following month he was consulted and engaged by the defense.

When the court convened at 3 o'clock, additional notes and checks were identified by Banker Harrington of Colusa and were offered in evidence. Then Expert Ames was recalled and the microscopic examinations of the alleged forgery were resumed, with countermand [illegible] on Thursday. All this was against Mr. Johnson's strenuous objections.

On cross-examination, Mr. Ames admitted that mistakes could be made by handwriting experts.

"You say that the document was signed subsequent to 1890," continued Mr. Johnson, referring to the note that is dated 1881, "[illegible] if one thousand men should come here and testify that they had seen the note prior to 1890, what would you think?"

"I would think that they were mistaken or lying," replied Mr. Ames, positively.

Mr. Johnson questioned the expert about contingent fees.

"I never worked for a contingent fee in my life," said the witness.

"What pay are you to get for your testimony in this case?"

"Fifty dollars per day and $100 per day, according to the nature of my work."

Mr. Eisenschimmel, the next witness, said that he first saw the Murdock note at [illegible] & [illegible]'s law office, San Francisco, in January, 1898. He was at that time requested to examine the note by persons connected with the plaintiff, and the note signature and several admitted copies of the signature were examined by the witness for [illegible].

"Did you not [illegible] report to Mr. Cannon?" asked Attorney Johnson.

"I did."

"What did you say in that report?"

"I said to him that I could not testify [illegible] the matter of the note [illegible] that the [illegible] had been formed [illegible] by [illegible] patching and tracing."

[illegible]"Did the note signature bear any of the Murdock handwriting characteristics?"

"None at all. William Murdock had very firm and set habits of handwriting. He wrote fluently, with a semi-angular style. He made his flourishes very rapidly, as people usually make flourishes and all letter strokes. None of these characteristics are found in the note signature, which was slowly and carefully drawn, patched and retouched."

"Did Mr. Murdock ever retouch his signatures?"

"No, even when there was a pen failure, he wrote right along and let it go."

"And do you consider the note signature to be that of William Murdock?"

"No, the note signature is an absolute fabrication."

The defense is preparing to impeach witnesses who have testified that they saw the big note prior to 1890, and sensational developments are expected to follow the expert testimony. There are about sixty witnesses yet to be called.

AMES' DAY

Expert Ames Aims Shots at the Note Signature.

A Whole Day of Comparisons on the Admitted and Disputed Signatures of Wm. Murdock.

Famous expert Daniel T. Ames was the central figure in the proceedings of the Murdock note case in the Superior Court today.

As a drawing card expert testimony does not go well in Willows; there were but few people in court this morning, yet the testimony of Mr. Ames was very interesting.

Promptly at 9:30 this morning the jurymen answered to their names, and Mr. Ames was called to the stand. The fame of this gentleman as a handwriting expert, pen artist, editor and publisher of pen literature is world-wide and Mr. Ames' long experience in court makes him a good witness.

He was interrupted by the opposing attorneys but few times; but when these few times came objections came out in such large volleys that it sounded as though Daniel was in the lion's den.

Answering General Barnes, Mr. Ames stated that he was 64 years of age; resides in New York City; has made a specialty of the study of questioned handwriting for thirty years and has testified in 1,200 cases before various courts of justice. For twenty-two years has been the publisher of the "Penman's Art Journal" of New York.

General Barnes handed Ames the $100,000 note and asked him where he first saw the paper. Answered that he first saw it during the year 1897, was shown to him by L. S. Megginson in a law office in the Chronicle building at San Francisco. Didn't remember where the paper was produced from; witness had it a minute or two. Next time he saw it was in the Superior Judge's chambers in Willows. A year ago January or February witness was spoken to by executors in this case, then made an examination and report on a photographic copy of note. Since 4th of this month has seen the original here and has examined 793 checks bearing Wm. Murdock's signature which have been offered in evidence as exemplars.

The jury was here handed six exhibits which were to be examined in connection with Mr. Ames' testimony—two jurymen to a copy.

Mr. Ames then stated that he had found from his examination that Wm. Murdock's admitted signature showed his handwriting to be positive, well-defined and strong, while the signature to the note was the reverse—hesitating and nervous. Also that in signing his name ink flowed regular, giving the lines a uniform color and making the lines at once strong, solid and smooth. Lines in the signature to the note, said witness, were gray, uneven and shaky.

Mr. Ames told the jury that in measuring with a protractor he found a general slant in the admitted signatures to be 45 degrees from the perpendicular, while the questioned signature showed a slant of 60 degrees.

Witness then took other signatures shown in the exhibit and contrasted them with the signature to the note, saying that all the admitted signatures show a rounding of curves in the capital "M" while the "M" in note is not so, but made in angles.

The signature of Murdock to the 18[…] note was taken up. Mr. Ames said th[…] in signing this deed the ink did not flo[…] when the initial to the "W" was mad[…] Witness showed on the blackboard ho[…] the accident was corrected by the write[…] and stated that this correcting strok[…] while in no other signature of the 7[…] seen by him, appears in the note sign[…]ture.

This deed of 1890 was put under t[…] microscope so as to show the "Wm" [...] the signature, and judge and jury exa[…]ined the lines carefully.

The corresponding part to the note w[…] then placed under the glass and look[…] at by judge and jury.

Continuing, Mr. Ames said that a [mi]croscopic examination showed that [the] fibre of the paper where note is sig[ned] was torn off and a "grinding off" of i[t] was also shown. With a pair of divid[ers] witness then showed similarities in t[he] "Wm" on deed and on note, demonstr[at]ing that distances between differe[nt] points in this word "Wm" were iden[ti]cal, although they varied in other adm[it]ted signatures.

Witness said the microscope shows t[wo] kinds of ink—a gray, and a perfect bla[ck]. That the grayish ink appears in the d[…] under "m" in Wm, and is seen in the [...]

d, o and e of Murdock. That the bla[ck] ink appears on the gray as of "patchin[g]" or reinforcing the flow. One of t[he] checks was placed in the microscope [to] show the uniform strokes in Murdoc[k's] admitted signature and the jury insp[ec]ted the paper so magnified.

Afternoon Session.

Comparisons of the Wm Murdock signatures were taken up by expert Ames at two o'clock this afternoon. The small "o" in Murdock received the full share of Mr. Ames' attention during the larger part of the first half hour, and there was a larger crowd of spectators present to hear the expert's testimony.

Mr. Ames pointed out that the "o" in the Murdock signature to the note is more like a small "a", and that were it not for the context it would be taken for an "a". Witness then pointed out a number of o's made by Wm Murdock at different times all of which were called "well-defined" letters and not made like the one in question.

The signature to the $100,000 note was again placed under the microscope and the jury looked at the letters to note certain peculiarities as to a disconnection in the writing of this small "o"—what the expert calls "patching".

A check signed by Wm. Murdock, dated eleven days before the note in question is said to have been signed, was put under the microscope and viewed by judge and jury. Another check, dated Sept. 20, 1877, fifteen days after the note is alleged to have been signed, was put through the same course.

Peculiarities of the "c" and "k" in Murdock's admitted signatures compared with the disputed signatures, was gone into. When Mr. Ames started to tell how the pen was held when any of the signatures were made he was stopped by objections from attorney Johnson, which objections the court sustained.

Mr. Ames read from his notes as to the Murdock signatures examined by him, in the matter of the ending of "k's" and the dash under the small "m" in "Wm". Witness said that signatures on all checks examined by him, dated from 1872 to December 1879, showed the final ending of the "k" to be a curve brought under the line and to the left. Two hundred and seventy-three signatures were examined before the "k" like that in the note's signature was found.

Witness said that after 1879 Murdock gradually changed the ending of his signature and frequently made it with an up curve to the final stroke of the "k." Both the 1890 deed signature and that of the note in question ends that way.

Answering General Barnes, witness said that the "c" in the note signature was made by several strokes of the pen, and the jury examined this letter under the microscope. An admitted "c" was then looked at under the glass, the letter being one made by Murdock in August, 1877.

After more microscopic examinations as to the surface of the paper of note were made, General Barnes asked Ames:

"Do you believe the signature to this note is the genuine handwriting of Wm. Murdock?"

"It is not," answered the expert.

"Have you any doubt about it?" asked the attorney.

"None whatever," was the reply.

Further questioning was simply a rehash of former testimony.

"Take the witness," said General Barnes.

Grove L. Johnson's first question to Ames was:

"Do you call your business a science, art or trade?"

"All three," was the answer.

Witness said that it was not an exact science like mathematics. Johnson asked Ames if mistakes could occur. The answer was "yes," and with that answer court adjourned.

APRIL 21, 1899.

DAILY PROMOTER

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT.

WILLOWS, CALIFORNIA, THURSDAY, APRIL 20, 1899.

D. F. AMES IS HEARD.

The New York Handwriting Expert Begins His Testimony This Morning.

Judge Parker took the bench this morning and announced, by way of the vision on a point raised yesterday, that the defense might continue expert Kytka on the stand as a witness on handwriting or might call him as such at a later date. The plaintiff waived right of cross-examination of the expert at this time.

Expert Ames On The Stand

General Barnes called Daniel T. Ames. Witness stated his occupation as teacher, pen artist, editor and expert examiner of questioned handwriting. Witness had testified on handwriting in over 1200 cases and in over 32 States, Canada, London and Paris. Witness enumerated the most important cases in which he had appeared, among them being the famous Morey-Garfield forgery, many celebrated cases in New York and recent ones in San Francisco. Witness

LAWRENCE S. MEGGINSON.

The Man To Whom The $100,000 Note Was First Endorsed, And Who Is An Interested Spectator At The Trial Of The Suit

had been the recognized expert of United States court for southern New York district for twenty years.

Witness first saw the $100,000 note in 1897 in a law office in the Chronicle building, San Francisco. Note was shown witness by L. S. Megginson. He next saw the note in the Judges' Chambers at the Court House. Witness examined photographic signatures in January 1898 for the defendants and submitted a report. He had examined the note under a microscope.

General Barnes asked the witness as to any relations he saw between the signature of the note and that of the deed of 1890. Enlarged photos of the signatures of the note were handed to the jury, while the expert illustrated from the large photos on the screen. Witness stated that the acknowledged signatures of William were written in a strong positive hand, with smooth and even lines.

Witness said the lines of the note were shaky and uneven.

Witness stated that the signatures of two exhibited checks written in 1877 were strong and regular. Witness stated that the "n's," "u's" and "m's" of the acknowledged signatures are made with broad, square cut-off tops while the tops of those letters on the note are pointed.

Witness used two slender rods to show the difference in the slant of the letters in the word "Murdock" in acknowledged signatures and the letters appearing on the note. Witness pointed out that the slant on the note is much less than the other.

Witness placed the rods on similar lines in the "W" of the deed of 1890 and of the "W" of the note. He said these were perfect parallels. Witness termed the "W" of the deed "accidental," and stated that two furrows visible under the microscope show that the initial stroke of the pen failed to mark, that the letter was continued from the point where the ink flowed and finished in an unusual manner. Witness stated that of all the 795 acknowledged signatures in evidence there is but the one "accidental" "W"—that of the deed. Witness stated that curves of the first stroke in "W" of the deed and that of the note are similar.

The Court took a short recess while the witness arranged the $100,000 note under his microscope.

The paper was shifted several times, bringing different parts of the instrument. The Judge, jury and attorneys filed by the microscope as it was turned on different points, and each was inspected.

Witness Ames stated that upon examination of the surface about the signature on the note he found the fiber turned up and loose, many particles the lines gray and ragged and in places almost imperceptible. Witness said this condition was due to "grinding off"

A photograph on porcelain, showing the condition of the paper about the signature, was passed to the jury.

Witness used the dividers to demonstrate that the "Wm" of the note and that of the deed are similar in size. He used a ruler to show that the "Wm" of the note and that of the deed do not approximate in width with other exhibited signatures.

Witness said the signature of the note had been retouched; that the retouching had been with a different ink; that one ink used was black and the other purplish black. With this Statement the note was again placed under the microscope and subjected to inspection.

A new photograph of the note's signature, enlarged 150 times was introduced in evidence over Mr. Johnson's objection, and holding this before the jury, the witness pointed out the strokes and lines and explained why he believed the writing to be other than that of Wm. Murdock.

AFTERNOON SESSION

Expert Ames continued his testimony. Witness stated that there was a difference of 16 degrees in the slants of the word "Murdock" as it appears on the note and on the deed of 1884; the "Wm" on each has the same slant. Witness stated that he believed the "Wm" on the note a tracing of that on the deed.

Asked if he found any similarity to the writing of the word "Murdock" on any of the signatures in evidence, witness pointed to the "r" and the "d" on the note, traced their formation, and called attention to the same letters in the signature of the deed of 1872, which he said were similarly made: and he further stated that the two letters were not similarly made in any of the other signatures. Witness stated that the "u" as originally made on the note bore a close resemblance to that on the deed of 1890, but that the letter on the note had been retouched with another ink and the lines made heavier. Witness showed in photos how the formation of the "r's" and other letters changed in the course of twenty years.

A check of August 2?, 1871 and another of September 20th, being the last signature before and the first after the note is alleged to have been made, were placed under the microscope and inspected in order to bring the characteristics of William's writing in the year of the note.

Witness stated that the "O" on various checks was always made with a free and even movement. He said that of the note was not.

Witness stated that the staff of the "D" on the note had been lengthened and curved after it was first made. The "O" was declared to be made with too much nicety. The staff of the "K," the witness said, as it appears in admitted signatures ends with a downward curl, while that on the note is shaded most at the top and tapers downward.

Witness stated that in all the 273 acknowledged signatures from 1872 to 1878 the terminal of the "K" swing back to the left. After 1878, the witness said, some of terminals of the "K" turn up as on the note.

Witness detailed the changes in Murdock's signature during the last twenty years of his life.

Ruby Sarsaparilla purifies the blood, tones the system and regulates the bowels. Price $1 per bottle, 3 for $2.50, at Putnam & Walker's.

SAYS NOTE IS FORGED.

Expert Ames on the Stand in the Murdock Case.

TELLS THE RESULT OF HIS EXAMINATION.

COMPARED THE SIGNATURE WITH HUNDREDS OF ADMITTEDLY GENUINE ONES.

He Dwells at Great Length on the Alleged Peculiar Features of the All-Important Document.

Special Dispatch to the "Chronicle."

WILLOWS, April 20.—This has been a strong day for the defense in the Murdock note suit so far as expert testimony is concerned. Daniel T. Ames, the celebrated handwriting expert of New York, who proved the famous Morey-Garfield campaign letter a forgery and who has been connected with nearly every noted case of questioned penmanship since that time, was on the witness stand all day. With all the care and detail of one who is a master of his profession, Ames moved tediously through the similarities of the signature of the $100,000 note and declared that the hand of dead William Murdock did not sign the name.

There are 795 enlarged photographs of acknowledged signatures of William Murdock in evidence, and nearly every one of them was referred to by the expert in giving his testimony. Ames stood by the great screen on the wall, on which are tacked twelve photographs of signatures enlarged to 150 diameters, and pointed out the flaws which he claims to have found.

In 1877 William Murdock gave to the plaintiff, Mary Helen Murdock a deed to a piece of land. In 1890 the validity of this deed was questioned, and William Murdock executed a new one. These instruments have remained in the custody of the plaintiff, and counsel for the defense claims that the signature to the big note was copied from the signatures of these [illegible] ... William Murdock [illegible] name with the abbreviation "Wm." Expert Ames declared the abbreviation appearing on the deed of 1890 to be unlike that of [illegible] of the 800 acknowledged signatures of Murdock.

Ames showed under the microscope how the initial stroke of the pen in making the "W" had failed to mark. Two dry furrows are visible beneath the glass. The expert claims that Murdock continued the letter from the point where the ink flowed and finished it with a stroke which renders the "W" unlike that contained in other of the admitted signatures.

Ames held that the "Wm" of the note is an exact copy of that of the deed of 1890. The peculiar double curve in the first stroke of the "W" is exactly the same in both signatures and other points also tally. Measured with a pair of dividers Ames said the two abbreviations proved to be of exactly the same size and the lines have the same slant. "The Wm of the note," said Ames, "is a tracing of the 'Wm' of the deed of 1890."

The expert held that the "Murdock" of the note was a poor but attempted copy of the "Murdock" of the deed of 1877. The letters of the name he claimed are of a similar formation, but of a shading not found in any of Murdock's acknowledged signatures. All of Murdock's admitted "n's" and "m's" are made with broad, square, cut-off tops while the tops of the same letters on the note are pointed.

A point dwelt on at length is the turned up terminal of the "k" on the note. Ames claimed that in 2?3 signatures written between 1872 and 1878 the terminal of the "K" turned back to the left, and not until after 1878 do any terminals occur which turn up. Ames made the bold statement that the signature on the note was first drawn in pencil, copied in ink, and that later the letters were retouched with another kind of ink. One ink used, he said, was black and the other purplish black.

Asked about the surface of the paper surrounding the signature, Ames said that the fiber is broken, turned up and that many particles are loose. He held that this was due to the rubbing of a rubber pencil mark eraser, which was used to remove traces of the original drawing. The note was placed under a powerful microscope and the Judge and jury inspected it. Ames said that he had not the slightest hesitation in pronouncing the note a forgery.

The witness was turned over to Grove L. Johnson for cross-examination three minutes before the hour of adjournment. In answer to a question Ames stated that, mathematically speaking, he should not call his science an exact one.

"FORGERY," SAYS EXPERT AMES IN MURDOCK CASE

Declares That the Name on the Big Note Is Not Genuine.

It Is Crude Work, Says the Expert, and Two Kinds of Ink Were Used.

SOME EMPHATIC TESTIMONY

All Day Long There Is a Procession of Jurors and Lawyers to the Microscope.

[Special Dispatch to "The Examiner."]

WILLOWS, April 20.—Writing Expert Ames to-day testified emphatically that the name of "William Murdock" which is signed to the big note that is the basis of a suit against the Murdock estate is a crude forgery.

This has been a day of procession in the Murdock case.

Early in the forenoon writing expert Daniel T. Ames adjusted his microscope to show defects in the note on which Mary Helen Murdock is trying to collect $164,000. Then Judge Parkey looked through the glass and the twelve jurors followed in slow and solemn order. Next in procession were the lawyers for the defense and then the attorneys for the plaintiff.

Another exhibit was placed in focus, and then another, and all day long the processions were continued. During recess the Glenn county residents sought the privilege of gazing through the instrument, and in that procession the ladies were a majority.

Mr. Johnson of Sacramento seemed to see funny things in the microscope. He laughed every time he looked. He urged his associates, Lawyers Cannon of San Francisco, Thompson of Fresno and Donohoe of Willows to look through the microscope, and each one smiled as he turned away. Nobody laughed but the lawyers who are fighting against the scientific testimony to the effect that the note is a forgery, and each of these lawyers declared that he could see none of the alterations and erasures described by the expert.

"I haven't seen a thing that I couldn't see with the naked eye," remarked Mr. Johnson.

"Perhaps you have very keen eyes," replied General Barnes.

"I have," said Mr. Johnson. "I will match them against any microscope ever made."

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"Can you as an expert tell whether there has been any interference with the fiber of the paper in this note?" asked General Barnes of Ames.

"I can."

"Has there been any interference?"

"There has."

"Of what kind?"

"Erasure with a rubber. The fiber in the signature space has been worn off and swung out of place, parts of it lying across parts of the signature."

When the microscope work was ended General Barnes inquired:

"Mr. Ames, in your opinion is the [illegible] signature the genuine signature of William Murdock?"

"It is not," replied the expert.

"Was it written by Mr. Murdock?"

"It was not."

"Have you any doubt on the subject?"

"None whatever."

When Mr. Ames qualified as an expert he stated that he had testified about handwriting in more than 1200 cases throughout the United States and in London and Paris. He said that when he first saw the note it was submitted to him in San Francisco by Lawrence S. Megginson, who is said to be interested in the plaintiff's side of the case and to whom the note was indorsed.

The declaration by Mr. Ames that the note signature was forged is very sweeping and emphatic. The expert also says that the forgery was a very crude one, and that inks of two slightly different colors were used.

The cross-examination the plaintiff's attorneys intend to occupy only about [illegible] minutes to-morrow morning, and then Expert [illegible] of San Francisco will testify about the signature and the methods employed in making it. Some rebuttal direct evidence is expected to be given as soon as the experts' testimony is all heard.

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MORE TECHNICALITIES ARE SPRUNG IN BEHALF OF BOOKKEEPER PETER W. M'GLADE.

THE CASE of Peter W. McGlade, the bookkeeper of the Street Department under Ambrose's administration who stole several sums from the city on forged demands, has been shuttling around Department 12 of the Superior Court on technicalities for the past three or four weeks. The main point raised in the mass of legal technicalities is that McGlade did not "steal legally," and for this slight informality in the manner of his wrongdoing he should be acquitted. McGlade forged and cashed some of the demands last September. He then took a trip south to await developments. The Grand Jury found two indictments against him for forgery and he has since been awaiting trial.

The case was again called before Judge Cook yesterday morning. The defendant was present with Patrick Reddy, his attorney, and ready to proceed to trial. But Assistant District Attorney Black asked for further delay and presented his own affidavit in support of the request. In this document he declared that the presence of Theodore Kytka, the handwriting witness, was much needed. The people could not safely go to trial without him. Kytka was now engaged in the trial of a case in Willows, and he asked a continuance for a week. Kytka would swear that McGlade not only wrote the body of the demands but also forged the name of Swords, the laborer, of Thomas B. Clark, the Deputy Superintendent of Streets, and of T. B. McGlonis, the assistant clerk of the Board of Supervisors.

Lawyer Reddy did not think the showing made by the Assistant District Attorney was sufficient to warrant a continuance. There was no showing of diligence or that even an attempt had been made to serve a subpoena on Kytka. The expert was regularly in the employ of the city in such matters and was allowed in a private case involving many thousands of dollars, but that was nothing to defendant's liberty. But outside of these technical objections, the evidence it was proposed to present through Kytka was immaterial. The document was sworn to before an assistant clerk of the Board of Supervisors, who had no right to administer oaths, and, consequently, as the demand itself was illegal, no forgery could have been committed.

Assistant District Attorney Black said that he expected to present sufficient evidence of fraud and that the preparation of the demands was calculated to deceive, and, in fact, did deceive the Finance Committee that passed them and the Treasurer who paid them. Under the statutes that would constitute a crime.

Judge Cook remarked that the whole case seemed to be involved in the point raised. As the prosecution was not ready he did not wish to force the trial. A continuance was granted to Friday, April 29th, at 10 A. M.

NEVER YET HAS MADE AN ERROR

Expert Ames Claims He Is Infallible.

Special Dispatch to The Call.

WILLOWS, April 21.—Grove L. Johnson's cross-examination of Expert Ames supplied the interesting feature of the Murdock note case to-day. Ames testified that he first made a report as to the questioned signature to F. C. Lusk. He had no doubt that the signature to the note was written subsequent to the 1890 deed, and that if 100 men testified that they saw the note written prior to that date he would believe they were mistaken or that they were prevaricating. He had given testimony in cases which did not agree with that of other experts. He had testified in matters in the Davis will case at San Francisco and his testimony at that time did not agree with that of Mr. Eisenschimel, an expert in attendance at the present trial. The witness said he was satisfied that his conclusions in all of the 1200 cases in which he had been a witness were correct. Ames said he would render a bill for services in the present case at the rate of $50 a day for part of the time and $100 per diem for the remainder.

Carl Eisenschimel was called. He testified that he lived in San Francisco and for about twenty years had been making a study of handwriting. He mentioned many important cases in which he had given testimony as an expert. He first saw the $364,000 note, the subject of the present trial, in January, 1898, at the office of Cannon & Freeman in San Francisco. He looked at the note a moment then. He had examined photograph copies of the note, the deed of 1890, a fragment of a deed made in 1873 and a letter written by William Murdock to Mary H. Murdock. Then he examined for a week or ten days, at the request of Cannon & Freeman, and he told Attorney Cannon that he believed the signature to the note was a forgery, produced by tracing, drawing and patching. He had examined over 300 admitted signatures of William Murdock since coming to Willows and had compared these signatures with that of the note. The note signature incorporated no characteristics of the regular handwriting of William Murdock. The witness said Murdock was a man of habit in his writing, and the spacing in his admitted signatures showed this. After Eisenschimel had said that Murdock's signatures showed a flowing hand and that the note signature was halting, patched and retouched, a piece of gelatine on which the witness had traced the signature on the deed of March, 1890, for the purpose of showing that the "Wm." in the note signature was identical with that of the deed was produced. The court would not admit the gelatine tracing and General Barnes excepted. The witness then went on to show the similarities in the two "Wms" by means of Kytka's enlarged photos. He explained to the jury how he arrived at the "accident" in the forming of the capital "W" in the 1890 deed, and pointed out how the "accident" was reproduced in the note signature. The witness was asked to point out to the jurors how the "patchwork" was done, and Eisenschimel held a "patching bee," pointing out the alleged pen patches, which the witness said meant a halting with the pen at each point. The jury was then told about "compound strokes," etc., showing how the admitted signatures differed from that on the note.

The quotation marks which form a part of the "Wm." in Murdock's signature, came in for a deal of attention from this expert.

After the afternoon recess Eisenschimel demonstrated to the jury certain conclusions which he had arrived at after examining the signatures, as to the slant of letters, a spattering of ink claimed to be on the note signature, the furrows made by the pen nibs and the marks which point to a drawing instead of a fluent writing of the note signature.

Admitted signatures innumerable were pointed out by the witness to show the "furrowing" and strokes of the pen nibs.

NIGHT OF PANTOMIME

The Evening of The Festival Is Assuredly The Best.

Music And Tableaux And Figures Which Move But Which Speak Not.

The third evening of the Music Festival will be classed by many as the most enjoyable of the series of entertainments thus far given.

Counter attractions diminished the attendance somewhat from that of the preceding night, but Star Hall was nearly filled when Rev. E. L. Burch read off the first number of the program.

Miss Mabel Duncan sang in a sweet childish voice the story of the sailor who met death with the Maine.

Theodore Kytka, the handwriting expert, delighted the audience with his high tenor. His song was "Asthore" and he responded to an encore.

The pretty and pathetic story of Ginevra, the fairy bride, was given in pantomime. The poem was read by Miss Logan Tooley and presented in five scenes. The first represented the marriage and a pretty picture it was. A dozen young people sustained the parts. The other scenes showed the game of hide-and-seek, the slipping of the bride into the parrot chest, the aged bridegroom still mourning for his lost one, and the final discovery of the skeleton by two little girls. The piece was very prettily staged.

Mrs. Theodore Kytka gave Gottschalk's Pasquinade on the piano and responded to an enthusiastic encore.

Several beautiful tableaux were presented.

The hit of "The Reunion," Billy Big Eye and Tommy Long Wing, responded and sang their duett.

Miss Maud McIntyre played a violin solo and the Misses Wetzold a duett with mandolin and guitar.

An amusing pantomime was that of the young man who could not be touched by love, music, knowledge or industry, but who sprang up and followed the girl with the bag of shekels.

To-night a concert, including several very strong numbers, will be given.

CLEARLY FORGED, SAY THE PENMEN

Strong Swearing by Experts Against the Murdock Note.

Carl Eisenschimmel Says He Refused a Retainer by the Plaintiffs.

[Special Dispatch to "The Examiner."]

WILLOWS, April 21.—Carl Eisenschimmel, the San Francisco expert in handwriting, to-day gave the main part of his testimony in the Murdock case. He declared the signature to the note on which an attempt is being made to collect $364,000 from the William Murdock estate to be a very poor forgery. Further, he testified the note was originally submitted to him by the holders of it, and that he then pronounced the signature a forgery and declined to testify in support of it. The following month he was consulted and engaged by the defense.

When the court convened at 9:30 o'clock, additional notes and checks were identified by Banker Harrington of Colusa and were offered in evidence. Then Expert Ames was recalled and the microscopic examinations of the alleged forgery were resumed, with courtroom processions as on Thursday. All this was against Mr. Johnson's strenuous objections.

On cross-examination, Mr. Ames admitted that mistakes could be made by handwriting experts.

"You say that the document was signed subsequent to 1890," continued Mr. Johnson, referring to the note that is dated 1877. "If one thousand men should come here and testify that they had seen the note prior to 1890, what would you think?"

"I would think that they were mistaken or lying," replied Mr. Ames, positively.

Mr. Johnson questioned the expert about contingent fees.

"I never worked for a contingent fee in my life," said the witness.

"What pay are you to get for your testimony in this case?"

"Fifty dollars per day and $100 per day, according to the nature of my work."

Mr. Eisenschimmel, the next witness, said that he first saw the Murdock note at Freeman & Cannon's law office, San Francisco. That was in January, 1898. He was at that time requested to examine the note by persons connected with the plaintiff, and the note signature and several admitted copies of the signature were studied by the witness for several days.

"Did you make any report to Mr. Cannon?" asked General Barnes.

"I did."

"What did you say in that report?"

"I said to him that I could not be of any service to him, as I considered the note a forgery, that the signature had been formed by drawing, piecing, patching and tearing."

"Did the note signature have any of the Murdock handwriting characteristics?"

"None at all. William Murdock had very firm and set habits of handwriting. He wrote fluently, with a semi-angular style. He made his flourishes very rapidly, as people usually make flourishes and all extra pen strokes. None of these characteristics are found in the note signature, which was slowly and carefully drawn, patched and retouched."

"Did Mr. Murdock ever retouch his signature?"

"No; even when there was a pen failure, he wrote right along and let it go."

"And do you consider the note signature to be that of William Murdock?"

"No; the note signature is an absolute fabrication."

The defense is preparing to impeach witnesses who have testified that they saw the big note prior to 1890, and sensational developments are expected to follow the expert testimony. There are about sixty witnesses yet to be called.

CHRONICLE, FRIDAY

MRS. CRAVEN OPENS FIRE.

Famous Fair Litigation Is to Commence Again.

THE LADY ASKS FOR A WIDOW'S ALLOWANCE.

FIVE THOUSAND DOLLARS MONTHLY FROM THE FAIR ESTATE DESIRED.

She Also Asks for Permission of the Court to Intervene in the Matter of the Trust Will.

The Craven litigation, so long in the background, has come into the open again and from present indications the courts will soon be bubbling over with it. Yesterday two petitions were filed in the Superior Court—both important and far-reaching. One was the application for a widow's allowance, which made its appearance some months ago, but which was never assigned to any department. This petition, signed "Nettie R. Fair," under which name Mrs. Craven is now known in private life, as well as in the courts, asks for a widow's allowance of $5000 a month out of the estate of James G. Fair. The petition was set for hearing before Judge Troutt May 4th. The petitioner states that she is the surviving wife of Fair, that his estate is worth $12,228,988, that the annual revenue of it is $500,000, and that $5000 a month would be a reasonable sum for her maintenance. She asks that this allowance be made to date from Fair's death December 28, 1894, which foots up into a neat little sum of back pay amounting to about $260,000.

An application was also filed yesterday to give leave to Mrs. Craven-Fair to intervene in the contest over the trust will. This will was opposed by Charles Fair. Superior Judge Charles W. Slack decided that the trust was void as to the real property and Mrs. Fair's attorneys suspect that if the Supreme Court affirms this decision Charles Fair will no longer be interested in opposing the trust will. There will then be no one of record to object to the probate of this will and Mrs. Craven-Fair's counselors desire that she shall be in a position to oppose the will if the Fair children drop their opposition. Her application is to be heard next Tuesday before Judge Troutt.

As for the lady, she says that she will have to fight some one, and she does not care at all whether she fights the executors or the children in the matter of the trust will. Being ready to fight, it does not matter especially to her who is her opponent. She is as confident that she will win as she was during her former litigation.

In support of her widow's allowance, Mrs. Craven-Fair will, of course, bring forward the famous marriage contract, which was not adjudicated at all during the former trial when Mrs. Craven was defendant in the suit to quiet title. She has a batch of new witnesses also, many of whom were held back during the former trial or taken off the stand. It is said that Mrs. Craven-Fair has much better evidence than the contract itself, buttressed as it is with the very strong testimony of Notary Lee Craig, who swore in his deposition that Senator Fair and Mrs. Craven acknowledged the marriage contract before him, and that Fair paid him $50. It is said that subsequent to this contract a marriage ceremony was performed, and that Mrs. Craven-Fair has testimony to this effect. Some surprises are promised during the trial. All this is somewhat in the air as yet, as the attorneys for the Fair children will undoubtedly seek to have the matter put over until after the summer holidays, since the case, when it comes on, will drag through several weeks, as Mrs. Craven-Fair has a shoal of witnesses. The whole interesting litigation will be reopened, and Mrs. Fair's attorneys profess themselves ready for trial.

MORE EXPERT

Ames Concludes and Carl Eisenschimel Begins.

Mr. Eisenschimel Takes Up the Afternoon on the Stand and Tells of His Study.

Attorney Grove L. Johnson was not allowed to continue his cross-examination of the celebrated chirography expert, Daniel T. Ames, this morning, where he left off yesterday afternoon at the court's adjournment.

Before he was permitted to do so, the defense was allowed to ask Mr. Ames more questions.

In order to introduce other examplars as to the handwriting of Wm. Murdock, W. P. Harrington, one of the executor defendants, was called to the stand and identified certain signatures of Murdock shown him by Mr. Lusk. The proposed examplars were then handed to plaintiff's attorneys for examination.

Attorney Johnson objected to the introduction of these papers bearing Murdock's signature, claiming that the offer comes too late, that the experts have already been examined as to the handwriting of Murdock, that pen marks had been made over these signatures, and that the introduction of these papers would be unfair to plaintiff, many examplars being now in evidence.

Mr. Lusk then asked expert Ames as to whether certain pen marks over the signatures which the defense desired to now introduce would interfere with the examination of the signatures—the presence of these pen marks being an objection to the offering of the examplars.

Judge Pirkey sustained the objection of attorney Johnson as to the offering of any of these papers on which the signatures had been marked over in any way. The defense excepted to the ruling of the court.

Those papers on which the signatures of Murdock had not been marked over, were then read, marked by the clerk, and offered in evidence. These exhibits consisted of notes and mortgages.

General Barnes then handed these exhibits to expert Ames and asked witness if the same general characteristics of Wm. Murdock's signatures heretofore examined by witness were shown in these signatures of Murdock. The answer was "yes" to each question.

General Barnes had not put another question before an argument was on as to an objection made by attorney Johnson, who claimed that the answer would go beyond the province of witness in that it would be an opinion and an inference.

The court sustained Johnson's objection and exceptions of defense were noted to the sustained objections to a number of other questions in the same strain.

Witness Ames was asked to measure the word "Murdock" in the signatures to the note and to the two checks dated August 25th and September 20th, 1877. This word in the note was found to be one inch and eight-twentieths in length, while it was longer in each of the two checks. The same word in the 1890 deed was found to be the same length as the note signature—one inch and eight-twentieths.

General Barnes then sent Mr. Ames to the blackboard to show the jury how the word "Wm." in the 1890 deed would have looked had the ink flowed regularly and not caused the "blind furrow" described by witness.

More microscopic examinations were then called for, and this slow-going work gave the court room again that funeral friends-can-now step-forward-and-view-the-remains air, so naturally depressing.

The check of September 20th, 1877 was placed under the glass, and answering General Barnes, Mr. Ames said that he found the lines "homogeneous." When the General had been revived with restorative, he gaspingly requested the expert to speak English and Mr. Ames obligingly said that the lines in the signature were uniform—and this answer created no panic.

The $100,000 note was then looked at through the microscope to show again the "broken fibre" and the final ending of the small "k". The final ending of the same letter in the September 20th, 1877 check was then shown to the jury, as magnified.

The merry-go-round continued until the noon adjournment.

AFTERNOON SESSION.

A "baker's dozen" was the exact number of the spectators who sat through this morning's proceedings in the court room, and when court convened this afternoon it looked as though the actors were to play to empty chairs. But there is always a crowd of those who take part in this battle for a fortune, and the participants never feel lonesome.

Attorney Johnson took up the cross-examination of expert Ames when proceedings commenced this afternoon. Witness Ames testified that he first made a report as to the questioned signature to F. C. Lusk, it was a written report he thought and was from a photograph of the paper. Witness said that he had no doubt but that the signature to the note in question was written subsequent to the 1890 deed, and that if an hundred men testified that they saw the note written prior to such date, witness would believe they were mistaken or lied. Had given testimony in cases which did not agree with that of other experts, had testified to matters in the Davis will case at San Francisco, and witness' testimony at that time did not agree with that of Mr. Eisenschimel, an expert in attendance at the present case.

Witness said he was satisfied that his conclusions in all of the 1,200 cases in which he had been a witness, were correct. Mr. Ames said he would render a bill for his services in the present case at the rate of $50 a day for part of the time and $100 per diem for the other portion.

Carl Eisenschimel was called. Testified, answering General Barnes, that he lives in San Francisco and for about twenty years has been making a study of handwriting. Witness mentioned many important cases in which he had given testimony as an expert.

First saw the $100,000 note, subject of the present case, in January, 1895, at the office of Cannon & Freeman at San Francisco. Looked at the note a moment there. Had examined photographic copies of note, deed of 1890, a fragment of a deed made in 1872 and a letter written by Wm. Murdock to Mary Helen Murdock.

Examined these examplars for a week or ten days at the request of Cannon and Freeman, and told attorney Cannon that he believed the signature to the note a forgery and produced by tracing, drawing and patching.

On the 24th of January, 1898, witness so informed Mr. Cannon at the office of witness.

Had examined over 70 admitted signatures of Wm. Murdock since coming to Willows, and compared these signatures with that of note. The note signature incorporated no characteristics of the regular handwriting of Wm. Murdock.

While Murdock wrote fluently and as a man of business affairs, the note signature was not such. Witness said that Murdock was a man of habit in his writing, and the spacing in his admitted signatures showed this.

After Mr. Eisenschimel had said that Murdock's signatures showed a flowing hand and that the note signature was halting, patched and retraced, a piece of gelatine on which witness had traced the signature on the deed of March, 1890, for the purpose of showing that the "Wm" in the note signature was identical with that of deed. The court would not admit the gelatine tracing and General Barnes excepted.

Witness then went on to show the similarities in the two "Wms" by means of Reike's enlarged photos. Witness showed the jury how he arrived at the "accident" in the forming of the cap "W" in the 1890 deed and pointed out how the "accident" was reproduced in the note signature. (The public school arrived at this point and the house was declared a good one by the manager.)

Witness was asked to point out to the jurymen how the "patchwork" was done, and Mr. Eisenschimel held a "patching bee" with the jurors, pointing out the alleged pen patches, which witness said meant a halting with the pen at each point.

The jury was then told about "compound strokes", etc., showing how the admitted signatures differed from that on the note.

Mr. Eisenschimel was a very earnest witness, but he was interrupted only a few times by opposing counsel.

The quotation marks which form a part of the "Wm" in Murdock's signature, came in for a deal of attention from this expert. Witness said that these

(Continued on page 41)

marks were different in the note than in any of the admitted signatures seen by him.

After the afternoon recess Mr. Eisenschimel demonstrated to the jury certain conclusions to which he had arrived after examining the signatures; as to the slant of letters, a spattering of ink claimed to be on the note signature, the furrows made by the pen nibs, and the marks which point to a drawing instead of a fluent writing of the note signature.

When the witness spoke of the pen carrying a fibre attorney Johnson expressed wonder at the pen being able to so carry a fibre. Witness said that this often happened.

Admitted signatures galore were pointed out by witness to show the "furrowing" and strokes of the pen nibs. This continued until adjournment time.

inches in length. Ames called attention to the broad, firm lines of acknowledged signatures and to the thin, nervous lines on the note. Ames declared that the signature of the note is a clumsy and very artificial imitation. He was positive that it was written after the execution by William Murdock of the deed of 1890 to the plaintiff. If a thousand men swore that they saw William Murdock sign the note he should believe that they were mistaken or that they lied.

Carl Eisenschimel took the stand. He is the noted expert who figured in the Martin will case, Haskins case, Vigel case, Becker-Crellin case, Botkin case and others. Eisenschimel stated that the note was first submitted to him in January, 1895, by the plaintiff's attorneys, and that after a comparison he declared it a forgery. He believed the abbreviation "Wm." on the note to be a tracing of that of the deed of 1890. He made a gelatine tracing of the note signature when the paper was first submitted to him, and found that the abbreviation on the deed fitted the tracing exactly. The gelatine tracing was placed in evidence. The expert said that Murdock wrote a natural, business hand with great fluency and rapidity, and that he was firm and set in his writing habits. Eisenschimel found the signature of the note to contain none of these characteristics. It lacked the spacing which occurs in the acknowledged writing. The capital "M" of the note is in pieces and patched, while on the checks it is made without a lifting of the pen. The initial stroke of the "W" on the deed of 1890 was accidental as shown by dry furrows, and not duplicated in any of the acknowledged signatures, though its exact counterpart appears on the note.

The expert pointed out under the microscope the places where he claims the letters on the note are patched. He declared that the letters do not slant as do those of acknowledged signatures. Eisenschimel continues on the stand tomorrow.

Counsel for the defense express their ability to completely batter down the wall which the plaintiff built about the note. Considerable attention will be given to Sam B. Ashurst, the plaintiff's brother, who testified that he paid Samuel Murdock the $20,000 which it is alleged Samuel paid to William Murdock on the day the note was given. Ashurst said that he paid this in coin and notes to Sam on September 4, 1877. He said about $10,000 was cash which belonged to Tehama county and which County Treasurer John Eler had secretly loaned him. The defense will attempt to prove that Eler had turned over all the county money in his possession in July, 1877, and that when he next settled, on January 1, 1878, he turned over only $1[illegible], which was all that he had received since his previous settlement. The defense proposes to show that Eler had no private funds and that it was utterly impossible for him to have loaned Ashurst $10,000. Ashurst lived in Tehama county and depositions touching his character are being taken in that county today. Another point which the defendants claim they can maintain is that William Murdock was [illegible] miles from Glenn Murdock's house on September 5, 1877. They [illegible] to prove that Sam could not have paid William $20,000; that all the property he had acquired stood in his son Glenn's name and that he had no money.

. APRIL 22, 1899.

RANK FORGERY SAY EXPERTS

More Evidence Against the Murdock Note.

TESTIMONY OF AMES AND EISENSCHIMEL.

DECLARE THE SIGNATURE A CLUMSY AND ARTIFICIAL IMITATION.

The Defense Express Confidence in Their Ability to Impeach Witnesses for the Plaintiff.

Special Dispatch to the "Chronicle."

WILLOWS, April 21.—The Court and jury before which Mary Helen Murdock is pleading for $300,000 of a dead man's gold are rapidly acquiring their scientific education. Another day has been given over to the hearing of handwriting experts, and lawyers and spectators are prattling "standards" and "staffs" and "examplars" with all the glibness of the chirography sharps. The noted experts on the witness stand today declared the signature to the $100,000 note to be a rank forgery made thirteen years, at least, after the date of the paper, and they have rung in all the fine art of their craft to prove their bold assertion. There is much speculation as to the weight this purely scientific testimony will have with a jury of men little versed in science. It was expected that Grove L. Johnson would proceed with the cross-examination of Expert Ames this morning, but the defense continued his direct examination until noon.

Expert Ames measured the word "Murdock" on the note longitudinally with a pair of dividers and found it to be one and eight-twentieths inches in length. The same word on two checks made in the year the note is alleged to have been given measured one and one-twentieth and two and eight-twentieths

THE MAN WHO MADE THE $100,000 NOTE

THE LATE WILLIAM MURDOCK OF GLENN COUNTY.

[illegible]

KYTKA ON THE STAND.

LATE WILLIAM MURDOCK ALLEGED SIGNER OF THE NOTE.

The above picture is taken from the only photograph of the lat William Murdock in existence. It was taken years ago and looks very little like the old rancher in later years.

At the opening of court at 10:30 today, expert Carl Eisenschimel was again called to the stand by defendants and was handed a number of the old checks for further analysis of the formation of the letters in the last name, they being old checks signed by Wm. Murdock in the year 1877—the date upon which the note purports to have been signed.

After stating again the difference in the various checks and the note, he was turned over to the tender mercies of Grove L. Johnson for cross-examination.

He was asked if he had examined the writing on the various checks other than the signatures, and replied that he had not. Johnson handed him some of the old checks and he picked certain ones which he said were written by Murdock and others not. Asked if he remembered when T. J. Kirkpatrick was on the stand when the affidavit was introduced, if, sitting by the side of Kytka, in this court room, he whispered to Mr Kytka and said:

"Get hold of that and make a photograph of it and we will knock it out."

Said there was not a word of truth in it. Asked if there was any doubt in his mind that the note was copied from the deed of 1890; said there was none whatever.

Matters began to grow somewhat heated between counsel and witness, the court finding it necessary several times to put a stop to the hot bandying of words.

Witness continuing, said his profession was a science, art and trade. As a science, he said that by three rules it ought to be "exact," as follows: alignment, slant and pressure.

Asked if experts on handwriting ever disagreed, said sometimes they did.

Asked if he ever testified in any case where Daniel T. Ames also testified, replied that he had. Said they both were witnesses in the Davis will case and that they disagreed, Ames testifying that the will was genuine, and witness here, said it was a forgery.

Witness was asked if he had peddled his opinion around the streets of San Francisco that the note was a forgery. Positively denied that he had done so. Said that he had mentioned the matter to his family at the dinner table.

Q. Did you not peddle around the streets of San Francisco the opinion you had given Mr. Cannon that the note is a forgery?

A. No, sir.

Witness was asked by Johnson if 2,000 reputable people should swear that the signature to the note was in the genuine handwriting of Wm. Murdock if he would believe it. Witness said it would not change his opinion one particle.

Witness was turned back to the defense for re-direct examination by General Barnes just when the noon recess arrived and court was adjourned until 2 o'clock.

Afternoon session commenced by calling Theodore Kytka back to the stand on behalf of the defense and asking him to place the "Wm" of the deed of March 12th, 1890, and the "Wm." in the note, one above the other, under the barrel of the microscope, from which had been removed the lens of the instrument, and the jury called to examine the instrument. While the jury was beginning to make the examination, accompanied by the court, lawyers and expert Kytka, Grove Johnson thought he heard the expert invite someone to "take hold here" or something to that effect, which called out a loud protest on the part of the ever-watchful leader of the plaintiff's side.

In tones that indicated that his Honor is becoming weary with the jangling, he remarked that the "episode is now over gentlemen", when calm reigned again.

If the law permitted the jury to draw pay for travelling to look at exhibits under the microscope, under direction of court and counsel, their mileage would eat up the note, being called so frequently to take a "peep" at this and that.

Witness went to the board and made a large "Wm" with white chalk and then at certain places marked it up with red chalk, to show wherein there is a difference in the deed signature and the signature to the note.

Witness then stated as a fact that in all of Murdock's signatures examined by him, in no case was there any attempt at patching to correct any failures, whereas in the note patching is everywhere apparent.

Witness then went back to the "k" with a tail turned up like a stinging scorpion, which he said never occurred until December 19, 1879, in the genuine writing, but that it always terminated with a backward flourish under the name. The defense of course are laying stress on the fact that the note made in 1877 is the one single departure from the universal rule, before December 19, 1879. The defense have arranged all of the old checks into years, carefully keeping each year by itself in the bunches. In this manner they are passed around among the jurymen to have the statement of the witness verified as to the fact that the note furnishes the first example of which the "k" terminates with an upward hook. Answering as to when he first began the study of the Murdock signatures, said that on February 21, 1899, when Mr. Lusk and Mr. Bayne gave him 79 checks for examination He made enlargements of them and made an exhaustive study of them. At that time he had not seen the disputed document. He then came to Willows and saw the note for the first time, on April 6, 1899 Said he began making a study of its general characteristics under the microscope when "all of a sudden I was struck with the sameness in the two "Wm's." It convinced me so that I stopped right there."

He said the marked effect of the tremor in the writing of the note that is not found in anything else, but that in all of Murdock's writing there is an "emphasis" on the down strokes, causing them to be heavier as they proceed downward.

It is rumored that the object of the plaintiff's attorneys in having witness Eisenschimel identify the handwriting in the body of checks this morning, is to show that Murdock didn't write his own checks, but merely signed his name after they had been drawn up.

The formidable looking microscopes sitting around on tables and leveled upon various objects are like the pictures in our minds of the big cannon at Fort Point, Presidio, Cal.

Witness was asked what he considered the most conspicuous piece of patching in the signature to the note and replied that it is found in the letter "o." He went to the board again to make the letter to show how it was done by the copyist, as he styles the writer of the note, if it is a forgery, which he insists that it is, to the extent that the lawyers have to hold him down to keep him from arguing the matter to the jury as he explains the manner of the writing of it.

Expert Eisenschimel testified today that, like Ames, he had no contract with the defendants as to what he was to receive as compensation for his testimony, but expected to receive $100 per day.

The curiosity of the public with reference to expert testimony has been so far gratified that the crowd has fallen away, and are resting up for the time when the experts shall have concluded and witnesses whom they know are called to the stand.

The public have the understanding that each side has something up its sleeve that will stun the other side. For illustration: Attorney Bayne in his opening statement for the defense, promised that they would prove that it was a "physical impossibility for Wm Murdock to have signed the disputed note." The generality of people take that to mean all that it could, to wit

That he was somewhere else on that date than at Mrs Murdock's house, or that he was physically unable to have signed it at all, etc. On the other hand, friends of the note side intimate that the unusually hard work of the defendants by their experts and otherwise will be smashed in a jiffy when the rebuttal comes to be heard.

The whole of the afternoon has been consumed by Kytka in demonstrating on the board and setting the microscope on documents, how the note was written, and pointing out to the jury where filling in has been done. Witness was asked by General Barnes if he could produce a work, with the same kind of patching and piecing, as the note is, and answered in the affirmative. When asked by Gen. Barnes to do so, replied that he was not prepared just at this moment as he would have to go and get his pens, glass plate, etc.

He was asked to bring them in the morning. Plaintiffs gave notice of an objection to such a proceeding. The witness volunteered the statement that he had done the same thing in the Becker and Creegan forgery case, when court adjourned.

PRICE PAID TO GET WITNESSES

Interesting Point Inquired Into in the Murdock Case.

Depositions Offered Stating That Skiff Expected Ten Thousand.

WILL HAS NOT YET BEEN ADMITTED

Court Will Decide This Morning Whether the Document Is Proper Evidence.

[Special Dispatch to "The Examiner."]

WILLOWS, April 26.—The sixth on the suit in the Murdock case to-day give about ences of an interesting fight. The defense called a number of witnesses in an attempt to impeach H. A. Skiff, who testified that he had been an employee on the G. W. Murdock farm and heard Mrs. Mary Helen Murdock ask William Murdock for some interest money one evening when he was unobserved by them, and heard Mr Murdock admit that she had his note for $100,000 and that it "ought to be satisfied."

The first witness called was W. H. Bonright who had worked on the ranch of Samuel and Gawn W. Murdock at a time when Samuel left the place. He herded their sheep but never knew them to have more than three thousand at one time. When asked by Mr Lusk what Samuel stated to be the cause of his coming at a time when he left home and stayed all night with the witness in June or July, 1877, the year the note is dated, Mr Johnson objected. Attorney Lusk then made this statement in support of his question

"We will offer to prove by the witness that in either the month of June or July, 1877, Samuel Murdock, father of Gawn W. Murdock, husband of the plaintiff in this case, came to the house of the witness and stayed all night. That he told the witness that he had been obliged to leave his home, that he and the plaintiff in this case, Mary Helen Murdock, had had a difficulty and that he had to leave, that Gawn Murdock, her husband, told him that he would never have anybody around the place that talked to the way he had to his wife, and he wanted him to leave and never come back."

The plaintiffs had attempted to show that Samuel Murdock left the house at that time because of a difficulty with his son, Gawn Murdock, in reference to Gawn's loaning money to William; that it was a business difficulty between Samuel and Gawn, his son, and this evidence is offered to contradict that and show that he left the house not because of a business difficulty between Gawn and himself but on account of a difficulty with Mrs. Murdock.

The court refused to admit the testimony and Mr. Lusk took an exception.

Mr. Johnson began his cross-examination. He asked the witness if, in front of a drug store in Willows yesterday he stated to Alex Lake that he was a witness and had just got $100, and that $700 more was to come, and that Mr. Lusk told him to stay here, that he could make more money this way than by shearing sheep. He replied that he "did not."

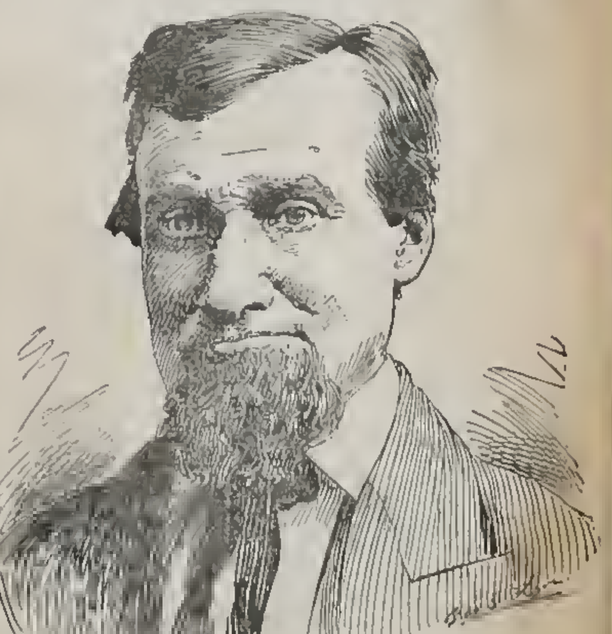
In re-direct examination by Mr. Lusk he said that he received a few dollars from Merrill for expenses and had received $20 from Mr Lusk in Chico last Saturday. He was to have his expenses and as much as he could make shearing sheep for coming. Abe Merrill testified that H. A. Skiff, the man who swore he heard William Murdock acknowledge to Mrs. Murdock that he owed her $100,000, was at San Luis Obispo and heard him say that he never heard of the note until about two weeks after the death of Samuel Murdock. He said if Mrs. Murdock got the property she ought to give him a nice present.

The deposition of S. Q. Grafford of Washington was read by Lusk. Grafford was employed on the G. W. Murdock ranch. He stated that he met Skiff in Washington, heard him read the letter from Mrs Murdock in which she asked him if he remembered what he promised to do for her a long time ago and said Mrs Murdock would need him as a witness and he would make a stake out of it. It was in the spring of 1897 and Skiff said he would not go for less than $10,000. The deposition of Peter Bryan of Washington was read and was in line with that of Grafford.

Mr Bryan resides in Washington, and his deposition was the same excepting the amount was not stated.

The will of William Murdock was offered in evidence, but Johnson objected. Lusk argued that it had been recorded and probated in this court and that he had a right to use it for all purposes. He also stated that there is no mention in the will of the existence of this $100,000 note. The matter will be ruled upon at the opening hour to-morrow morning.

THE LATE WILLIAM MURDOCK, WHO IS SAID TO HAVE MADE THE BIG NOTE.



WILLIAM MURDOCK, whose estate is being sued for $200,000, principal and interest on a $100,000 note held by Mary Helen Murdock, died near Willows in January, 1894. The will made shortly before Murdock's death, contains no mention of the note. The executors W. P. Harrington and H. H. Burton, bankers, and Adam Compton, a relative of the deceased, were served with the claim of Mary Helen Murdock. Believing the note a forgery, they took no notice of the claim and the present suit was instituted. The defendants are fighting the note at a tremendous expense. Besides the fat fees paid eminent counsel, four handwriting experts have been retained in Willows for several weeks at a per diem of $100, and a small army of detectives is engaged on the case. The defendant executors have $100,000 cash in bank, and it is estimated that the entire sum will be used in the effort to prove the note a forgery.

The above picture is copied by Expert Theodore Kytka from the only picture ever taken of William Murdock. The original is a tintype made several years before Murdock's death. It was found among the dead man's effects by his sister, Mrs. Compton, and preserved by her. It is said that the plaintiff does not know the picture exists. A life-size enlargement is being made by Expert Kytka to be used at the trial. One of the plaintiff's witnesses failed utterly when asked to describe Murdock's personal appearance. It is said that another witness, in a deposition to be used at the trial, describes Murdock as a small man, smoothly shaven.

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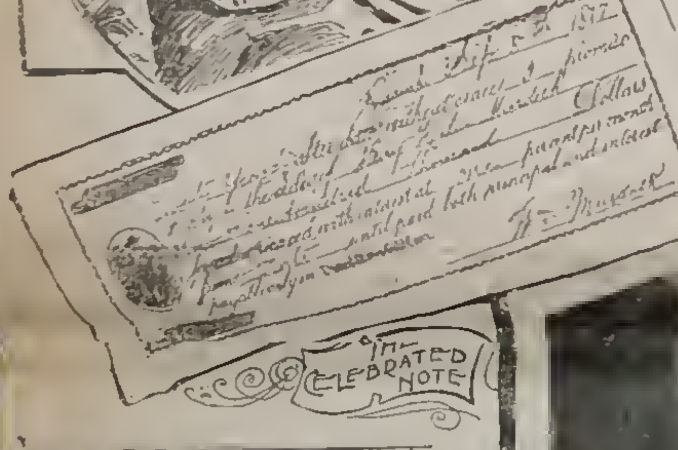
THE Sunday Edition CALL

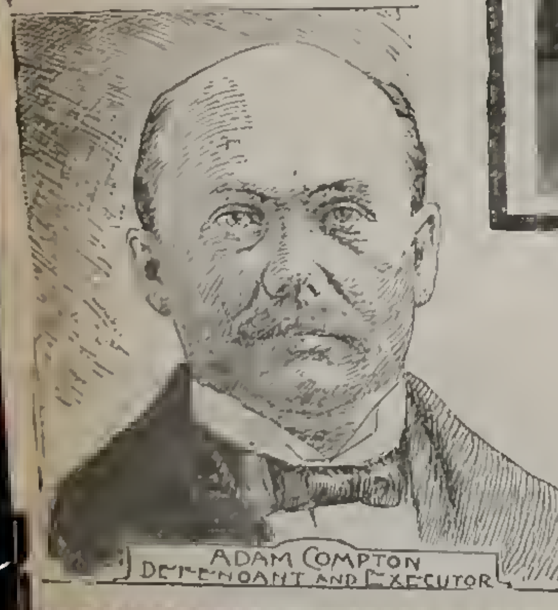
PAGES 25 TO 32

SAN FRANCISCO, SUNDAY, APRIL 23, 1899.

$364,000 Hanging on a Penstroke—

Did William Murdock Sign the Promissory Note Over Which a Score of People Are Battling in Court?





DID William Murdock sign and deliver the promissory note for $100,000 dated September 5, 1877, and made payable twenty years after date to Mary Helen Murdock, with interest at 1 per cent per month, or is the signature to that scrap of paper a forgery?

Three persons are said to have been present when the note was signed. Two of these, William Murdock and his cousin Samuel are dead, the other is the holder and payee of the note—Mrs. Mary Helen Murdock.

Mrs. Murdock's suit against the executors of the estate of William Murdock for $364,000, principal and interest, is now before the Superior Court of Glenn County, and twelve good men and true are listening to testimony bearing on the validity of the [illegible] note.

But the history of this paper, which calls for over a quarter of a million dollars, is an interesting one and the [illegible] not yet been [illegible] story of the transaction.

[illegible] Bill Murdock, as William Murdock was called, was one of the very earliest settlers in Northern California. At the time he decided to make his home in the [illegible] Valley [illegible] as wheat growing was [illegible] in the section where he took up his abode, but the raising of sheep brought large profits to the owners of such stock.

"Bill" was a bachelor and as close-fisted an old character as ever owned a band of sheep. It is not an exaggeration to call him a miser. He was an honest man, however, and paid his debts promptly.

"Old Bill" was a sort of character in his stinginess. He would drive to town in his old rattle trap of a spring wagon, tie his skinny horses to a hitching post, pull out a sack of hay for the sorry looking animals, and, instead of dining at a hotel, would carry his own meal in his pocket.

On a rainy day old Bill's overcoat was a gunny sack, and his habits were all in line with this sort of thing. All of this time Bill Murdock was acquiring land, while he attended to his flocks and sold their wool.

A cousin of William, Samuel Murdock, came to California with his three children in 1861.

Samuel's son, Gawn W. Murdock, is the husband of the woman who holds the $100,000 note.

Samuel Murdock was an illiterate man and could neither read nor write. He had inherited some money and with this small capital he and his son Gawn went into the sheep business on Stony Creek, near Orland, forming a partnership. They made money rapidly, and it is claimed from 1861 until 1877 Samuel loaned his cousin "Bill" large sums of money, the profits from the business, with which [illegible] Bill purchased land. [illegible] to these [illegible] and bad feeling was engendered between father and son on [illegible] the books were kept in the matter of the partnership [illegible] until the partnership [illegible] $10,000 [illegible] was then paid in cash.

It was then that Samuel left the house of his son Gawn and went to live with his cousin "Bill." In the early seventies Gawn had married Mary Ellen Ashurst, daughter of a farmer who lived in Tehama County. Samuel was on good terms with Gawn's wife.

While staying at Bill's house, Bill told Samuel that Gawn had not made a just settlement with him (Samuel), and, after threats to sue, Gawn agreed to pay his father $20,000. This was done, the payment being in cash and notes—$8000 in cash. This was a short time before this $100,000 note was said to have been made.

Samuel returned to his son's house to live, and it is told that all of the old man's affections seemed centered on his two grandsons, Edmond and Stanley, Gawn's two children.

The story goes that finally a settlement between the two men, Samuel and William, came up. They met at Gawn's house on the 5th day of September, 1877. Gawn was not at home. The men talked over their business transactions and it was agreed that Sam would turn over to Bill the $20,000 paid him by his son and that William would give a note for a balance of $100,000. Samuel then asked to have the note drawn up for that amount payable to Mary Helen Murdock to fall due in twenty years so as to mature about the time his two grandsons became of age, the money to be for their benefit.

Mrs. Murdock wrote the note, Bill signed it and that's how and why the note was made, according to the story.

The evidence already given in court [illegible] of the note from that time to this and circumstances [illegible] in relation to it.

Gawn Murdock, the husband of the [illegible] and his testimony [illegible] unshaken. He told of meeting [illegible] day [illegible] Bill said to him: "Gawn, you needn't be mad [illegible] I have settled with [illegible] and [illegible] given my note for [illegible] payable [illegible] twenty years after date."

Gawn [illegible] and his wife showed him the note. They wrapped it up carefully, put it in a vial, which they then sealed and after bottling the vial, placed the bottle in a powder can and buried it in the barn.

After ten or eleven years the note was dug up and was seen by several persons in Sacramento and in San Francisco.

Gawn testified that his wife wished to borrow money on the note from one L. R. Megginson. He and his wife met Megginson in the pavilion at Sacramento in 1890 and the matter was talked of. Bill Murdock was in the pavilion and they found him, introduced Megginson and brought up the subject. Megginson told Bill that Mrs. Murdock wished to borrow some money on his $100,000 note and he [illegible] wanted to know if the note was good. The reply was that the note was good and would be paid [illegible].

The strongest testimony was that of T. J. Kirkpatrick, a man who has lived near the Murdock place for forty-three years and who bears a splendid reputation. He was intimately acquainted with both Sam and Bill Murdock and was a Justice of the Peace in early days and at the time the business deals between Sam and Bill were made. Kirkpatrick testified that he heard a conversation between the two men when Bill was trying to get a reduction from 12 to 10 per cent of the interest rate on a note held by Mary. He also stated that at Sam's request he drew up an affidavit in the form of a statement, by Sam, of the indebtedness of William to him, giving as his reason that he wanted to protect his grandchildren. The affidavit was produced, identified by Kirkpatrick, and read in court. It reads as follows:

> OLIMPO, Colusa County, Cal., October 31, 1879.—I, Samuel Murdock, will make a true statement of the business transactions that has existed between myself and William Murdock, both of Colusa County, State of California, Postoffice Kinnawa. I began loaning money to the said William Murdock in the years of 1861 or '62, I will not say which, and did continue to loan to the said William Murdock my money until 1877. The first he borrowed from me was money that was left to me by my father's estate and my brother William Murdock, who had previously died in Oristey Bend, Butte County. I let him have $1000 the first loan. I then loaned him the money that I sold my wool and sheep for from year to year and trusted to William Murdock to keep the accounts, as I had no education. I think he kept the books as correct as he could until the last transaction—the settlement with Gawn Murdock. I loaned him $2000 in April, 1876, and when I made my final settlement with Gawn Murdock I loaned William Murdock $20,000 Sept. 5, 1877. [illegible] from him for the amount [illegible] me, dated September 5, 1877, and made payable to Mary H. Murdock, for the benefit of my two grandsons, Edmond and Samuel Murdock, and due twenty years from date.
>
> His
> SAMUEL (X) MURDOCK.
> Mark.

The affidavit bears the acknowledgment seal of Justice of the Peace T. J. Kirkpatrick, and is dated October 31, 1879.

Trial of the big case is now going on before a jury at Willows. Interest and principal now amount to nearly $350,000 and each side is represented by high-priced and clever lawyers.

Kirkpatrick testified that Bill Murdock read the affidavit and said it was all right.

Mrs. Helen Murdock testified that she was at Allen Springs in 1877. In September of that year she received word from Samuel, her husband's father, to return to her home at once. She did so, arriving on the night of September 4. The next day William Murdock came to the house. The two men discussed business matters alone and then Samuel called her into the room.

On a table were pens, ink, some papers, a blank note and many piles of twenty-dollar pieces. A powder can containing gold coin was near the table. The money had been brought in to the house by Samuel from the cellar. Samuel asked her to write the note, telling her to make it like another one he showed her, which was for $26,000, only to make the amount $100,000, the interest one per cent per month, the time twenty years after date, payable to herself. William read the note after she had written it and he then signed it. Samuel then stated that the note was to be for the benefit of her sons, his grandsons, when they became of age.

The men counted the money to the amount of [illegible] which was taken by William after being put into two canvas sacks, and two notes were handed over to William, who tore them up. One of these notes was the one copied from and was for $26,000, the other one was for a smaller amount.

Under cross-examination by General Barnes Mrs. Murdock said she was 24 years of age when the note was signed. The number [illegible] on the corner of the note she thought she copied from another note. She was questioned very closely as to the kind of pens and ink used. The defense evidently puts great stress on these points, as they will have considerable bearing when the expert testimony is all in.

E. L. Robinson, an attorney, testified that he saw the $100,000 note in Sacramento in 1877. He was introduced to Mrs. Murdock by a Dr. Hicks and he heard the latter talking to William Murdock about the note.

H. A. Sziff, at one time in the employ of Gawn Murdock, but now a conductor for the Southern Pacific, heard William Murdock say to Mrs. Mary Helen Murdock in 1890: "You ought to be satisfied. You hold my note for $100,000 at 1 per cent interest."

Mrs. Matilda Glover of San Francisco was at Allen Springs in September, 1877. Mrs. Murdock was there also and was called home suddenly. She left her children at the springs in care of Mrs. Glover.

Dr. W. A. Schorn, a dentist of Woodland, heard the late Senator Boggs speak of a big bill that William Murdock owed, soon after the latter died, and C. H. Ashurst testified that William Murdock told him he had a big bill to meet before he died.

William Megginson of Ohio, in an affidavit, testified that William Murdock said the bill for $100,000 was all right and in consequence he loaned money to Mrs. Murdock on it. This closed the case for the plaintiff.

In his opening address for the defense General Barnes said he would prove that the note was a forgery and that the crime was committed since March 12, 1890. He placed in evidence signatures of William Murdock admitted to be genuine written at various times between 1877 and 1892.

This is the full story and the outline of the evidence as given up to this time. [illegible] experts [illegible] say the signature is a bungling and barefaced forgery, and it will be claimed, and probably testified, that old Bill on his deathbed denied that he ever gave such a note.

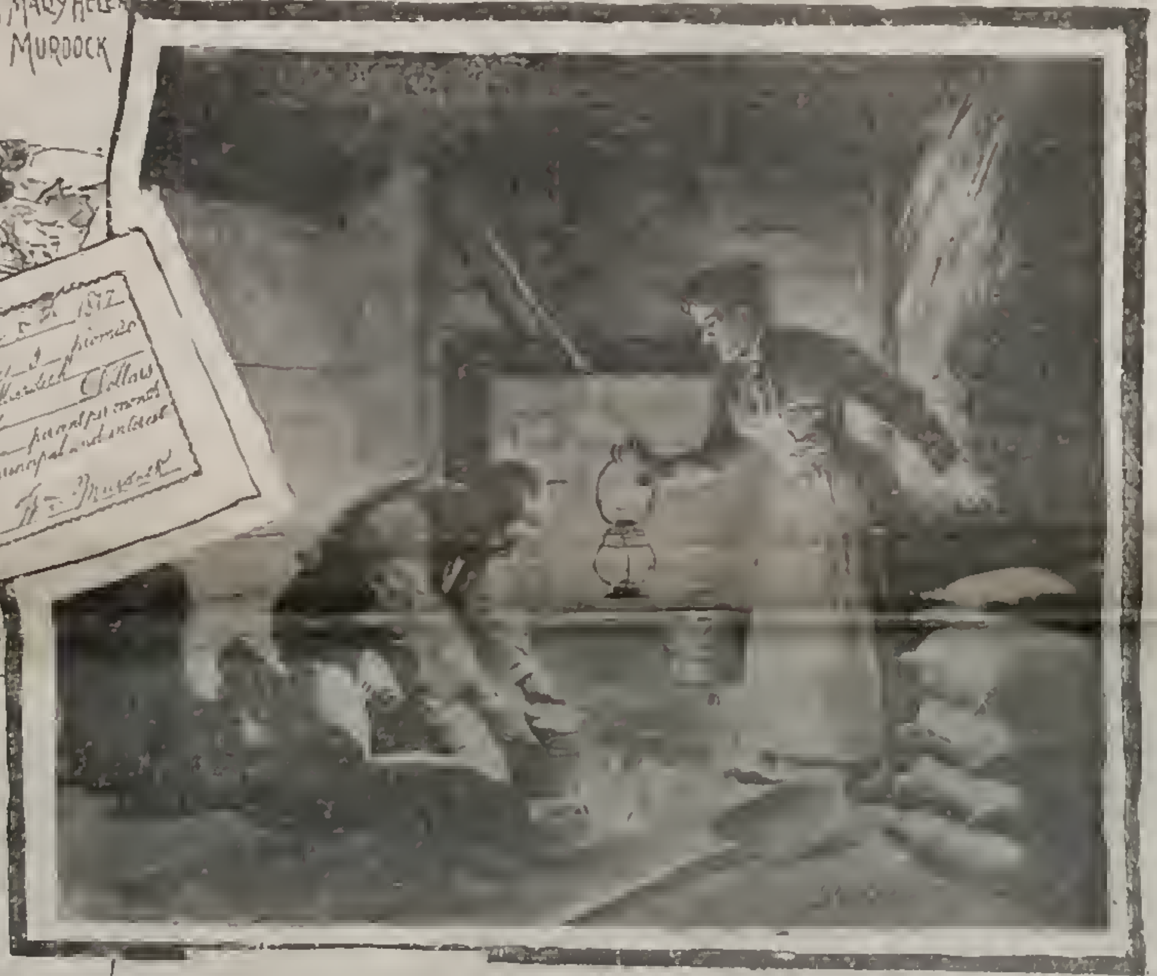
Affidavits published shortly after Bill Murdock's death stated that he did positively deny the making of any such paper.

The claim will be called absurd by the defense and the idea of this miserly bachelor giving such a note to a woman not of his kin will be ridiculed.

It is a strange case. The matter of the digging up of large sums from under woodpiles and in out-of-the-way places is sneered at by the attorneys. Yet such was the practice in those days and a hired man of old Bill Murdock used to tell of his once digging up while plowing $10,000 in gold which had been buried in an old iron pot.

What will the twelve men decide?

If Mary Helen Murdock's claim is held good the estate of old Bill Murdock will be insolvent, and his last will and testament will be just so much waste paper.



Mrs. Gawn Murdock Testified That the Precious Note Was Buried in the Barn for Ten Years.

"Gawn returned home," testified the wife, "and I showed him the note. We wrapped it up carefully, put it in a vial, which we sealed, and after bottling the vial, placed the bottle in a powder can and buried it in the barn. After ten or eleven years the note was dug up and was shown to several persons in Sacramento and in San Francisco.

No matter what the writing experts find on the face of that celebrated Murdock note, now the subject of litigation at Willows, it is certain that a shave would improve it.

THIS WAS REAL LIVE JOURNALISM

An "Examiner Social" Is Given by the People of Willows.

Entertainment That Consisted of Unique Newspaper Work.

MINERVA AND SHIRLEY DARE ON DUTY

Popular Departments Were Made to Embody Some Novel and Ingenious Programmes, Directed by Editors.

WILLOWS, April 22.—The witnesses, litigants and jurors in the Murdock case were entertained by the people of Willows last night at an "Examiner Social," an event arranged principally for the benefit of the large number of visitors attending the famous trial.

An editor-in-chief, the Rev. E. L. Burch of the Christian Church, was in charge, and there were five editors of departments under his direction. The Sunday edition of "The Examiner" was the model of the entertainment. The audience represented the readers, and each branch of the newspaper work was performed on the stage.

Miss Ceotcola Barto, a San Francisco girl and Berkeley graduate, who is assistant principal of the Willows High School, assumed the role of "Minerva." She received questions of the "heart-to-heart" variety, and kept the audience in an uproar with the wit and wisdom of her answers.

Mrs. J. M. Silvey was the Shirley Dare of the evening, and her advice on matters of personal beauty was full of local hits and ready humor. Mrs. Ben F. Geis, wife of one of the defending lawyers in the Murdock trial, was the puzzle editor, and hers was a very popular department. Questions and answers were received from the audience.

There was a music department, of course, as permitted by "The Examiner" Sunday model, and Mrs. H. S. Ellerman was the music editor. The publications included two brilliant piano solos by Mrs. Theodore Kytka, wife of the handwriting and photography expert, and songs by Mrs. Lulu Ward Valerga, Miss Logan Tooley and little Miss Mabel Duncan.

The literary department was edited by Mrs. Burch, wife of the managing editor, and the features included stories by Expert Daniel T. Ames and many others, and an original poem by Charles Ellerman.

Every department of the paper was brilliantly conducted, and the entertainment was in every respect highly successful.

This was the only lively event of the week in any way connected with the Murdock case. At the court hearing before Judge Pirkey, Expert Eisenschimmel was placed on the stand again this morning by the defense. When asked to state when he had seen the note before he saw it in Willows, he stated that he had seen it twice before, once in his office in San Francisco, when it was handed to him by Lawyer Cannon, and once in the latter's office. The audience eyed the noted expert critically, and craned their necks for every word that fell from his lips to hear whether he would corroborate himself and stick to the story begun by him on the day previous.

He went to the big chart on the back wall of the courtroom, and began an elaborate examination and explanation of what he called a labored, clumsy effort of the forger to imitate the handwriting of the deceased Murdock. After drawing the quadrant of a circle on the blackboard and explaining it to the jury, he took two long rods, or rulers, and placed one on the up and down strokes of the admittedly genuine handwriting of Mr. Murdock and the other on the disputed signature. One of them (the one on the genuine) showed that Mr. Murdock invariably wrote on a slant of forty-five degrees, while the note was a sixty-degree slant throughout. He then made letters with chalk on the board, and showed the portions of certain letters which he said the microscope clearly revealed had been patched or filled in.

Placing the note under the glass and allowing the jurymen to examine it for themselves, one at a time, he then took the small letters of the signature to the note and pointed out the differences in the formation of the letters. He pointed out on the enlarged exemplars that the small "r" in the genuine signature was but a little more than half as tall as the oval portion of the succeeding letter "d" in the "Murdock"; whereas, in the note the "r" was plainly very much larger than the oval portion of the letter "d." He next explained how the little letter "o" in the note signature was patched and filled in the labored effort of the forger, and had the jury examine it under the glass.

The last letter in the name came in for rather more notice than any of the rest in several particulars. He explained and showed on the enlarged exhibits how the first down stroke, or main staff, as he termed it, of that letter began in a light line and increased in size, as Murdock wrote it, as it reached the base line, where he always emphasized it by increased pressure, as the witness explained, until it frequently resembled a dot at the termination, while in the note the opposite was the fact, the line decreasing to a hair line at the base. He took next the top portion of the right-hand portion of the same letter, and pointed out that Murdock always began above the first staff and made a swing to the right, making a kind of small circle as he returned to the main staff, from where the lower portion of the letter is started, the letter when completed resembling a capital writing "R." In the signature to the note the top portion of the letter is noticeably different. He next showed that out of nearly two exhibits of the genuine handwriting Murdock never made more than five sections, as he termed them, at the most in signing his name, and as often only three.

In the signature to the note he counted for the jury six sections, or breaks, in the name. The terminal hook on the "k" in "Murdock" on the note furnishes one example of form that requires not only an expert eye to see. The last letter in the name finishes with an upward turn at hook to the eye of the note, while Expert Eisenschimmel testified this afternoon that from 1872 to the month of December, 1879, he had examined 719 checks and 60 other papers, receipts, etc., signed by Mr. Murdock between those dates, and that every single instance the letter "k" was finished with a backward flourish under the name, while in the note, which purports to have been signed in 1877, the "k" finishes with an upward hook or flourish. He said that in 1877 there were thirty-one checks issued, and that every one of the "ks" at the end of the name finished with no upward stroke.

DISSECTING THE MURDOCK NOTE

Expert Eisenschimel Yet on the Stand.

Special Dispatch to The Call.

WILLOWS, April 22.—Expert Eisenschimel continued his testimony in the Murdock note case this morning. He took up the capital letter "M" in "Murdock," and with the aid of two rulers, and by drawing a quadrant on the blackboard, showed that the three long strokes of the "M," if extended upward, would meet at a given point above, while in the genuine signature such would not be the case, the strokes of the "M" being always parallel.

As the witness proceeds from one branch of his work to another, he hands to the jurors cards of enlarged photographs which have been prepared for their information and convenience, so as to enable them to follow him.

Eisenschimel next took up what he called "sections" in the writing of the name "Murdock," showing that William Murdock made from three to five sections, while the writer of the signature to the note made it in six sections.

Attorney Freeman at one time insinuated that witness was intentionally passing one of the photographic cards, for the reason that the measurement was not in accordance with the point the expert was endeavoring to make. The witness resented the insinuation. General Barnes came to the rescue by asking the court to put a stop to any discussion between the counsel and witness. His Honor stamped out the little blaze with very small effort and all was well again.

The defense has two more experts to examine and then, it claims, it will prove that William Murdock was at his home all of the day on which the note was alleged to have been signed at Mrs. Murdock's house, twenty miles distant.

EXPERT GOES INTO DETAIL.

Eisenschimel Explains Forgery of Murdock's Name.

DENOUNCES THE WORK AS BLUNT AND CLUMSY.

EACH LETTER TREATED SEPARATELY FOR THE BENEFIT OF THE JURY.

How the Signature to the Famous Note Differs From Those That Are Admitted to Be Genuine.

Special Dispatch to the "Chronicle."

WILLOWS, April 22.—"From the examination you have given to the note in suit, which is plaintiff's exhibit here, and these hundreds of exemplars of the genuine handwriting admitted and proved to be that of William Murdock, is it your opinion that the signature to this note is that of William Murdock?"

"My opinion is that William Murdock did not sign this note, that the signature is a forgery, and a very blunt and clumsy forgery at that, which was made by tracing, drawing, piecing, patching and retouching."

Thus did Handwriting Expert Carl Eisenschimel reply to General Barnes at the close of to-day's session of the court which is trying the suit on the $100,000 note held by Mary Helen Murdock. The statement of Eisenschimel corresponds exactly with that made by Expert Daniel T. Ames yesterday. Expert Eisenschimel was on the stand when the court adjourned last night and he consumed all of to-day in leading the court and jury through the tedious process by which he arrived at his conclusion. The jurors, with great photographs held before them, resembled a church choir, and every [illegible] filed by the during the session they [illegible] to inspect the powerful microscope from which the original documents [illegible]. The enlarged photographs were made. The abbreviation "Wm." on the note the witness held to be an accurate tracing of that on the deed given by Murdock in 1890.

The expert claimed that the word "Murdock" on the note is an imitation, made by someone, letter by letter in and [illegible] through the [illegible].

In the making. With the straight edge Eisenschimel showed that the down strokes of the capital "M" are not parallel, as he claimed they are in all acknowledged signatures. The letter "u" shows a slant of sixty degrees where it should have but forty. The letter "r," he said, shows a visible splicing. In 719 admitted signatures the oval of the "d" is larger than the "r," while on the note it is not. The expert said the letter "o" was made with four distinct strokes, and that the retouching was very bold. The "c" of the note had no facsimile in admitted signatures. The staff of the "k" was finished at the wrong end, while there is no irregularity in the second part of the letter. The flourish which ends the signature, witness said, occurs only in acknowledged signatures made after 1879. Eisenschimel will be cross-examined by Grove Johnson on Monday.

EISENSCHIMEL CATECHIZED.

Sharply Cross-Examined in the Murdock Note Case.

Efforts to Break Down His Strong Testimony for the Defense.

WILLOWS, April 24.—This morning in the Murdock case Carl Eisenschimel again took the stand and General Barnes continued the direct examination.

"Mr. Eisenschimel, you stated that the slant to the letter 't' of 'Murdock,' in the signature did not correspond in length to that to the letter 't' in the other signatures?" he said.

"I did."

"I now hand you several exhibits which have not as yet been photographed and ask you if you based your opinion partly upon the handwriting in these checks of Murdock?"

"Yes, sir."

The witness was then handed several other notes and checks and was asked the same question, to which he gave the same reply. These exhibits were all passed around to the jury for inspection.

Continuing, Barnes said:

"I would like to have you state now if you know from what signature the signature of the note was traced?"

"I find that it was traced from the signature of the deed of 1890."

"Have you any doubt about this?"

"I have not."

After a few minor questions, Barnes said:

"Take the witness."

On cross-examination Johnson said:

"You are sure this signature of the note was copied from the signature of the deed of March 12, 1890?"

"I am."

"If 200 men were to come into this courtroom and swear that they saw this note prior to 1890 would you agree with Mr. Ames that they were either mistaken or liars?"

"I would."

"You have been in cases before this?"

"I have."

"Is this matter of being an expert science, trade or art?"

"It is science, art and trade."

"Since this is so, ought not all experts agree?"

"They should."

"Do they?"

"They sometimes differ on some points."

"Did you ever disagree with Mr. Ames?"

"I disagreed with him in the Davis will case."

"You swore that that will was a forgery, did you not?"

"I did."

"Mr. Ames swore it was genuine, didn't he?"

"He did."

"You said you told Mr. Cannon the signature of this note was a forgery?"

"I did."

"Did you not before going to Mr. Cannon's office to tell him this go to Mr. Haynes's office?"

"I went there to get some exemplars for Mr. Cannon."

"Did you not tell people that the signature of the note was a forgery before this?"

"I most certainly did not."

"Did you not peddle your opinion around the streets of San Francisco and tell several people that you thought that note a forgery?"

"No, sir."

"How much do you get for testifying in this case?"

"I get $100 per day."

"Did you not in this courtroom the other day, while you were sitting by the side of Mr. Kytka, tell him to make photographs of certain papers in evidence and that you and he would throw it out?"

"No, sir, never."

"Is Mr. Kytka an expert in handwriting?"

"I cannot say whether he is or not. I cannot judge as to the qualifications of any one beside myself."

The witness was handed several checks and asked if they were in the handwriting of Murdock. After due deliberation he replied that some were and some were not.

"When Mr. Kirkpatrick was testifying in this case, and when that affidavit of Samuel Murdock was introduced in evidence, did you tell Mr. Kytka to get a photograph of that and 'let's knock it out'?"

"No, sir."

"Have you stated since adjournment last Saturday that you had fooled the lawyers for plaintiff, for you had answered the questions too quick for them?"

"I did not—there is not a word of truth in that."

"How long were you employed by the defense?"

"I was first employed about March 5."

"When did you have a first consultation with the defense?"

"About September of 1897."

"That is all."

After a short recess Barnes took witness for redirect examination. He asked:

"At whose request did you go to Mr. Haynes' office for exemplars?"

"At my own request."

"How did you know that exemplars were in possession of Haynes?"

"Mr. Cannon told me he had them."

"Did you get the exemplars?"

"I did not."

"Did you ever talk about your opinion concerning this note previous to the time you gave your opinion after you had given it to Mr. Cannon?"

"I spoke something about it to my family."

"Do you know whether or not Mr. Kytka was in the courtroom on the afternoon Mr. Kirkpatrick testified?"

"I do not remember seeing him. Am positive he was not."

"Did Mr. Kytka come into the room after Kirkpatrick got through?"

"I think he did."

"Mr. Johnson asked you if 1,000 or 2,000 men should tell you this note was written before 1890, if you would believe him. I now ask you if 2,000 men would swear that a child was parent of its father would you believe them?"

"I would certainly not." [Laughter.]

"How came you to be employed by the defense in this case?"

"Shortly after I was employed by Mr. Cannon, and after I had gotten through with his work a message came to me to come to Mr. Pillsbury's office and I went. I saw there present Mr. Pillsbury, Mr. Luck and Mr. Bayne and was employed by them a few months after that."

ANOTHER DAY OF EISENSCHIMEL.

MORE EVIDENCE AS TO MURDOCK'S SIGNATURE.

WITNESS WOULD NOT BELIEVE IT GENUINE IF A THOUSAND SO SWORE.

Sharp Passages Between General Barnes and Grove L. Johnson—Hickox to Testify To-Day.

WILLOWS, April 24.—The jury which is trying Mary Helen Murdock's suit on the famous $100,000 note bids fair to surfeit on expert testimony. Since the defendants opened their side of the case a week ago, experts have been on the stand every day, and the end is not yet. Public curiosity has been satisfied as to the nature of the evidence of handwriting crackjacks, and the crowd in the courtroom is anxiously awaiting the development of the sensations which have been promised by both sides.

Expert Eisenschimel was again called to the stand this morning. The expert had previously testified that in the note signature the letter "R" is larger than the oval of the letter "D," while in acknowledged signatures the reverse is true. To corroborate his statement Eisenschimel called the attention of the jury to several hundred of the admitted signatures. He again declared that the abbreviation "Wm" on the big note is an exact tracing of that on the deed of May 12, 1890.

The expert underwent a rigid cross-examination at the hands of Grove L. Johnson. He declared that he could not be mistaken about the "Wm" being a tracing, though he admitted that experts might sometimes be mistaken. His business, he said, was an exact science so far as the three great principles of alignment, slant and pen-pressure were concerned. Asked if he would believe the note to be genuine if a thousand men swore they saw Murdock sign it, the expert said that he should not.

General Barnes asked if he would believe a child the father of its parent if a thousand men swore it was so, and the witness again answered in the negative. Eisenschimel stated that he was to receive $100 per day for his services in this case. He denied telling Expert Kytka to photograph the Kirkpatrick affidavit so they could "knock it out." The expert presented the "Wm" of the deed and that of the note for inspection by the jury under the microscope. He made many drawings to prove their similarity. The day was marked by sharp repartee between General Barnes and Grove Johnson. Expert Hickox will probably take the stand to-morrow.

EXPERTS TESTIFY ON INK SCRATCHES

Witnesses Called in Behalf of Foster Tell of Howard's Agreement.

In the examination of Herseman Fred Foster which was continued before Judge Conlan [illegible] to-day, the attorneys for Foster called three ink and writing experts to testify on the writing and scratches in the body of the agreement between Foster and Howard for the purchase of the racehorses Yellow Tail and Sour Mash Keever. They all agreed that different inks had been used in the body of the instrument, but could not tell what time had elapsed between the original writing of the instrument and the making of the scratch marks. The defense then made a motion for dismissal, but did not insist upon a ruling.

Howard was recalled by the defense for cross-examination, and testified that in his transactions with Foster he had lost more money than he won, and when Yellow Tail was run under Foster's direction his losses were heavier.

Dentist Hiram Holmes of [illegible] Sutter street testified to having a dentist bill of $25 against Howard. He said that Howard paid part of the bill and disclaimed responsibility for a portion contracted by a Miss [illegible]. On being threatened with suit he declared Howard told him he could not get anything, as his horses were fixed so that they could not be touched.

J. Haskell also testified for Foster, saying that Howard had told him that he (Howard) owned a half interest in the disputed horses.

The case will be continued to-morrow.

PENMEN SHOW THEIR HANDIWORK

Reasons for Their Belief That the Murdock Signature Was Forged.

One of Them Called Upon to Imitate the Signature of the Deceased.

[Special Dispatch to "The Examiner."]

WILLOWS, April 24.—At the calling of the Murdock case this morning, the lawyers remained endeavoring to out another for ten or fifteen minutes until some question was asked by General Barnes that Grove Johnson thought was an infringement of the rights of his side of the case.

Carl Eisenschimel was recalled by the defendants to prove a few more signatures of the lamented William Murdock, when he was excused and Theodore Kytka was recalled by General Barnes. He was first asked to place the "Wm." on the note in juxtaposition with the "Wm." on the deed of 1890, or, in other words, one right over the other under the barrel of the microscope from which the lens had been removed. A small table had been placed just outside of the lawyers' railing where this examination was to be made by the jury. A few jurors had arrived at the appointed place, accompanied by the court, when Grove Johnson heard, or thought that he did, Mr. Kytka tell some one of the jury to "take hold here," or something to that effect. Whatever was said brought forth a vigorous protest from the ever-watchful Johnson, who objected to any handling of suggestion from anybody in tones that clearly indicated that his temper was tired of too many objections. He remarked, "The episode is over, gentlemen," and proceeded with the case. The lawyers subsided and peace reigned once again. If jurors received mileage for travel done in the courtroom this jury could have earned a good-sized stake already in marching under direction of court and counsel to take a "peep" through the many-tangled telescopes in use in the examination of the nearly one thousand documents under examination.

Witness went to the blackboard and made a pretty "Wm" with white chalk, and then made red lines here and there on it to show places where the imitator, or forger, as he pleased to call the maker of the note, touched it up and filled in to make the patching was done. Witness stated as a fact that in all the writing he had examined of the deceased Murdock in no case had Murdock ever attempted to patch up or fix any letter which the pen had failed to do its work well, but invariably left it alone. The note, he claims, is all patchwork and filling in.

Witness Kytka then took up the "k" in the Murdock, which has a tail turned up like a fishing worm, [illegible] in the handwriting of Mr. Murdock [illegible] 1879. [illegible]

It is said that the purpose of the plaintiffs is to show that Mr. Murdock was not in the habit of filling out his own checks, but that the filling was generally done by others and that he merely signed his name and therefore that it was not at all strange that the note the [illegible] was written out by Mrs. Mary Helen Murdock.

Expert Eisenschimel testified to-day that the his friend Mr. Ames, he had no contract with the defendants or to what he was to receive in compensation. When he [illegible] the [illegible] he expected to get $100 a day, or the [illegible] a statement that almost paralyzed the country audience, most of whom work [illegible] days for $1.

Enough has leaked out to let the public understand that each side has better testimony yet to come.

Just before the court adjourned for the day Mr. Barnes asked the witness if he could produce such a piece of patchwork as he claimed is done on the note here in evidence. He [illegible] to do so. He said that he [illegible] he would bring them in the morning. He said that he had done the same thing in the Becker and Cramer case in San Francisco.

Plaintiffs gave notice that they would make an objection to that. General Barnes asked the witness to come prepared in the morning to do the work.

Court then adjourned to 9:30 to-morrow morning.

MURDOCK TRIAL DRAGS.

Entire Day Consumed in Arguments by the Opposing Attorneys as to Admission of Certain Questions.

WILLOWS, April 27.—In the Murdock trial the entire day was consumed in legal arguments as to admitting certain offers and questions, not half a dozen questions being answered by witnesses. Every point is being bitterly fought, and it looks as though the case will run several weeks longer.

FRIDAY, - - - APRIL 21, 1899

MURDOCK CASE.

The Defense Now Takes An Inning.

At the time of going to press last week, Mrs Mary Helen Murdock was on the stand and gave further testimony which, in no material way, differed from what she had already said. Plaintiffs next witness was

EDWARD I. ROBINSON

an attorney now of San Francisco, but formerly of Sacramento, and who testified, that in 1887, he met Mrs. Murdock at a Doctor Hicks', in that city. He identified the note as the one shown to him at that time. He said it was given to him merely for inspection, as the holder was negotiating for the purchase of some property there. The next witness was

H. A. SKIFF,

a former employee on the Gawn Murdock farm. He testified that in the month of May, 1890, he was in a room there, after supper, making out a list of extras for a harvester. Wm. Murdock and Mrs. Mary Murdock came into the room but did not notice him. Mrs. Murdock said "Uncle Billy, can you give me some interest money?" William replied, "No! you have my note for $100,000 with 12 per cent interest and that ought to satisfy you." Witness said Mrs. Murdock made no reply. In the cross-examination of the witness, he was asked if on certain dates in the State of Washington, he had not stated to certain men that he would make $10,000 out of the Murdock case? He denied ever having made such statements. The next witness was

C. B. ASHERST,

of Tehama county, and a brother of Mrs. Murdock, the plaintiff. He testified to having paid Samuel Murdock $10,000 on the 4th of September, 1877.

This evidence was merely corroborative of testimony given by other witnesses of the plaintiffs.

One or two other witnesses followed, whose testimony was mainly corroborative in its character, and then came

DR. W. A. SEHORN,

who testified that he was local correspondent of the San Francisco Chronicle at the time of the death of Wm. Murdock. He had on a certain occasion, gotten wind of the big note and was preparing to send a message concerning it to the paper he represented. Before doing so, he saw B. H. Burton and told him of his intention. That Burton said they knew there was such a note out, and that if Mr. Murdock had lived a week longer, the matter would have been settled; and asked witness not to send any message until he had seen Mr. Lusk. In the cross-examination of the witness Mr. Lusk asked him if this was not the fact. That Mr. Lusk had heard of the note, and that Mr. Murdock had denied its validity; and that Burton said further, that the papers were all made out, and that if Murdock had lived a week longer the suit would have been filed, to have the note cancelled, as forgery? Witness denied that such was the conversation. After introducing the assignment of the note from Mrs. Murdock to W. H. Megginson, and from him to his brother, and from the brother back to Mrs Mary Murdock, plaintiff announced that that was their case.

RICHARD BAYNE

then arose for the defendants and made their opening statement, and said in part: May it please the Court and gentlemen of the jury, we have now reached the point when we are permitted to make the formal opening statement of what all consider the defense, and I presume that it will be a proper course for me to pursue to say first, that we deny that William Murdock ever made or executed the paper known at all. We deny further that William Murdock ever received any consideration for any such paper; endeavor to carry out the idea of a valuable consideration, she had placed it in the hands of third parties, for the purpose of showing a valuable consideration in their hands, so that the defense of a want of consideration would not be good. Our main defense however, is that the decedent, William Murdock, never saw this instrument and had absolutely nothing to do with its creation and manufacture.

Some reference has been made to expert testimony. Men who are skilled in any calling are far more capable of giving opinions than those who are not—they are qualified by vast experience and close attention, and are capable of directing the minds of men on matters under investigation. When we come to produce such witnesses before you, we ask you to accept and receive their testimony as well as any other witness who comes upon the stand. We expect to place before you under the sanction of a solemn oath, gentlemen peculiarly qualified in the matters about which they will testify, and you gentlemen are to be the judges of their credibility, and of the truth of their statements, as straight-forward honest, intelligent men; and we ask you in all candor to weigh and sift their testimony, and if it be such as commends itself to your judgment and consciences, accept it, and if you find that it is not of that character which you can accept, we ask you to do precisely as you would with any other testimony —discard it under the same rules that other witnesses must come. * * * This is not all upon which we propose to rest our defense. We expect to show to you, and demonstrate in a manner which will convince your minds, and judgment, without reference to expert testimony, that it was a physical impossibility for this instrument to have been executed by this man, at the time that it is alleged to have been made, and we expect to submit to your own eyes, and to your own personal inspection, the proofs which will convince you of these things. At the conclusion of the opening statement by Mr Bayne on Friday, everybody wondered what would be the first move on the part of the defendant. Gen. Barnes announced that the first thing in order, would be the placing in evidence, as exhibits something over a thousand paid checks and other documents of the deceased Murdock, having his signature thereon. The process of reading them one by one and numbering each one was altogether too tedious for the audience, which soon scattered. The jury was also excused by the Court until Monday at 10 o'clock, when they were again excused until Tuesday at 10 o'clock. When the Court convened at 10 o'clock Tuesday the first witness called by the defense was

MORRISON BRYAN, Jr.

for impeachment purposes, to contradict H. A. Skiff, who was a witness for plaintiff and had denied making statements in the State of Washington, in 1894, to certain persons at specified times and places, that he would get $10,000 out of the Murdock case. The witness said that he had worked with Skiff in the month of February 1894, in that State, and that Skiff stated that he was going to California and would get $10,000 out of the big note case, and would not have to work any more.

The next move was what everybody had been waiting for, which was the expert testimony.

THEODORE KYTKA

was called by Gen. Barnes, when he quickly stepped to the witness chair. All around, and about and everywhere within the railing were piles of enlarged photographs of the hundreds of old checks drawn by the deceased Murdock in his lifetime.

Against the back wall of the Court room and near the Judge's stand was a tall standing ten feet high or more, by perhaps eight wide, upon which was twelve signatures of William Murdock, being enlargements of his genuine handwriting. Among the number is the signature on the $100,000 note. The enlargements of the signatures are about three feet in length, rendering it very [illegible]

PLAINTIFF MARY HELEN MURDOCK.

was still on the stand at the hour of adjournment.

On Wednesday morning Mr. Kytka was recalled by the defense. He was asked by Gen Barnes as to what resemblance if any, there was in the "Wm." on the deed of 1890, from William Murdock to Mary Helen Murdock, and the "Wm." on the $100,000 note. He replied that the resemblance was so exact that no difference could be detected with the naked eye. Gen Barnes then asked the witness to take the note and deed and place one signature over the other. This he did, by placing one instrument against the window and the other over it, while the jury left their seats and watched the operation by direction of the Judge. The jurymen were furnished a magnifying glass to examine the signatures as they were thus placed, one over the other. In answer to a question by Gen. Barnes, as to what he found to be a fact, by placing one signature over the other, the witness replied that he found one to be a tracing of the other. The defendants had prepared by the expert photographer a large number of the enlarged specimens of handwriting of the dead man for the use of the jury, to be held in their own hands, for examination, as expert testimony is being given on each branch of the defense.

Court adjourned at the usual hour, until 9:30 a. m., Thursday.

On Thursday morning Mr. Kytka was temporarily excused and

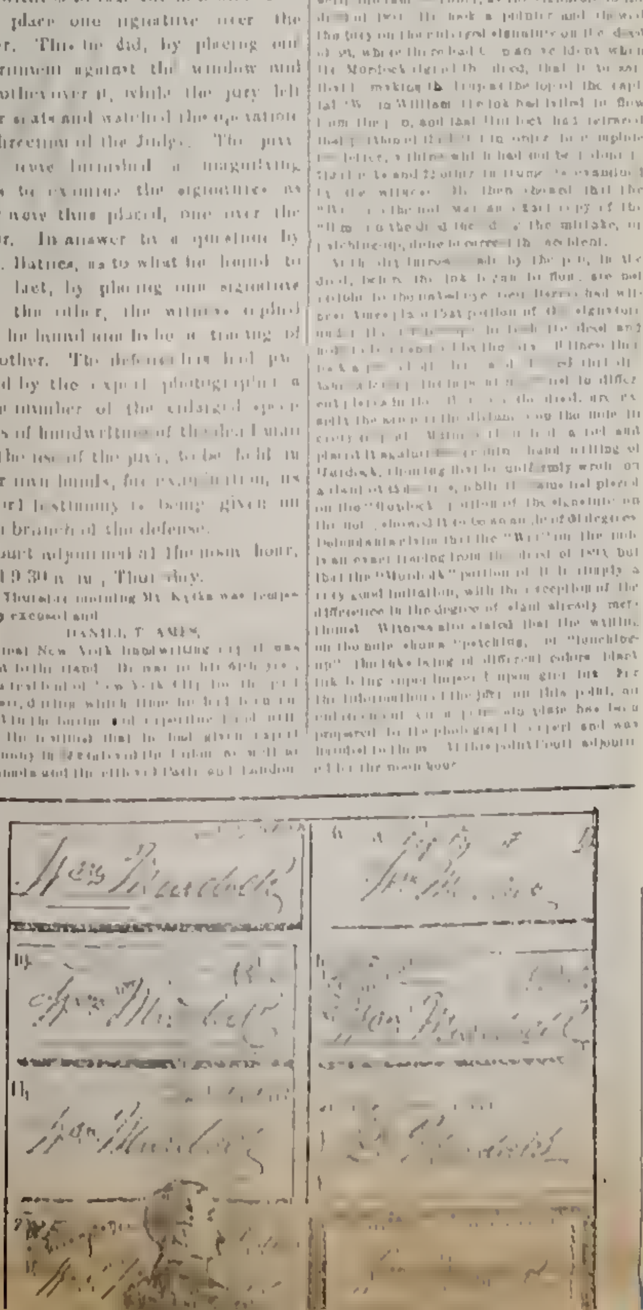
DANIEL T. AMES,

the great New York handwriting expert was called to the stand. He was in his 64th year, and a resident of New York City for the past 30 years, during which time he had been engaged in the business of expertising handwriting. He testified that he had given expert testimony in [illegible] the [illegible] and London.

Asked how many cases he had appeared in, replied that he had testified as an expert in over 1200 cases, including the noted Adams murder case of New York during the month of March, and others of National note. He had first seen this note during the last trial in San Francisco, in the hands of Mr. Megginson. He had examined 700 of the hand writing exhibits of Mr. Murdock, now in use in this trial.

Witness was then asked what difference he had discovered in the general hand writing of William Murdock and the signature to the note. He said that Mr. Murdock always wrote a bold, uniform and strong hand, while the signature to the note [illegible]

[illegible]



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a former employee on the Dawn Murdock farm. He testified that in the month of May, 1890, he was in a room there, after supper, making out a list of extras for a harvester. Wm. Murdock and Mrs. Mary Murdock came into the room but did not notice him. Mrs. Murdock said "Uncle Billy, can you give me some interest money?" William replied, "No! you have my note for $100,000 with 12 per cent interest and that ought to satisfy you." Witness said Mrs. Murdock made no reply. In the cross-examination of the witness, he was asked if on certain dates in the State of Washington, he had not stated to certain men that he would make $10,000 out of the Murdock case? He denied ever having made such statements. The next witness was

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of Tehama county, and a brother of Mrs. Murdock, the plaintiff. He testified to having paid annual Murdock $10,000 on the 4th of September, 1877.

This evidence was merely corroborative of testimony given by other witnesses of the plaintiffs.

One or two other witnesses followed, whose testimony was mainly corroborative in its character, and then came

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was called by Gen. Barnes, who quickly stepped to the witness chair. All around, and about and everywhere within the railing were piles of enlarged photographs of the hundreds of old checks drawn by the deceased Murdock in his lifetime.

Against the back wall of the Court room and near the Judge's stand was a tall stretcher ten feet high or more, by perhaps eight wide, upon which was twelve signatures of William Murdock, being enlargements of his genuine handwriting. Among the number is the signature on the $100,000 note. The enlargements of the signatures are about three feet in length, rendering it easy for almost anyone to detect any differences, however slight, in any two signatures.

On the same stretcher and right beside the signature on the $100,000 note is the signature to a deed from Wm. Murdock to Mary Helen Murdock made on March 12, 1890, from which, it now develops, defendants claim the signature on the note is a tracing. Mr. Kytka stated that he was a native of Austria, and a documental photographic expert, having been in the business of reproducing photographic copies of handwriting about 18 years. He had been employed in celebrated cases as follows: Fair Will case, Botkin case, Figel case, Becker and Creegan forgery case, Bell case, Davis Will case and others of great note, and had also been employed by the United States secret service. He proved to be a most extraordinarily bright, as well as highly educated in his profession. His testimony is highly interesting, save that the technical phraseology employed in his art is many times unintelligible to ordinary laymen. He

PLAINTIFF MARY HELEN MURDOCK.

was still on the stand at the hour of adjournment.

On Wednesday morning Mr. Kytka was recalled by the defense. He was asked by Gen. Barnes as to what resemblance if any, there was in the "Wm." on the deed of 1890, from William Murdock to Mary Helen Murdock, and the "Wm." on the $100,000 note. He replied that the resemblance was so exact that no difference could be detected with the naked eye. Gen. Barnes then asked the witness to take the note and deed and place one signature over the other. This he did, by placing one instrument against the window and the other over it, while the jury left their seats and watched the operation, by direction of the Judge. The jurymen were furnished a magnifying glass to examine the signatures as they were thus placed, one over the other. In answer to a question by Gen. Barnes, as to what he found to be a fact, by placing one signature over the other, the witness replied that he found one to be a tracing of the other. The defense has had prepared by the expert photographer a large number of the enlarged specimens of handwriting of the dead man for the use of the jury, to be held in their own hands, for examination, as expert testimony is being given on each branch of the defense.

Court adjourned at the noon hour, until 9.30 a. m., Thursday

On Thursday morning Mr. Kytka was temporarily excused and

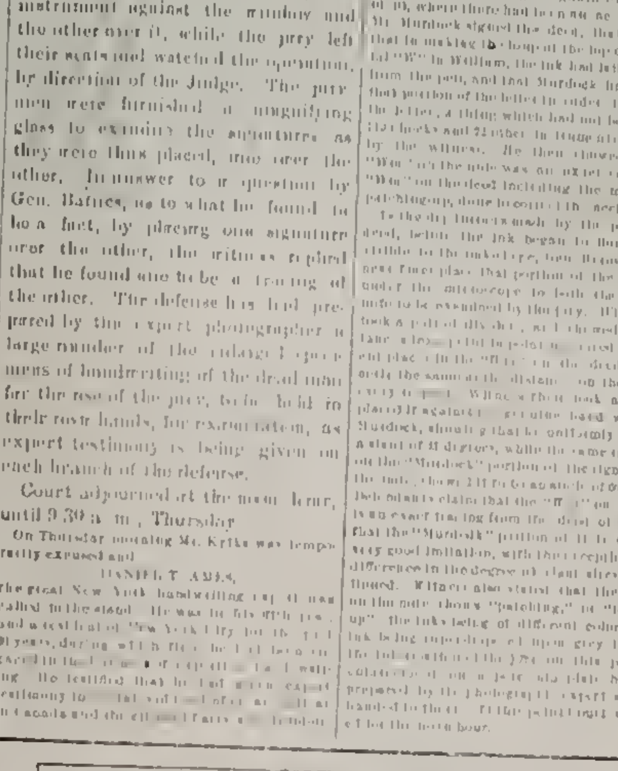
DANIEL T. AMES,

the great New York handwriting expert was called to the stand. He was in his 67th year, and a resident of New York City for the past 31 years, during which time he had been engaged in the [illegible] of expert [illegible] handwriting. He testified that he had given expert testimony to [illegible] as well as [illegible]

Asked how many cases he had appeared in, replied that he had testified as an expert in over 1,000 cases, including the noted Adams murder case of New York during the month of March, and others of National note. He had first seen this note during the Fair trial in San Francisco, in the hands of Mr. Megginson. He had examined 793 of the hand writing exhibits of Mr. Murdock, now in use in this trial.

Witness was then asked what difference he had discovered in the general hand writing of William Murdock and the signature to the note. He said that Mr. Murdock always wrote a bold, uniform and strong hand, while the signature to the note shows a nervous, halting and hesitating manner. He then testified that out of 819 signatures to checks examined by him, that not one of them was made in exactly the same manner, as the signature to the deed of 1890. He took a picture and showed the jury on the enlarged signature on the deed of 90, where there had been an accident when Mr. Murdock signed the deed, that is to say that in making the loop of the top of the capital "W" in William, the ink had failed to flow from the pen, and that Murdock had retraced that portion of the letter in order to complete the letter, a thing which had not been done in [illegible] checks and [illegible] other documents examined by the witness. He then showed that the "Wm." on the note was an exact copy of the "Wm." on the deed including the mistake, or patching-up, done to correct the accident.

To the dry lines made by the pen, in the deed, before the ink began to flow, are not visible to the naked eye, but witness had witness [illegible] place that portion of the signature under the microscope in both the deed and note to be examined by the jury. Witness then took a pair of dividers, and showed that distance along [illegible] from point to point in [illegible] to different places in the "Wm." on the deed, are exactly the same as the distance on the note in every respect. Witness then took a bevel and placed it against [illegible] genuine hand writing of Murdock, showing that he uniformly wrote on a slant of 41 degrees, while the same bevel placed on the "Murdock" portion of the signature on the note, shows it to be on a slant of 60 degrees. Defendants claim that the "Wm." on the note is an exact tracing from the deed of 1890, but that the "Murdock" portion of it is simply a very good imitation, with the exception of the difference in the degree of slant already mentioned. Witness also stated that the writing on the note shows "patching," or "touching-up" the inks being of different colors—black ink being superimposed upon grey ink. For the information of the jury on this point an enlargement of the note has been prepared by the photographic expert and was handed to them. At this point court adjourned for the noon hour.



T. KYTKA EXPLAINING SIGNATURES TO THE JURY.

The dispatches tell us that Ex-Congressman S. G. Hilborn died at Garfield Hospital, Washington D. C., Wednesday, April 19th, 1899. Hon. S. G. Hilborn has faithfully represented the Third District in Congress for several terms and was very popular with the masses.

Miss Grace Gilbert and Mrs. C. D. Davidson of Butte City, were in Willows, Thursday.

WE'RE HAPPY THE ANTI-CARTOON BILL IS IN EFFECT.

MURDOCK NOTE CASE.

Writing Expert Eisenschimel Under Cross-Examination.

WILLOWS, April 24.—On the opening of court in the Murdock case to-day, writing expert Carl Eisenschimel was called to the stand by the defendants, and was handed old checks for further analysis of the formation of the letters in the last name, being old checks signed by William Murdock in 1877, the date upon which the note is purported to have been signed.

After stating the difference in the various checks, the witness was turned over to Grove L. Johnson for cross-examination.

Asked if he had examined the writing in the various checks other than the signature, Eisenschimel replied that he had not.

Johnson handed him some old checks, and he picked out certain ones which he said were written by Mr. Murdock and others that were not.

Asked if he remembered when T. J. Kirkpatrick's affidavit was introduced, if when sitting by the side of Mr. Kytka, another writing expert, he had not whispered to Kytka: "Get hold of that and make a photograph of it, and we will knock it out," he denied saying so.

Asked if there was any doubt in his mind that the note was copied from the deed of 1890, witness replied that there was none whatever.

Matters began to grow heated between counsel and the witness, the court finding it necessary several times to stop it. He said his profession was a science, an art, and a trade. As a science, he said that by three rules it ought to be "exact," as follows: In alignment, in slant and in pressure.

When asked if experts on handwriting ever disagreed, witness said: "Sometimes they did."

Asked if he had ever testified in any case where Daniel T. Ames had testified, he replied that he had. He said both were witnesses in the Davis will case, and that they disagreed.

When asked if he had peddled his opinion around the streets of San Francisco that the Murdock note was a forgery, the expert positively denied that he had done so. He said he had mentioned the matter to his family at his dinner table.

"Did you not peddle around the streets of San Francisco the opinion you had given Mr. Cannon that the note was a forgery?"

"No, sir."

Witness was asked by Johnson if [illegible] reputable people should swear the signature on the note was the genuine handwriting of William Murdock, if he would believe it.

Witness said it would not change his opinion one particle.

The witness was turned over to the defense for redirect examination by General Barnes, when the noon recess was declared.

At the afternoon session Theodore Kytka was recalled by the defense. General Barnes had him superimpose the "Wm" on the note on the "Wm" on the deed of 1890. The entire afternoon was occupied with his evidence.

Mrs. Murdock was not present in court to-day, but her husband was an attentive listener.

The questions this afternoon indicate that the plaintiffs will undertake the impeachment of one or two of the experts as to what they have testified to. Expert Kytka will be asked to-morrow morning to execute in court a "patched" document like the note. He testified that he had done this in the Becker and Creegan case in San Francisco.

In answer to Grove Johnson, Expert Eisenschimel stated that he expected to receive as compensation $[illegible] per day, although he had no contract.

Expert Ames testified several days ago that he was to receive this amount, and at this rate the expert testimony will cost the defendants $[illegible] a day.

MURDOCK'S SIGNATURES.

WILLOWS, April 25.—Theodore Kytka was called to the stand in behalf of the defense in the Murdock note case and occupied yesterday's entire afternoon session. He was asked to place "Wm" of the deed of March 12, 1890, and the "Wm" of the note one above the other under the lens of a microscope, and the court and jury were invited to examine them. He said that he first began to study on Murdock's signature in February, 1899. Mr. Lusk and Mr. Payne then gave him seventy-nine checks for examination and he enlarged and carefully examined them. At this time he had not seen the documents in dispute. He came to Willows and first saw the note on April 1, 1899. He made an examination under the microscope and was so struck with the similarity of the two "Wms" in the deed and note that he stopped further examination.

The witness was asked if he could demonstrate to the jury how piecing and patching was done. He said he could, but that he would have to go and get his instruments. He was asked to bring them in the morning. The plaintiff's attorneys gave notice that they would offer an objection.

This morning Expert Kytka continued his testimony. Several exemplars of Murdock's handwriting were viewed by the court, jury and counsel. Barnes then asked:

"Mr. Kytka, is there any part of the lines in the tracing of the signature of the note that is not ragged, rough and jagged?"

"There is not. It is all written by finger movements."

General Barnes then handed the witness two checks with "Wm. Murdock" written on them.

"How came those two checks to have the name of Wm. Murdock written on the back?"

"I traced them over glass from one of the signatures of Murdock."

"I wish to introduce them in evidence," said Barnes.

"If the court please, we object," said Johnson.

The point was argued at some length by both sides, but the objection was finally sustained.

Barnes also wanted to have Professor Kytka take any genuine signature of Murdock and from this signature trace another, but the plaintiff's attorneys objected, as they said they would yesterday, and the objections were sustained. After this two dots under "Wm." of the deed and the "Wm." of the note were discussed fully by the witness, and were shown to the jury through the microscope. The witness continued all the time up to the adjournment for the luncheon in showing the similarity and dissimilarity between three different sets of dots.

KYTKA GIVES HIS REASONS

Why He Is So Certain the Murdock Note Was Forged.

The Expert Wouldn't Believe Old William Himself to the Contrary.

[Special Dispatch to "The Examiner."]

WILLOWS, April 25.—According to the understanding last night Theodore Kytka was recalled to-day. He brought his pieces of glass, paper, etc., with which to demonstrate, in presence of the jury, that he could make a "tracing" having all of the characteristics of the signature claimed to be signed to the famous note. Mr. Kytka was so much imbued with the value of his profession that he frequently overstepped the rules of evidence. He is, in fact, what might be called an enthusiast in his line, and therefore, scarcely able to brook a contradiction of what to him seems so palpable.

The first work of the morning session was a repetition of the routine "peeking" through the microscope and blackboard work. When asked if there was any portion of the signature on the note which is not "ragged" and "patched," Kytka said that there was none of it that was "free-hand" writing, and was a tracing done with the "finger" movement, showing a tremor.

These little preliminaries finished, the "joker" made its appearance when General Barnes handed witness a small piece of paper in the usual form of a check and asked what it was. Witness replied that it was a tracing made by himself for the purpose of showing how the note was manufactured.

Mr. Johnson had an objection that required more than half an hour to argue, principally on the ground that it was not a "comparison" of the handwriting of Murdock with anything else, but was simply an example of the ability of the witness to imitate.

General Barnes read at length from textbooks in support of his right to have the witness demonstrate how the work was done in the presence of Court and Jury. He showed that in many important cases courts had permitted every conceivable sort of demonstration, even to singing. He cited the case of Becker and Creegan in San Francisco, charged with forgery, in which he said Judge Wallace had permitted the witness to do the thing he was asking to have done here.

Grove Johnson in reply sent hot shot at General Barnes and closed the argument on this point. He said he cared nothing for what Judge Wallace had done, for it was a well-known fact that Judge Wallace had never given a defendant a fair trial in his life, and that he was always found on the side of the prosecution. Moreover, he had been reversed more times than any other Judge in the State of California. He spoke of the Figel case and said that a murderer had gone unpunished in that case.

General Barnes called upon the Court to have the attorney stopped, affirming that it was out of place for his opponent to criticise the judgment of a Superior Judge—just the thing he did himself when he took occasion to remark in the course of his argument that "there was never a more just judgment on earth than when this young man Figel was acquitted."

Judge Pirkey was visibly displeased with Attorney Johnson's remarks, and said that the remarks of counsel were very improper, to say the least, especially the reflections cast on Judge Wallace.

Mr. Johnson apologized to the Court for remarks that might have been unbecoming, and said that he was led into it by the remarks of General Barnes.

Judge Pirkey said he had given the matter careful consideration and did not believe the witness should be allowed to make such a demonstration before the jury, and he so ruled, General Barnes noting an exception.

The liveliest time in three long weeks of trial was when Mr. Kytka was turned over to Mr. Johnson for cross-examination.

Kytka stated that he had no contract as to what his compensation for work in connection with this case would be, but said he expected to receive something. This was as near as he would tell what his services were worth.

Johnson asked witness if William Murdock was to come here himself and say that he signed the note would he believe him or still say it was a forgery. Witness replied that he would say: "Mr. Murdock, you are either mistaken or a liar."

The witness was then excused.

George C. Hickox, an expert on handwriting, was next called for the defense. He stated that he was at the present time cashier for a railroad. For eighteen years he had been one of the firm of Hickox & Spear in San Francisco. He could not tell how many cases he had been a witness in as a handwriting expert, but was sure that it was more than five hundred. He had made many a comparison of the disputed note and compared the same with the genuine, and found similitudes and discrepancies which arrested his attention at once. He said the signature on the note was a "fabrication" from the signature on the deed of 1890 and very evidently had been "doctored." In his opinion William Murdock never signed the note or any portion of it.

Asked on cross-examination what he would think if a thousand men should tell him that they knew that William Murdock signed the note, he said that under such circumstances he would say that he might be mistaken.

Mr. Hickox was then excused.

General Barnes asked the court to adjourn until to-morrow, as it was within half an hour of adjournment time. He had finished, he said, with expert witnesses and would take up another branch of the case to-morrow.

This was much to the relief of the public, which has grown weary of the prolonged expert testimony and expects something on the race order when the fight really begins. Enough is known to warrant the prediction that there will be a hot time in court within the next few days.

PENMEN SHOW THEIR HANDIWORK

Reasons for Their Belief That the Murdock Signature Was Forged.

One of Them Called Upon to Imitate the Signature of the Deceased.

[Special Dispatch to "The Examiner."]

WILLOWS, April [illegible].—At the calling of the Murdock case this morning, the lawyers resumed [illegible] to one another for ten or [illegible] until some question [illegible] by General Barnes that Grove Johnson thought was an infringement on the rights of his side of the case.

Carl Eisenschimel was recalled by the defendants to [illegible] a few minutes later at the [illegible] William Murdock, when he was excused and Theodore Kytka was recalled by General Barnes. He was first asked to place the "Wm." on the note in juxtaposition with the "Wm." on the deed of 1890, in other words, one right over the other under the barrel of the microscope, from which the lens had been removed. A small table had been placed just outside of the lawyers' railing where this examination was to be made by the jury. A few jurors had arrived at the appointed place accompanied by the court, when Grove Johnson heard, or thought that he did, Mr. Kytka tell some one of the jury to "take hold here," or something to that effect. Whatever was said brought forth a vigorous protest from the ever-watchful Johnson, who objected to any handling or suggesting from anybody, in tones that clearly indicated that his temper was tired of too many objections, he remarked.

The episode is over, gentlemen, and proceeded with the [illegible]. The lawyers subsided and peace reigned once again. If jurors received mileage for traveling to the microscope this jury would have earned a good-sized stake already, in traveling under directions of counsel and [illegible] to take a "peep" through the many [illegible] microscopes in use in the examination of the nearly one thousand documents under examination.

Witness went to the blackboard and made a pretty "Wm." with white chalk, and then made red lines here and there on it to show places where the imitator, or forger, as he planned to call the maker of the note, touched it up and filled it in where the patching was done. Witness stated as a fact that, in all the writing he had examined of the deceased Murdock, in no case had Murdock ever attempted to patch up or fix any letter where the pen had failed to do its work well, but invariably left it alone. The note, he claims, is all patchwork and filling in.

Witness Kytka then took up the "k" in Murdock, which has a tail turned up like a rising [illegible], which never occurred until the year 1879 in the handwriting of Mr. Murdock. Of course the defense has hung to this fact "like grim death to a dead nigger." Every single document that William Murdock ever signed up to December 19, 1879, was finished so far as the final "k" is concerned, with a flourish backward under the name, while the unhappy note purporting to have been signed by him in 1877 was finished with an upward hook. The defense thinks it would be a curious circumstance that Mr. Murdock would so far depart from a well-established practice but once in all of his known life up to that time, and that should be in the case of the big note.

In answering a question as to when he first began the study of the signature on the exhibits, Mr. Kytka said it was when Mr. Lusk and Mr. Payne asked him to do so on February [illegible], 1899. He made an examination of seventy-nine checks. He had not previous to that time seen the note. The first time was on April [illegible]. He began by supposing that he would have a hard task to find where the difference was, if a forgery had been committed.

"All of a sudden," he said, "I was struck with the sameness of the 'Wm.' on the note and the 'Wm.' on the checks in [illegible]. I stopped right there when I saw that, for I was convinced that it was a forgery."

It is said that the purpose of the plaintiffs is to show that Mr. Murdock was not in the habit of filling out his own checks, but that the filling was generally done by others, and that he merely signed his name, and therefore that it was not at all strange that the note for $[illegible] was written out by Mrs. Mary Helen Murdock.

Expert Eisenschimel testified to-day that, like his friend Mr. Ames, he had no contract with the defendants as to what he was to receive as compensation. When pressed by Mr. Johnson as to what he expected to receive, he said he expected to get $[illegible] a day, as that was his usual price, a statement that almost paralyzed the [illegible] audience, most of whom work hard for[illegible] for $[illegible].

Enough has leaked out to let the public understand that each side has better testimony yet to come.

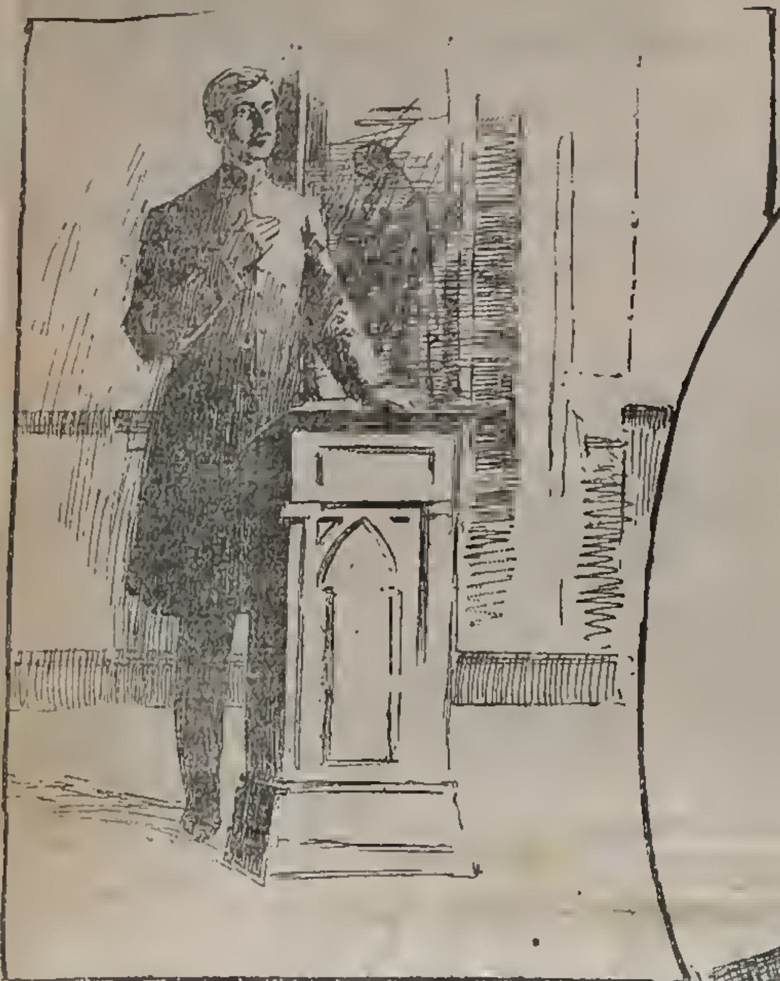
Just before the court adjourned for the day Mr. Barnes asked the witness if he could produce such a piece of patchwork as he claimed is done on the note here in evidence. He, replying an answer that he could, he was asked to do so. He said that he did not have the appliances here, but he would bring them in the morning. He said that he had done the exhibiting in the Becker and Creegan case in San Francisco.

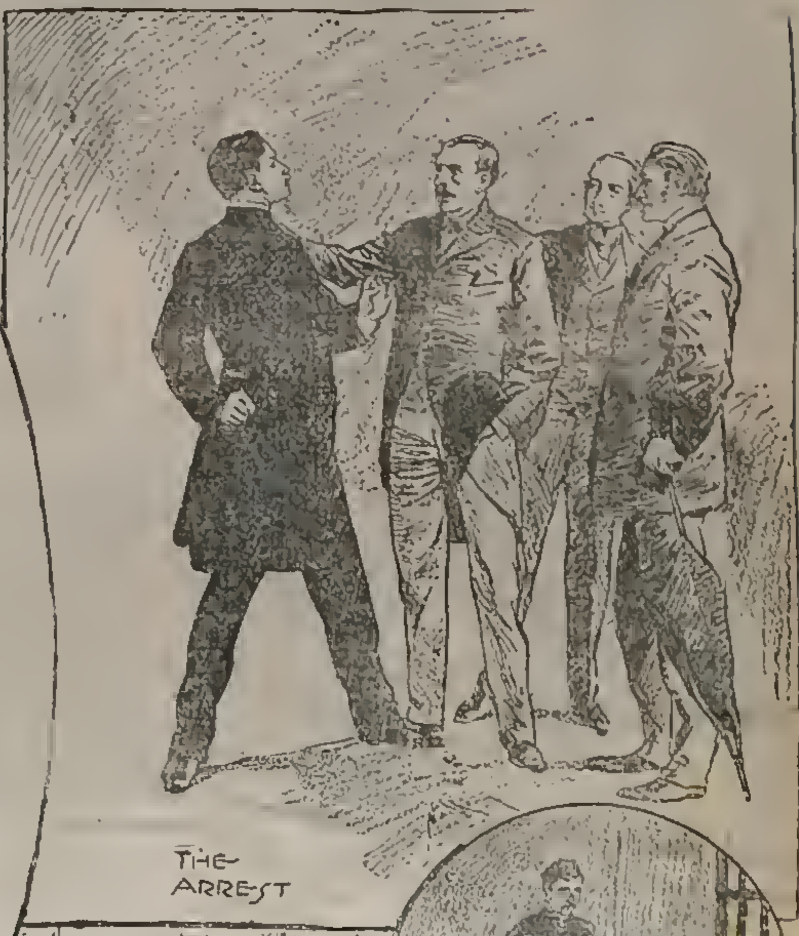
Plaintiffs gave notice that they would interpose an objection to that. General Barnes asked the witness to come prepared in the morning to do the work.

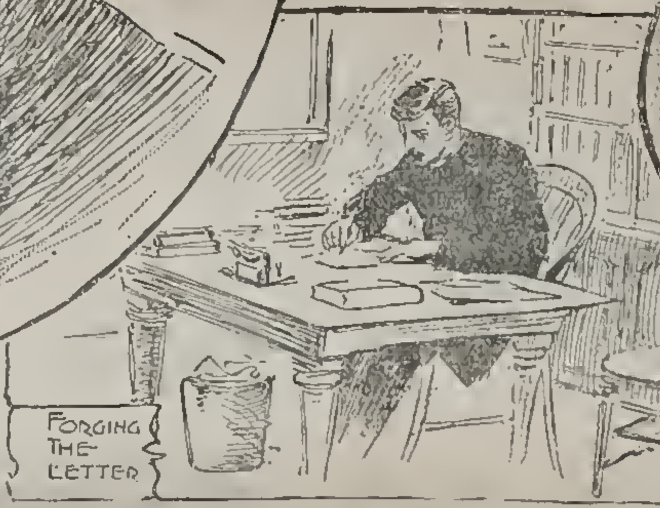
Court then adjourned to [illegible] to-morrow morning.

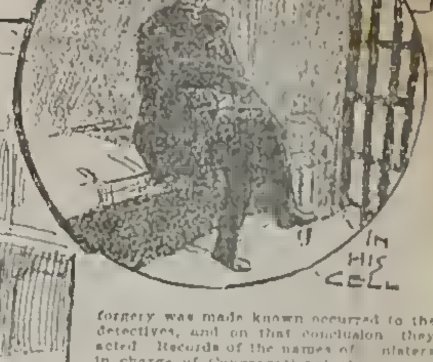
"JIM THE PENMAN" OF FICTION OUTDONE BY A CLERGYMAN IN REAL LIFE

Preached the Gospel, Bunkoed Banks and Cleverly Covered His Trail for Years, but the Detectives Kept Working to Find Him and at Last Ran Him Down While He Was in Church Preaching a Sermon.









"JIM THE PENMAN" of fiction has been outdone by the Rev. George R. Parrish of real life. It is indeed a strange and thrilling story of a wolf in sheep's clothing, of crime masquerading in garb of respectability, of casting hypocrisy in vestments of the church, as told by the Pinkerton detectives. The novelist and dramatist have time and again given us pictures of these conditions that have attracted our attention, yet often brought a doubt of their truthfulness in nature, success in crime baffling of justice for a long time, the criminal respected and apparently living the life of an honest man, while patient detectives for years fail to follow a slender clew to success, which, though thrilling and entertaining, have often appeared overdrawn and too highly colored.

But now comes a real detective story—a chapter from the records of crime that has combined all the dramatic situations so cunningly and effectively used by the novelist and play writer. "Truth is stranger than fiction," and fiction is only worthy when it approaches truth.

True Detective Story.

Last week came the story of the arrest for forgery of the Rev. George R. Parrish, pastor of the First Congregational Church of Marshalltown, Iowa, as told by the Pinkerton detectives. Now, there is nothing particularly strange in the arrest of a man for forgery. It is a daily item of news and so common an occurrence in a great detective agency as to hardly call for the most ordinary attention, but here was a case that even stirred the cold professional analytical mind of a detective, whose waking hours are passed in studying the study of crime and who is as familiar with criminals, their life and methods, as is the trained entomologist with the insects he captures and so neatly pins. It is the strange "bug" that requires more thought than is necessary to formally enter him under the proper heads in the register. So with the entomologist in the realm of human "bugs." The Pinkertons after a long chase have "netted" and "pinned" a particularly poisonous and elusive human insect, and tell of their experience in the chase.

Reporter, lawyer, clergyman, preacher of the Christian religion to the people and teacher of good morals to the children, a forger for position, a forger for money, followed by detectives for years, posing as an honest man, honored and respected, shadowed to his very pulpit, there arrested and now in custody of officers of the law as a criminal. This is a synopsis of the drama in real life.

Different Aliases.

"Parrish," "Thompson" and "Aiken" are some of the names under which the arrested man has been known, with likely more to appear when he shall tell the entire truth of the strange story of his life. "Parrish," "Rev. Dr. George R. Parrish," is the title which appears in the record of his arrest for forgery. And this record, as given out by the detectives, tells of the three years' chase necessary to capture him.

"All criminals come to the detectives who wait," said the elder Pinkerton years ago. "Criminals will talk, and they will continue their methods until some day they make a slip and reveal themselves. The slightest clue is sufficient for their detection if you only have time and patience enough to abide it."

This has been true in the case of Parrish, for the clew that has been followed to his arrest was a slender one, and the arrest did not come until three and a quarter years after the commission of the particular crime with which he is charged.

It was on July 17, 1895, the Pinkertons say, that the Sandwich Bank of Sandwich, Ill., received a letter purporting to come from the cashier of the Lucas County Savings Bank of Toledo, Ohio, enclosing a draft, apparently issued by the Illinois [illegible] Society of Chicago in favor of the Rev. Mark Thompson. With the draft was a pretended letter from the cashier of the Lucas County Bank stating that Mr. Thompson was the pastor of the Central Church in Toledo, and that he was on a vacation. Further information was given that Mr. Thompson was undoubtedly visiting with the Rev. J. M. Lewis, who was the esteemed Congregational minister at Sandwich. The letter closed by requesting that the Sandwich Bank pay to Mr. Thompson the $300 called for by the draft.

Mr. Parrish had prepared the draft, written and mailed the letter and followed it in person to Sandwich. He called on the Rev. Mr. Lewis and introduced himself as the Rev. Mark Thompson, pastor of the Central Church of Toledo. Mr. Lewis saw before him an intelligent, clerical appearing young man, not quite 40 years old, who by plausible talk and a correct knowledge of current religious affairs at once gained his confidence and received an invitation to spend the night with him.

After an evening of religious conversation and a night of rest the kind-hearted, unsuspecting Mr. Lewis went with his guest to the bank and introduced him as the Rev. Mark Thompson of Toledo. That was the last needed link in the chain forged by Parrish, and he got the wanted $300.

He thanked the bank officers, thanked Mr. Lewis for his "brotherly act for a fellow minister" and went on his way secretly rejoicing.

After the Forger.

In a few days the draft was returned from Toledo dishonored. The bank that it was purported to be drawn by was a myth. The Sandwich Bank had lost $300 and the Rev. Mr. Lewis suffered the deep mortification of having innocently been dragged into a fraudulent transaction. From that day until Parrish was arrested Lewis did not cease in doing his utmost for his detection.

The Sandwich Bank, being a member of the American Bankers' Association, placed the matter in its hands and it in turn placed it in the professional care of the detectives.

Then began a long and not a hopeful chase. The Rev. Mark Thompson had disappeared and the name vanished from ministerial circles. But the detectives were sure he would remain in the ministry, and in that channel they looked for him. Thorough inquiry was put on foot, with the result of learning that the hunted man was born in Kewanee, Ill., and had been admitted to the bar in Iowa; that he had been a newspaper reporter, had practiced law, had been Prosecuting Attorney at Wichita, Kan., and a little more than ten years ago had become a minister of the Congregational church. He had been a "rolling stone," and was possessed by an uneasiness that kept him moving from place to place.

From church to church and from one religious society to another the detectives went without encouraging results. Several times they received a "tip" that the Rev. Mark Thompson was at such a place going under such a name. Off would go a detective, shadow the innocent object of suspicion, inquire into his past and learn that he was not Mark Thompson. Then would come a report from some other place, or from two or more other places, and the detectives would hurry to investigate them, without the desired result.

There are many perfectly honest and upright ministers in half a dozen States who unknowingly have been under the searching eye of a detective during the last three years.

Piling Up Forgeries.

Mark Thompson could not be found. Days became weeks, weeks became months and the months piled into years. But the patience of the successful detective is without limit and he never rests. Clews were sought and the search continued. Other cases were being attended to, but as the several detectives went back and forth from one end of the land to the other, were at scores of hotels in as many towns, met criminals, brother detectives, old and casual acquaintances, they never ceased making inquiries after Mark Thompson or rather the man who had been known by that name.

Finally, in October, 1897, the detectives, through the remarkable instincts of their profession, were satisfied that they had at least touched the trail of the man they were after. A forged draft for $50 came into their hands.

"That draft was written by the Rev. Mark Thompson," said the keen-eyed detective expert into whose hands it came. It was compared with the Sandwich forgery, and the comparison showed that the two had apparently been made by the same hand.

The $50 forged draft had been offered to a Watertown (Wis.) bank by a young, well appearing, nervous, clerical looking man, who had stated that he was the Rev. Edward E. Aiken. The draft was refused and shortly afterward a similar instrument was offered by the same man to a bank at Elkhorn, Wis., and was not cashed.

Trailing His Forgeries.

"Where is the Rev. Edward E. Aiken?" asked the detectives, but he had as completely disappeared as had the Rev. Mark Thompson. Yet the search was continued, but the combined Revs. Thompson and Aiken moved about as rapidly as did the detectives, and though clew after clew was exhausted the hunted forger was [illegible] found.

Then came only a few weeks ago—the reward of patience and knowledge of the fact that criminals as a rule continue their tricks. Thompson-Aiken continued in [illegible] and forgery, and unwittingly made a clew that has led to his imprisonment for the Sandwich forgery.

Another forgery came into the hands of the detectives. It was a letter purporting to be written by James Lee Barton, treasurer of the American Board of Commissioners for Foreign Affairs, recommending the Rev. Dr. George R. Parrish in the desire of a Congregational church at Wauwatosa, Wis.

The letter was dated at Chicago and the writer said while he was "loitering" in that city he had heard of the Wauwatosa vacancy and hastened to recommend his friend.

"Mr. Parrish, whom I have known from his boyhood," the letter stated, "was educated for the bar, is a broad-minded scholar and a natural orator—in fact, one of the ablest speakers to whom I have ever listened; while in social and executive qualities he excels, being, in short, just such an 'all around man' as to fit him for service in such a field as yours."

Mr. Parrish was not called to Wauwatosa, but, unfortunately for him, the deacon to whom the letter had been sent met James Lee Barton shortly after its receipt and expressed his regret at not having been able to comply with his request.

Mr. Barton was more than surprised. He said he had never written such a letter and had not been in Chicago for a year. Then the forged letter went into the hands of the detectives.

"This was written by the forger of the Sandwich and Watertown drafts," said the detective who had passed his judgment on the second instrument the moment he looked at it. For years the handwriting of these drafts had been retained in his memory.

Run to Earth.

That "Parrish" would likely keep that name until the discovery of his recent forgery was made known occurred to the detectives, and on that conclusion they acted. Records of the names of ministers in charge of Congregational churches in every State were examined, when, lo! and behold, credited to the pastorate of the First Congregational Church of Marshalltown, Iowa, was the name "Rev. George R. Parrish."

To Marshalltown the detectives went, where they made quiet, searching inquiries as to Mr. Parrish, holding him under the strictest surveillance during their progress. For days he was "shadowed." Detectives' eyes were on him all day and every night he slept under their guardianship.

It was learned that the pastor had [illegible] through a letter of [illegible] and that that letter was a forgery. The detectives were sure they had the right man at last, but to make assurance doubly sure they sent to Sandwich for the Rev. Mr. Lewis, who gladly hurried to Marshalltown to identify the man who had so cruelly imposed on him.

Then came a dramatic finish. Accompanied by the detective Mr. Lewis entered the First Congregational Church with the congregation, took a seat and waited for the beginning of the usual Sunday morning service. Presently the Rev. Dr. George R. Parrish entered his pulpit.

"That is the man," whispered Mr. Lewis to the detective.

Mr. Parrish was not disturbed then. He conducted the service as usual, preached a strong sermon, calling upon his congregation to live honest, truthful, upright lives, to never fear to do the right, and to never stoop to wrong, no matter what the circumstances or temptations.

When he closed a hush of approval came over the congregation, which was followed by words of commendation from one to another while many went to the pulpit to shake their pastor by the hand and congratulate him on his sermon.

The detectives patiently waited, and when the pastor left the church he was shown a warrant for his arrest charging him with forgery, and was taken into custody. He was [illegible] and consented to go to Sandwich for trial without the issuance of extradition papers. He is now there waiting for the action of the Grand Jury.

WILLOWS DAILY JOURNAL.

WILLOWS, CALIFORNIA: TUESDAY EVENING, APRIL 25, 1899.

EXPERT HICKOK

Another Noted Authority on Forged Handwriting on the Stand.

At the opening of court this morning Theodore Kytka was called to the stand. Agreeable to the understanding when court adjourned last night, he brought with him inkstands galore, pieces of glass and what not, preparatory to the work of executing a note in exact imitation of the one in question, which he claims is patched, retouched, filled in, etc.

Mr. Kytka has so much confidence in his work that he frequently becomes very earnest, so much so that he frequently says things which are objectionable, but in reality unintentional on his part.

Like nearly everyone who takes a proper interest in his or her profession or trade he is an enthusiast, being scarcely able to brook a contradiction of his own work.

This morning's work began with the tedious examination under the microscope of old instruments signed by Mr. Murdock.

Asked if there was any portion of the note signature which is not ragged, said there is none of it that is "free-hand" writing, but is "finger" movement, showing "tremor."

Witness was shown a check and asked what it was by General Barnes, to which he replied that it was a tracing made by himself for the purpose of showing how the disputed document was made.

Gen. Barnes offered it in evidence, but was met by a vigorous objection by Mr. Johnson on the ground that it is not a comparison of the handwriting of Murdock, but merely showing the ability of the witness to do something. General Barnes let himself out somewhat in his argument in support of his offer, arguing with much force for more than a half an hour. He read at large from the text books and reports that witnesses in very important cases all over the country had been permitted to do every conceivable kind of experiment, such as drawing, shooting, writing, and in one case was allowed to sing, in a case where the defendant had a discordant voice and had been accused of disturbing a religious meeting by this singing, which he had insisted on doing in church, although requested to desist. He argued that it was the greatest good fortune that the microscope had been invented, for if it had not we would be poorly equipped to detect forgery where the forger was at all skillful. Said he had here in court simply an old box, a bit of glass, a candle and piece of paper, with which he proposed to show in the presence of the jury that it is simply impossible to make a tracing which cannot be detected as such with a microscope. He said Judge Wallace had permitted the same thing to be done in the great Becker and Creegan forgery case in San Francisco and eulogized the learning of Judge Wallace.

When he had closed Mr. Johnson arose and warmed things up. He said: "We do not care what Judge Wallace has done." He said that it is a well known fact that Judge Wallace never in the world gave a defendant a fair trial; that he was always part of counsel for the prosecution, and furthermore, had been reversed more times than any other judge in California. He illustrated by referring to the Figel murder case, and said that a murderer had not been convicted.

Judge Barnes rose up with a bound in an objection to having counsel make such remarks in this court and said "There never was a more just acquittal on earth than the acquittal of that young man."

Judge Pirkey attempted to have order which took some little while. When he obtained the attention of the counsel he told the attorneys that when he asked to have order he wanted it. He told attorney Johnson that he certainly had no thing to decide with reference to the Figel case and that the attorney's remarks were very improper to say the least, and especially the reflections on Judge Wallace.

Attorney Johnson apologized to the court and said that he was lead into by the remarks of Gen. Barnes; that it was his nature to strike back just as hard as he could whenever he thought some one was striking at him.

AFTERNOON SESSION.

At the convening of court this afternoon Judge Pirkey prefaced the beginning of the afternoon's work by stating to General Barnes that he would like it if more haste could be made in the examination of witnesses and stating that it seemed as if considerable time was being consumed. Gen. Barnes replying said: "If better time is to be made, someone else will have to do it your honor, for I am getting along just as fast as I possibly can and have no desire to consume the time of the court."

Mr. Kytka was then asked by Barnes to measure the "Wm" for the benefit of the jury. He measured from the extreme outer end of the wing of the capital "W" to the extreme lower end of the second down stroke of the same letter, finding them to be precisely alike in both the note and deed of March 12, 1890.

Witness was then turned over for cross-examination. Asked by Johnson if he was an expert, said he guessed he was. Was thirty-five years old. Never gave an opinion as to this note before coming here to Willows. Had no contract as to what he should receive for his services here. Said he was depending on the men who brought him here to pay him for what work he has done in the way of photographic work.

Johnson then asked the witness if he made the "W" now on the black board, said he did. He was asked if he had made it just as it ought to be, said it was complete. Johnson then asked that the letter remain there just as it is. Had never given an opinion before coming here as to the note, said he had not.

If Wm. Murdock should come here himself, and tell you that he wrote this note, would you believe him. No sir! I would say: Mr. Murdock, either you are mistaken or you are lying. He considered handwriting and experting, an "exact science." Has a studio 410 Kearney street, and had a number of other places. The witness was rather too much for Grove L. Johnson, and he turned him loose like a hot potato, without being able to do much with him.

[illegible] C. H[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] compared [illegible] with [illegible] Fargo & Co's Bank [illegible] [illegible] known [illegible] [illegible] [illegible] [illegible] [illegible] for [illegible] years, being at different times [illegible] as an expert in a number. Every [illegible] case [illegible] not [illegible] number [illegible] it was [illegible] more than five hundred. Had [illegible] seen the note [illegible] December, 1895, and at the same time saw the deed of 1890. Had at that time [illegible] and the photographing of [illegible] at [illegible]'s gallery in San Francisco.

He had made a comparison of the disputed note with the genuine handwriting of William Murdock and found [illegible] ties and divergencies which had arrested his attention. One was a counterpart of the other. He said the signature to the note was a fabrication made from the "Wm" on the deed, and in form the identical.

He went to the enlarged exhibits on the board and with a pointer showed where there are differences in the two signatures, notwithstanding the [illegible] in form. Said there was a fluency and vigor in the signature to the deed while in the note there appears a "disc[illegible]" —shows hesitation and tremor.

In his opinion William Murdock did not sign the name on the note, but that it was a tracing. He stated that the note signature was compounded from the two deeds, one of 1873 and the other 1890, and not made up entirely from either.

"After an examination of the exemplars, admitted to be the genuine handwriting of William Murdock, coupled with my many years experience, I am of the opinion that William Murdock did not sign the note in question or any part of it."

CROSS EXAMINATION.

"I have no doubt in my mind that the note is "fabricated" from the deed of 1890. If a thousand men should come in and swear that Mr. Murdock made the note, in view of so large a number, I would say that I might be mistaken. I did give the attorneys a qualified opinion founded upon what I had seen, as to the validity of the note, and I am now thoroughly convinced that it is a tracing from the deed."

Witness said he was expecting to get $50 per day and his traveling expenses.

RE-DIRECT EXAMINATION.

"I do not believe my mind could be changed if any number of witnesses should come here and swear that Mr. Murdock did make the note. I do not wish to be understood as being dogmatic."

General Barnes here asked the court to take an adjournment as it was within a half an hour of the time and he was through with expert testimony and not quite ready to go into another branch of his case. Court adjourned until 9:30 a.m. tomorrow.

THE BULLETIN: SA[illegible]

CRAVEN CASE IN COURT AGAIN.

W. W. Foote and Judge Denson Before Judge Troutt.

Ask Permission to Intervene in the Trust Will Contest.

Petition Will Be Heard on Friday Week, May 5.

Counselor Billy Foote Is of Opinion That There Were "Greeks" on Both Sides of the Last Action.

The struggle of Mrs. Nettie R. Craven for a portion of the millions left by the late Senator Fair was renewed in earnest this morning before Judge Troutt, who has inherited the case as a legacy from Judge Slack, resigned.

Two petitions were filed on Mrs. Craven's behalf the other day. One asked the Court to grant the petitioner an allowance of $5,000 a month as the widow of the late Senator, the allowance to date from Fair's death in December, 1894. The other requested permission to intervene in the contest now pending by which Charles L. Fair hopes to set aside the final or trust will in the event of the Supreme Court not affirming the decision of Judge Slack eliminating the obnoxious trust clause by which the heirs are prevented from touching aught but the interest from their shares during the terms of their natural lives. Both petitions were signed "Nettie R. Fair."

It was the last named petition that came up before Judge Troutt this morning. Mrs. Craven was not present, but she was represented by Attorneys W. W. Foote and S. C. Denson. R. H. Mitchell appeared for two of the executors of the trust will, Thomas G. Crothers and James S. Angus. The remaining executor, W. S. Goodfellow, was represented by Garret W. McEnerney. Charles J. Heggerty appeared for Charles L. Fair.

W. W. Foote opened the ball with a formal request that Mrs. Craven's petition to intervene be granted. He said that Mrs. Craven claimed to be the widow of Senator Fair and as such she had a right to take a hand in the contest of a will which omitted to provide for her. Mr. Foote said his client was ready to proceed at once and he suggested that the other side had had time enough and more to prepare their case.

Mr. Mitchell, on behalf of his two executors, said he was ready to proceed at once.

Mr. McEnerney asked for a continuance. He said that he was busily engaged in the trial of a case in another department and had no time to give to other business.

Mr. Heggerty, too, thought a continuance might be granted. Mr. Fair was not ready to proceed just now.

Mr. Foote affected to be surprised that Charles L. Fair did not jump at his offer of assistance. "If your Honor please," he said, "we cannot understand why Mr. Fair and his attorneys should spurn our aid in this matter. Here we are, ready and willing to help them out and they ask for a continuance."

Mr. Heggerty said something about being afraid of the proffered assistance of Mrs. Craven and her legal advisers. As he put it, he was afraid of the Greeks."

"But the Greeks weren't all on one side as I remember," retorted Foote. "I think there were Greeks on both sides."

Judge Troutt agreed to defer the hearing of the petition until Friday week, May 5.

PRICE PAID TO GET WITNESSES

Interesting Point Inquired Into in the Murdock Case.

Depositions Offered Stating That Sum Expected Ten Thousand.

WILL HAS NOT YET BEEN ADMITTED

KYTKA DENOUNCES THE MURDOCK NOTE.

Last of the Expert Testimony Taken and Sensational Developments Are Expected To-Day.

WILLOWS, [illegible]

LOWS DAILY JOURNAL

WILLOWS, CALIFORNIA: WEDNESDAY EVENING, APRIL 26, 1899.

SKIFF TALKED

Depositions as to What He Said Offered in Evidence.

When court convened at 9:30 this morning the auditorium of the court room was better occupied than for several days past, to see what new features in the big case would be presented by the defendants.

The first witness was

WILLIAM H. [illegible],

who resides at Anderson, in Shasta county, but who for many years lived at Orland. He had, along about the time the note purports to have been given, been in the employment of Samuel and Gawn Murdock as farm hand and sheepherder. He didn't remember definitely the largest number of sheep possessed by them at any one time, but was sure it never exceeded 3,000. He remembered that Mrs. Murdock made a trip to Allen Springs in June or July. When asked as to who seemed to be running the sheep, replied that Samuel did. He remembered an occasion when Samuel came to his house in June or July of the year 1887.

When asked what Sam Murdock told him at that time, it brought forth a storm of objection on the part of plaintiffs, which was sustained by the court, after spirited argument.

Mr. Lusk then asked if he would be permitted to make an offer, to which Mr. Johnson had serious objections also; to any offer in the presence of the jury. He said it was an old trick of lawyers to make "offers" to prove things, which they knew they would not be allowed to do, but in that way get the things heard by the jury. Mr. Johnson said the proper way was to make the offer in writing and submit it to the court.

After considerable wrangling Judge Purkey ordered the Sheriff to conduct the jury to his chambers, while Mr. Lusk made his offer, as follows:

"We offer to prove by the witness on the stand, that either in the month of June or July, 1877, Samuel Murdock, father of Gawn W. Murdock, the husband of the plaintiff in this action, came to the house of the witness and stayed all night; that he told witness that he had been obliged to leave his home; that he and the plaintiff in this case, Mary Helen Murdock, had had a difficulty and that she had thrown his trunk and clothes out of the window, and that he had to leave; and that Gawn Murdock, her husband, told him that he would never have anybody around that place that would talk the way he had to his wife, and that he wanted him to leave and never come back any more. At that time Samuel Murdock wept bitterly and said that he felt very bad about it; that he owned half of that property and it seemed very hard to him to throw him out, and that he didn't know where he would have a home now.

"Defendants offer to show this for the purpose of contradicting the statement made by the other side that Samuel Murdock left the house at that time because of a difficulty with his son, Gawn Murdock, because of loaning of money by Samuel to William Murdock—purely a business difficulty. We want to show that he did not leave the house at that time by reason of the business difficulty at all, but because of a difficulty between Mrs. Murdock and himself, and also of the improbability of his summoning her back home to write that note, as they have said he did."

Mr. Johnson called the attention of the court to the fact that newspaper reporters were in the room, taking down this offer, and that it would appear in the papers, so that the jury would have nothing to do but to read it; and therefore he still thought that it should be submitted in writing. The court overruled the offer, Mr. Lusk reserving an exception.

Mr. Lusk then asked the witness if he had ever heard Samuel Murdock express himself with reference to his likes and dislikes toward T. J. Kirkpatrick.

Mr. Johnson succeeded in having an objection sustained.

Mr. Lusk then included in his former offer the the following:

"Defendant offers to prove by the witness on the stand that he worked off and on, on the ranch of Gawn Murdock for several years; he had frequent conversations with Samuel Murdock until the fall of 1877, in reference to T. J. Kirkpatrick. Whenever T. J. Kirkpatrick's name was mentioned he always expressed a dislike for him and said that he had had a difficulty with him over a piece of land and that Kirkpatrick had beat him out of it. He had met him right on the disputed line and called him a s— of a b—, "and I would do it again." Whenever he spoke of Kirkpatrick he referred to him as a s— of a b—. He never used any such names with reference to any other of his neighbors. He always, in speaking of him, expressed a strong dislike for him and always applied opprobrious epithets to him."

Mr. Lusk in his argument said he offered this testimony to contradict T. J. Kirkpatrick, wherein he swore on the stand that he and Samuel Murdock were always good friends and never had any trouble in all their lives.

The court ruled out the offered testimony, and Mr. Lusk saved an objection.

The witness was turned over to attorney Johnson for cross examination. Several questions were asked which were clearly for impeachment purposes. Asked where he had been stopping, replied he had been in Chico. He met Abb Merrill and Mr. Lusk and talked.

Q. Did you tell James Skillman on the train yesterday that you had been kept in Chico for twenty days, and that you were not allowed to show up on the streets except at night, and that Lusk said he would not lose what you knew for $500, and that you were to meet Abb Merrill on the arrival of the down train, and that you were to get $100, and that you were in the case for money, and would be on the side that paid you the most?

Witness said he could not remember making any such statement.

He was pressed, over and over, by attorney Johnson for an answer as to whether he made the statement but to the best of his knowledge did not think he made any such a statement. He was asked if he made such a statement to Mr. Skiff and he said he did not remember speaking to Mr. Skiff at all, and to the best of his knowledge, he had not made the statement, and that was as strong as he was willing to make it.

Did you on April 25th—last evening, on the street of Willows, in front of Putman & Walker's drug store, say that you were a witness in this case, and that you had just got $100, and $200 more was coming, that Lusk had told you to stay here, that you were going to shear sheep in Montana, but that you could make more money being a witness in this case? A. No sir.

In the re-direct examination the witness stated to Mr. Lusk, that he had received a few dollars from Abb Merrill for expenses here, and had received $20 from him (Lusk) in Chico last Saturday, and that he had been promised as compensation, just what he could earn shearing sheep, and expenses going and coming.

Abb Merrill was called and related a conversation he had had with H. A. Skiff at San Luis Obispo. Asked if at that time Skiff told him (Merrill) that he did not know anything about the note until about two weeks after the death of "Uncle" Sammy, replied that he did, in words and substance, to that effect. Skiff further said that Mrs. Murdock ought to give him a nice present if she got the property, and this was on February 5, 1895.

The deposition of S. Q. Grufford was then read by Mr. Lusk. He is a resident of the State of Washington, having been an employe on the ranch of G. W. Murdock in former years, for a great number of years off and on, ever since he was a small boy, but never knew of Wm. Murdock being on the ranch of G. W. Murdock nor ever heard of his being there. Was sure that if he had ever visited the place, he would have known it. Skiff read him a letter which he had received from Mrs. Murdock and had a conversation with him in reference to being a witness in the Murdock case. He said she wanted him to be a witness and he would make a good thing out of it, and said he would not go for less than $10,000. He said that in the spring of 1894 he remembered quite a number of visitors who had visited the Murdock ranch, but never of Wm. Murdock visiting the place. He was sure he would have known it if he had been there, unless he came and departed in the night. "I received a letter from Mrs. Murdock at one time enquiring Mr. Skiff's address, but after that Skiff received letters from her. She asked him in the letters if he remembered what he had promised her once that he would do for her. He told me not to say anything about that when he read the letter to me. He said he would not go for less than $10,000."

The next on the programme was a deposition of Peter Bryan, also of Washington. H. A. Skiff had told him that he expected he would be a witness in the Murdock note case and would get $10,000 out of it.

Mr. Lusk then read a deposition made by H. J. Rizeor also of Washington. Skiff had lived with him during the winter of 1893. Said he had heard him speak of the Murdock note case very often. He said that Mr. Skiff always spoke of "this woman" and was expecting a letter from her as he had written to her.

He afterward stated to deponent that he had received the letter he was expecting from "this woman." Said he would make a big stake out of it. Deponent did not remember the amount mentioned, other than it was a large sum; and if he did not get as much out of one party as he wanted, would go to the other; that he might get what he could out of both sides and "skip out". Said that Skiff was a man who became intimate on short acquaintance and told him all about his business from time to time, but that he paid little attention as it did not in any wise interest him. After the reading of depositions, the next witness called was

HANS MURDOCK

a brother of deceased William Murdock. Very few questions had been asked when Mr. Johnson raised an objection to some question of relationship.

Mr. Lusk then asked for the will of William Murdock and offered it in evidence. He said that the will had been received and probated in this court, and he had a right to put it in evidence, and to use it for every purpose. Mr. Johnson warmed up to the subject and went after his opponent red-eyed. He said there was never a court on the face of the earth, that allowed self-serving declarations to be given in evidence, will or no will.

Court adjourned to 9:30 tomorrow, when the matter will be decided.

HOT SHOT FOR WITNESSES.

Impeachment Proceedings in the Murdock Trial.

ATTACKS ON TESTIMONY GIVEN FOR BOTH SIDES.

PERJURY ALLEGED BY COUNSEL FOR PLAINTIFF AND DEFENDANTS.

Attempt to Show That Much Bitterness Existed Between Samuel Murdock and Mary H. Murdock.

Special Dispatch to the "Chronicle."

WILLOWS, April 25.—Impeachment proceedings have characterized the hearing of the big Murdock note suit to-day. Attorneys on both sides have repeatedly declared that the conflicting statements of witnesses would lead to sensational developments, and the eager crowd in attendance has seen the prediction fulfilled. Grove Johnson fired hot shot into the defendant's first witness to-day and Attorney Lusk returned the compliment by bringing four men in an effort to prove that one of the plaintiff's strongest witnesses had sworn to a lie.

The positive but tedious testimony of the experts ended yesterday, and W. H. Burnight was called by the defense this morning. Burnight is now a resident of Winthrop, Wash., but he lived in this county for many years and handled sheep for Sam and Gawn Murdock about the time it is claimed the note was given. Burnight said that Sam Murdock came to his house in July, 1877, after leaving Gawn's home, and told his grievance. The Court sustained an objection to the witness repeating Sam's statement.

Lusk wished to get his offer of proof on the record and the jury was excluded from the courtroom. The defense then offered to prove that Sam left his son Gawn's house because he had had trouble with his daughter-in-law, Mary Helen, who threw his trunk through the window, and that Sam had left weeping and broken-hearted and declaring he should never speak to the plaintiff again. The defense wanted to show the improbability of Sam's summoning the plaintiff to draw up the note, as she claims he did. The defense also offered to prove that Sam and T. J. Kirkpatrick, the old Justice of the Peace who testified that Sam made an affidavit of the note before him, were enemies; that Sam claimed Kirkpatrick had cheated him out of land and that Sam never spoke of him without a curse.

Grove Johnson wanted the reporters excluded so Lusk's statements should not reach the jury through the newspapers, but the newspaper men were allowed to remain. On cross-examination Johnson asked Burnight if he knew James Skillman. The witness replied in the negative, but recognized Skillman when he stood up in the courtroom. The attorney asked the witness if he told Skillman on the train yesterday in the presence of John Clark that he had been kept in Chico twenty days, that he was only allowed to "show up" at night, that Lusk said he would not lose his testimony for $500, that Lusk would not have him tell what he knew for the plaintiff's side for $500, that he had been paid $100 and was to receive $100 more for testifying that he was in the case for money and would be on the side which paid him most.

[illegible] that he [illegible] another [illegible]

At [illegible] Lake [illegible] W [illegible]

The defense [illegible] H. A. Skiff [illegible] the plaintiff's [illegible]

[illegible]

Lusk [illegible] after [illegible] the three depositions [illegible] in the State of Washington [illegible] S. Q. Grufford [illegible] Witness H. A. Skiff told him in Washington State in 18[illegible] that [illegible] had summoned him [illegible] he was to receive [illegible] Skiff declared that he would return to California for a smaller sum.

By deposition Peter Bryan [illegible] that Skiff told him he [illegible] that it was a dangerous [illegible] that he would [illegible] $10,000 which [illegible] had [illegible] the plaintiff.

The deposition of H. J. Rizor was that Skiff told him that if he [illegible] not get what he [illegible] from one [illegible] he would try the other, or he [illegible] take money from both sides and skip out.

DAILY PROMOT[illegible]

[illegible]

WILLOWS, CALIFORNIA, TUESDAY, APRIL 25, 1899.

KYTKA GIVES DETAILS

The Expert Goes Into The Minutae of The Pen Strokes Which Attach William Murdock's Name To The Note.

Expert George C. Hickok Called To The Stand.

The cold, weather materially affected the attendance at the Murdock trial this morning. When Judge Pirkey took the bench hardly a dozen spectators were in the courtroom.

Expert Kytka continued on the witness stand. He began by stating that the line under the "m" of the "Wm" on the deed of 1890 did not begin with a sweeping downward curve, while in all other acknowledged signatures, and the note, it does. This feature was inspected under the microscope, as were a [illegible] of 1892.

Mr. Johnson objected to expert Ames being allowed to inspect the exhibits as being a needless consumption of time.

Witness stated the line under the abbreviation on the note begins with a heavy pressure of the pen, which on the deed the beginning of the line is very fine. Another trip to the microscope followed.

In reply to General Barnes, witness stated that there is no part of the note signature which does not show a ragged edge, hesitation and stops. He said there was no free hand writing in the signature.

General Barnes handed witness a check for identification. Witness said that it bore a fictitious signature made by himself by tracing from another signature over glass. Mr. Johnson objected to its being introduced in evidence, citing cases bearing on the point and addressing the Court at length on the proposition. General Barnes soared into the ethereal in a lengthy reply, and cited other cases. The Court sustained the objection and the tracing was not admitted in evidence.

Expert Kytka had brought into Court an apparatus consisting of a frame, glass, cords, etc., and General Barnes offered to have him make a tracing of the "Wm" of the deed of [illegible] that any [illegible] the same and [illegible] used in the note signature. Mr. Johnson objected to the proceeding and the Court sustained the objection.

Witness stated that the line under the abbreviation on the note had been traced after the second stroke of the capital "W" was [illegible] claimed that this was evident [illegible] the heavy line of the pen [illegible] second stroke of the "W" [illegible] those of the line drawn under [illegible] viation. The glass was called [illegible] for the Court and jury.

Witness stated that the two dots under the abbreviation were each made in two pieces, each dot exhibiting two marks of the pen.

AFTERNOON SESSION.

When Court convened this afternoon Judge Pirkey requested General Barnes to move along a little faster with the expert testimony. The attorney replied that he was doing his best and if greater haste must be made someone else would have to take charge of his case.

Expert Kytka measured the first down stroke of the capital "W" on the note and the same stroke of the deed of 1890 with a pair of dividers and stated that on the photographs enlarged 150 times there was a difference of only one-sixteenth of an inch in the length of the two. Witness measured the "Wm" of the note and that of the deed diagonally and stated that the difference in length was infinitesimal. Measured across the top, witness stated the two abbreviations [illegible] the "Wm" to be exact [illegible].

Witness stated that the note signature [illegible] the [illegible] together. [illegible] thousand and [illegible] were [illegible] which [illegible] had been [illegible]. [illegible] were [illegible].

In answer to General Barnes, the witness [illegible] the "Wm" and the "Murdock" [illegible] were written by William Murdock. The "Wm" he [illegible] is a tracing of that of the [illegible].

"William Murdock [illegible] write a one [illegible] signature," said the witness.

Cross-Examination by Mr. Johnson.

Witness stated that he was 3[illegible] years of age, [illegible] California since 18[illegible]. He [illegible] as artist on the Chronicle. Witness believed himself a composite photographer.

Witness stated that a clever photographer might photograph part of a signature and paste it with part of another signature so that it would appear to an inexperienced person to be a picture of only one signature. Witness stated an expert would quickly discover the deception. Witness explained all about composite photographs, but declared that shading and patching of signatures could not be done by a photographic process.

Witness stated that he had been in a case with expert Ames before and that they had disagreed on a signature.

Witness stated that he had no [illegible] contract with defendants, but that he expected to be remunerated.

Mr. Johnson and the witness had a long colloquy over the [illegible] question which kept the spectators holding their sides with laughter.

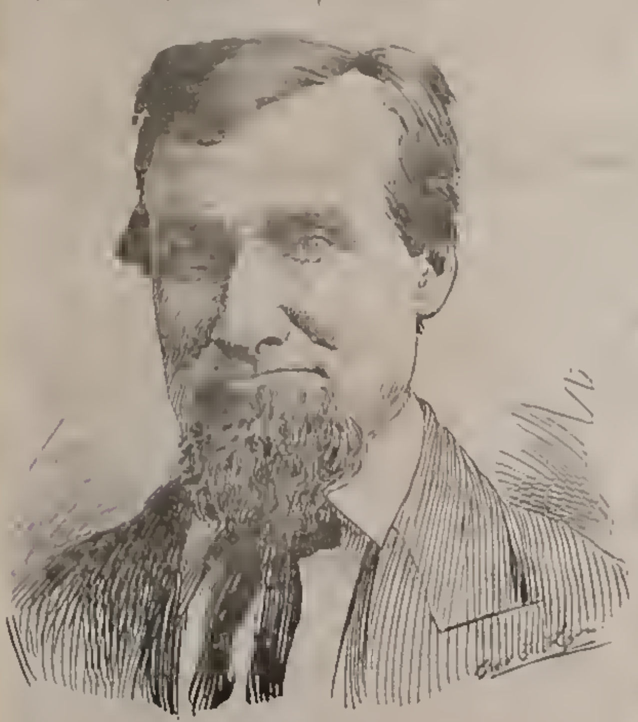
Witness said his large blackboard drawing of the "Wm" of the note was correct, and Mr. Johnson offered it in evidence.

[illegible] 70 closer photographs were handed witness by Mr. Lock.

Witness would prefer to believe that he was not [illegible] rather than to believe that the signature of the note was written before the deed of 1890.

If [illegible] men said they saw Wm Murdock sign the note he would not believe it. If Wm. Murdock himself came into the Courtroom and said he signed the note, witness would say to him, "Mr. Murdock, you are either mistaken or a liar. You have not the ability to make that signature."

Witness believed experts should not disagree on forgeries where the work is clumsy or very artificial.



WILLIAM MURDOCK,

Whom Mare Helen Murdock Claims Gave Her The $100,000 Note. The Tintype From Which This Picture Was Made Was Found Among Murdock's Things After His Death Five Years Ago And Preserved By His Sister, Mrs. Compton. It Is Said That The Picture Will Figure At The Trial. This Cut Is Furnished Through The Courtesy Of The Chronicle.

THE CARTOON AS A MORAL WEAPON.

[illegible]

[illegible] cartoon is a moral weapon. The pencil [illegible] where all words fail. It [illegible] not only to the public but to the [illegible] itself. It is the [illegible] to express [illegible] and [illegible] that even [illegible] them in [illegible].

A free press charged with the [illegible] from [illegible] all who practice [illegible] of [illegible]. The only reason [illegible] right and [illegible]. It is a violation of the [illegible] rights of the press. The Call will [illegible] the pen to cartoon [illegible] all kinds and [illegible] by [illegible] and [illegible] power or position in the State. It [illegible] the potent [illegible] of the cartoon as a moral weapon and will not lay it down [illegible] there is a battle to be fought for virtue and honesty in California.

[illegible]

The San Francisco Chronicle [illegible] The brilliant stand taken yesterday by the Chronicle against the [illegible]. The Chronicle [illegible] a meed of praise [illegible].

THE Sunday Edition CALL

SAN FRANCISCO, SUNDAY, MAY 7, 1899.

MAMMY PLEASANT: ANGEL OR ARCH FIEND IN THE HOUSE OF MYSTERY?

Auctioning Off Mammy Pleasant's Services as Cook.

get a million, half or all of which she herself would finally obtain. Her friends say it was friendship untainted by [illegible] motives that prompted her.

Until Mr. Bell's sudden and mysterious death about seven years ago Mammy's position in the Bell house [illegible] never questioned.

Fred Bell, the eldest son, first took the [illegible] between his teeth and chafed under the high hand with which "Mammy" held the household reins. The other children and Mrs. Bell sided with Mammy.

The Bells became financially embarrassed. Where was the money going? People said that "Mammy" was giving it with lavish hand to her innumerable proteges and retainers. It was even whispered that she could tell something of a hand that [illegible] Thomas Bell in his fall over the banisters which resulted in his death.

When several years later Fred Bell was found with a crushed head at the foot of the stairs in a house of one of Mrs. Pleasant's retainers, the accusing finger was again uplifted. Fred Bell himself was too much under the influence of liquor to remember how the accident happened.

After the trial last year the court ordered that the four younger children be sent to boarding school. Marie, the eldest daughter, returned to the "house of mystery" with her mother and Mammy Pleasant. What happened [illegible] known, but one day Marie packed her things and went to live with friends. Since that day she has never seen or spoken to her mother. But she remained as completely under Mammy's control as though they were under the same roof. Mammy saw her constantly and is thought to have used her influence with both Mrs. Bell and Marie to widen the breach between them.

To-day the inmates of the "house of mystery" are scattered to the four corners. Mammy Pleasant is living in one part of the city, in still another lives Marie Bell.

In a flat out near Golden Gate Park Fred Bell is keeping house with his young wife. The other children are at school. Only Mrs. Bell, with a blind old man to wait upon her, remains in the "house of mystery."

If Mrs. Pleasant has property or money she has [illegible] it under other people's names. Hers is not the greed of accumulation, it is the greed for the power of distribution and expenditure. If she has ducats hidden away they are down so deep that not even the

Auctioning Off Mammy Pleasant's Services as Cook.

In 1850, when the ship arrived in port which brought Mammy Pleasant and other passengers around Cape Horn, the wealthy merchants and miners rushed to the water front to engage her services, as she was heralded as one of the great Southern cooks. So many gentlemen wanted her she thought it only fair that they should bid for her services and she would work for the highest bidder.

So the bidding began, while Mammy stood on the deck with folded arms and placidly looked on while the figures ran up into the hundreds. Finally the sum reached $500, and everybody seemed to think that was about fair pay per month for a cook, even if she was the best one that ever came out of the South.

But Mammy had her own ideas of the value of her services, just as she had on so many occasions afterward.

"There's to be no washing," she stipulated. The delighted purchaser of her services nodded.

"Not even dish washing," she added. Another nod of acquiescence.

But when the lucky bidder offered at once to escort her with becoming pomp to his bachelor's quarters and install her as goddess of the cook stove Mammy suddenly folded her arms and calmly announced that she had changed her mind. She declared all bids off and said she'd take time, think the matter over and would let them know later what she proposed doing.

THE "house of mystery" has lost its most mysterious character. "Mammy" Pleasant and Mrs. Bell have separated.

For the first time in twenty years greedy ears and prying eyes have been rewarded. Curious neighbors have at last had a peep behind the shroud of mystery that has settled like a pall over the Bell home, on the corner of Pine and Octavia streets.

Mammy Pleasant's exit was in keeping with her role of the most mysterious mystery in the house of mysteries. She did not leave in gaudy daylight, nor yet under the shadow of black night, but in the dusk, which, according to any and every yellow-back novel, is the hour of hours for weird scenic effect.

She did not announce her departure to the neighbors in the approved "blue-book" manner. Instead, they heard a voice that rang harsh on the night air despite the soft southern accent, "Let me out! Let me out! Mrs. Bell has locked me in her room! Let me out!"

Silhouetted against the topmost window of the "house of mystery" was the figure of Mammy Pleasant.

A few moments and the big doors swung open and Mammy Pleasant walked down the stairs, escorted on either side by a policeman. In the selfsame bonnet and plaid shawl which she wears in fair weather and in foul, to millionaire's palace and to pauper's hovel, with head erect and gliding step she left the house where for twenty years she has been the dictator.

The officers of the law, having performed their duty in removing her from the house, allowed Mammy to take her way unescorted.

Long before she reached the home of her friend, Mrs. Ferry, on Webster street, the lights had been put out, the shutters drawn, and the "house of mystery" had relapsed into its usual impenetrable aspect.

"Mrs. Bell and Mrs. Pleasant have quarreled," say the uninitiated.

"Mrs. Bell and Mrs. Pleasant have simply separated," say the initiated.

"Mammy Pleasant has lost her influence over Mrs. Bell," affirm the disinterested.

"Mammy Pleasant is using her influence over Mrs. Bell," assert the interested ones.

"Mammy Pleasant has played her last card," say the wise ones.

"Mammy Pleasant is playing her trump card," protest the wiser ones.

Only time can decide which is right. Perhaps Mrs. Bell and "Mammy" have really quarreled. But more likely they have seemingly separated at Mammy's instigation and for a purpose. As one of the wiser ones explained it: "You see creditors are anxiously and eagerly eying the estate with a view to the payment of their bills. Mammy Pleasant denies that she ever ordered the goods charged. Mrs. Bell declares that she never received any of them. As purchaser and receiver of the goods they are equally responsible for the debts. But they refuse to assume either of these titles, nor does Mrs. Bell accuse Mammy of being both purchaser and receiver. They disclaim any responsibility in the matter. And their denial smacks more of being genuine when they are supposed to be strangers and enemies and no longer warm allies."

So there are those who thus interpret Mammy's last move. They will not believe that her influence over Mrs. Bell has waned. They ascribe her forcible ejection as a clever guise to give the affair a realistic air and to satisfy Mammy's love for the spectacular.

On the other hand there are those who believe that Mrs. Bell has finally awakened to the fact that she has been as putty in Mammy's hands, that the evidence offered at the trial last year took root in her mind and that Mammy's dismissal is the result.

At that trial Fred Bell endeavored to prove that Mrs. Bell was incompetent to manage the estate or to have charge of the Bell children. The family skeleton was dragged into full light for the public eye.

Charges and counter charges were made. Mammy Pleasant was accused of being a black leech who had fastened herself on the Bell money sack until it was as dry as a sucked orange. Mrs. Pleasant was held up as the faithful black "mammy," who was constant to the end, whose hand went deep into her private pocket that her mistress might have luxuries. She was pictured as a black crook, a heartless wretch. She was painted whiter than the lilies of the field, as kind as the angels of mercy.

The Bell family, save Fred Bell, saw naught but shining virtues in Mammy despite evidence calculated to make them think to the contrary. The door of the "house of mystery" was barred to the oldest son of the house of Bell. The latchkey was re-entrusted to Mammy. In fact she had not even during the trial relinquished any of her rights as dictator.

Until her departure last week it was thought that Mrs. Pleasant would reign as absolute monarch until the end. Those who know her best still think her power is supreme. Even Fred Bell, who has been readmitted to his mother's presence since Mammy's departure, is doubtful as to the genuineness of the quarrel.

Mammy Pleasant's last experience, real or studied, is a fitting climax to a life that would seem impossible even between the covers of a book. She came to California in '50. There was a price on her head in the South and she wanted to get as far away from home as possible. Her connection with the "underground railway" was an established fact and planters whose slaves she had helped cross the border to the free North demanded her life as a recompense.

In the early fifties "a ship coming in through the Golden Gate" was a far rarer and more welcome sight in San Francisco than a gold nugget. So when the vessel on which Mrs. Pleasant was a passenger rounded Cape Horn put into the harbor all of tent-covered San Francisco was there to welcome it.

When the rich merchants, richer miners and good livers in town heard that there was a colored girl on the vessel and that she was "one of the greatest cooks that ever came out of the South" there was an excited and tumultuous scramble to engage her services. Tom Bell, Bill Sharon and a lot of other wealthy men held out well-filled wallets as a bonus. But shrewd Mammy Pleasant held back, so many gentlemen wanted her she thought it only fair that they should bid for her services and she would work for the highest bidder.

So the bidding began while Mammy stood on the deck with folded arms and placidly looked on while the figures ran up into the hundreds. Finally the sum reached $500 and everybody seemed to think that was about fair pay for a cook, even if she was the best one that ever came out of the South.

But Mammy had her own ideas of the value of her services, just as she had on so many occasions afterward.

"There's to be no washing," she stipulated.

The delighted purchaser of her services nodded.

"Not even dish washing," she added.

Another nod of acquiescence.

But when the lucky bidder offered at once to escort her with becoming pomp to his bachelor's quarters and install her as goddess of the cook stove Mammy suddenly folded her arms and calmly announced that she had changed her mind. She declared all bids off and said she'd take time, think the matter over and would let them know what she proposed doing.

As she was the only cook that had come to town on that vessel the crestfallen millionaires, nabobs of provision houses and land-burdened philosophers were obliged to wend their ways sadly homeward or across bits and wait for the autocrat of the cook stove to make up her mind.

Mammy took a room in town. Next day the plutocracy of the town were informed by note that the new cook had determined to open up a boarding-house so that not any one particular man could monopolize her table dishes, but all good men could enjoy them.

Twice in the years that followed Mammy Pleasant moved her house. Some of her clientele had lost their money, others had doubled and trebled their fortunes. They had become prominent in business or in the affairs of state. Whether they had married or remained single they came to Mammy Pleasant for advice. [illegible] no other woman in this state has ever had the confidence of so many of its prominent men, and no other woman has ever helped in the expanding and concealing of so many family skeletons.

People marveled at her intelligence and at the total lack of the usual characteristics of her race. Her skin was as black as ebony, but her features were not those of a negress. Many said that she was half Indian and she never denied it. There was none of the cringing, whining slave about her. She dictated to every one who came in contact with her.

In those days Mammy's chief delight was matchmaking. Thomas Bell was interested in a protege of Mrs. Pleasant's. That that protege was already provided with a husband did not discomfort Mammy. The first incumbent was given his walking papers and Mr. Bell, with

The Last Scene in the House of Mystery.

Mammy Pleasant ordered out of the house where she had controlled affairs for over twenty years. During that period so many remarkable and mysterious events occurred there that the place acquired the title of the "House of Mystery."

a marriage license, undertook his duties. Half a dozen others were likewise [illegible] by Mammy.

Then Cupid growing shy Mammy gave up her place and moved her household goods to another quarter. All sorts of [illegible] rumors [illegible] It was [illegible] that Mrs. Pleasant [illegible]

After a year or two Mrs. Pleasant went [illegible] as housekeeper in the home of Thomas Bell. She took [illegible] charge of the domestic affairs [illegible] Mr. and Mrs. Bell [illegible]

[illegible]

to [illegible]

lawyers can find them. The general belief is that she has dissipated into thin air not only all her own money, but almost all the money entrusted to her by other people.

"Mammy Pleasant has the evil eye," said a man who has known her long and well. "Every one who has ever [illegible] has met with [illegible] and misfortune. [illegible]

[illegible]

[illegible] of mystery."

EVICTION OF "MAMMY" PLEASANT FROM THE "HOUSE OF MYSTERY" MAY UNCOVER SOME SECRETS.

"MAMMY" IS HOMELESS.

Mrs. Pleasant Thrown Out of the Bell Mansion.

POLICE ASSIST IN THE EVICTING PROCESS.

STRANGE POWER OVER MRS. BELL HAS BEEN BROKEN AT LAST.

Some Stirring Sensations Promised as a Result of the Quarrel Between the Two Women.

At last the strange alliance that has existed for many years between Mrs. Bell, the widow of Thomas Bell, and "Mammy" Pleasant, has been broken. The rupture may lead soon to the uncovering of some of the secrets of the "House of Mystery" at the corner of Bush and Octavia streets.

The story of Mammy Pleasant's power over Mrs. Bell and the manner in which she has held her in subjection ever since the mysterious death of the old millionaire, Thomas Bell, has been told many times. A year ago in Judge Coffey's court many reliable witnesses testified that "Mammy" not only transacted all the business of the household, but that she had to be consulted before any member of the family was allowed to stir out of doors. Mrs. Bell's visit to the courtroom was her first appearance in public for over two years, and she gave such visible evidence of being completely under the control of the old negress that Judge Coffey took steps to minimize "Mammy's" influence and to convince Mrs. Bell that she ought to act as a free agent. Notwithstanding this and the great mass of testimony that was presented at the time to prove that the Bell estate was gradually slipping away into the hands of half a dozen of "Mammy's" retainers, her hold remained apparently as great as ever at the close of the case, and she continued to remain in charge of the affairs of the family and kept a tight hold on the purse strings till a few weeks ago.

Mrs. Rebecca Boone, wife of a colored barber, and one of "Mammy's" particular proteges called at the house one afternoon at the end of last month and asked for Mrs. Pleasant. "Mammy," forgetting the time of her appointment, was not in, but when Mrs. Bell found who was at the door she sent down word for the visitor to wait a while for the housekeeper's arrival. In the meantime she dressed herself hurriedly and went down stairs confronting the astonished Mrs. Boone telling her that she had at last decided to probe "Mammy's" doings to the bottom, and warning her that she would better answer truthfully all questions put to her on that score.

It has been Mrs. Boone who, according to "Mammy," has been lending the Bell estate money at various rates for the last three years.

"How much do I owe you, Mrs. Boone?" asked Mrs. Bell. "I want to know the truth."

"Why, you have never owed me a cent," she replied.

The astonished Mrs. Bell at once told her visitor all the tales that "Mammy" had regaled her with.

"They are all lies," said Mrs. Boone, calmly, "every one of them."

Mrs. Bell is not quick in her judgments. Though it was thought that the testimony in court had had no effect on her she had been slowly revolving it in her mind for nearly a year. Mrs. Boone's confession confirmed her suspicions, and when "Mammy" returned to the house she found the woman who had always been her pliant tool enraged and up in arms against her. From that time to last Saturday scenes of recrimination were of daily recurrence. Then things got to the boiling point.

Despite "Mammy's" pleadings and threats, Mrs. Bell not only refused to listen, but ordered her out of the house of which she had for so many years been the real head. Mrs. Pleasant indignantly refused to go, and then her mistress telephoned to the North End Police Station for officers to eject her. Sergeant Anderson and Patrolman McNamara responded to the call, and "Mammy" was promptly shown to the door. She took away with her a telescope basket containing a few clothes. Mrs. Bell would not allow her to take the rest of her wardrobe, claiming that none of it really belonged to her.

"Mammy" took refuge with Mrs. Ellen Ferry, who lives in the upper flat at 2107½ Webster street. She has been there ever since, thinking out a plan by which she may triumph over her enemies. In all the years that have rounded out her remarkable career in this city "Mammy" has never before met with a defeat, though in that time courts, attorneys and police have all measured their strength with hers dozens of times.

When she was seen yesterday "Mammy" refused point blank to say a word about what she intended to do.

"Notwithstanding the way this woman has treated me lately," she said, "I will not say a word against her till she starts active operations on me. Then something will happen. I believe the poor creature is out of her head, and feel pity for her on that account. I feel for her condition as if she were my own daughter."

When it was pointed out to "Mammy" that Mrs. Bell's firm stand in defense of her rights during the past few weeks savored of anything but insanity she folded her arms, assumed a determined look and announced that she was well armed against all attacks and that her enemies could do their worst. Then she told the reporters that if she had any statement to make she would send for them. She has been telling reporters that for twenty years.

Mrs. Bell has kept close to the house since the affair of Saturday. She says her nerves are so upset from pondering on the wickedness of "the dreadful old ogress" that she wants to say as little as possible about her. She is convinced, [illegible] that [illegible] has been [illegible] and on the return [illegible] Potter Ashe from the East next week she will begin a [illegible] through [illegible] thing [illegible] the wreck.

If she [illegible] are likely [illegible] It has [illegible] for a long time that [illegible] the house has [illegible] that has not yet been [illegible] of Thomas Bell and [illegible] Fred [illegible] life. Freed from the [illegible] influence of "Mammy," Mrs. Bell and the children will now [illegible] signatures have been [illegible] heavy notes [illegible] the taking away of grand pianos, valuable [illegible] statues and rugs to satisfy the alleged [illegible] of Mrs. [illegible] of the amount of money that has been supposed to have been [illegible] by "Mammy" to attorneys in the last five years.

In September of 1897 the Chronicle made public the relationship existing between "Mammy" and Mrs. Bell. The latter declared at that time that she had been brought up by Mrs. Pleasant, that she was the orphan child of fabulously wealthy people in Louisiana and that "Mammy" was the guardian of all her estates. It was the old woman's habit from [illegible] to bring her notes for sums ranging from $1000 to $25,000 signed by Mrs. Bell, telling her that this money had been [illegible] out of the Louisiana estates. Mrs. Bell confessed that all she knew about the Louisiana property had been told her by "Mammy." She did not know where she was born nor who her relatives were. It developed afterward that most of this money had come out of Mrs. Bell's own funds, which were deposited in the Donohoe-Kelly Bank in "Mammy's" name, though Mrs. Bell all the time believed herself to be bankrupt.

The Contest Over Fair's Estate.

The application of Mrs. Nellie R. Craven-Fair for leave to intervene in the contest of the trust will of James G. Fair was before Judge Troutt yesterday. Daniel McEnerney, one of the attorneys representing the trustees appointed by this will, and Attorney Charles Heggerty, representing Charles Fair, who instituted the contest, asked for a continuance. Attorney W. W. Foote, who appeared for Mrs. Craven-Fair, opposed a postponement, but after an argument he said that he would not oppose a continuance for two weeks if Heggerty would promise that in the meantime the opposition of Charles Fair to the will would not be dismissed. The promise was given and the matter was set for hearing on May 8th. The attorneys for Mrs. Craven-Fair desire that she have permission to become a party to the contest, so that she can prevent its dismissal and thus avert the distribution of James G. Fair's estate under that will.

THE MURDOCK CASE DRAGS.

Judge Asks That All Evidence Be In Next Week.

WILLOWS, May 6.—Testimony bearing directly on the circumstances as to the plaintiff's possession of the $10,000 note was the order in the Murdock case today. Expert Kytka was recalled for the defense and a negative of a photographic copy of the back of the note was admitted and marked, as was a print from the negative. Attorney Lusk then resumed the reading of the deposition of the San Francisco real estate agent C. S. Young, where it was interrupted by yesterday's adjournment. The questions and answers read bore on the acquaintance of Mary Helen Murdock and deponent.

Deponent also stated that Senator Stewart of Nevada, Colonel A. G. Ellis of Salt Lake City and ex-Senator C. W. Cross of San Francisco had told him as attorneys that the note was not worth anything and could not be collected. An objection was sustained as to the depositions of Senator Stewart, Colonel A. G. Ellis and ex-Senator C. W. Cross. These depositions referred to matters mentioned above in connection with the deposition of C. S. Young. Judge Ficket requested the attorneys to have all the evidence in by the end of next week if possible. The court adjourned until Monday morning.

WARM CORNER FOR "MAMMY"

Insolvency Proceedings Are Taken Against Her.

CHARGE OF PERJURY IS ALSO PENDING.

A LAPSE OF MEMORY THAT MAY COST HER HER LIBERTY.

Swore in an Affidavit That She Owned Belliane Ranch After She Had Sold the Property.

"Mammy" Pleasant is getting ready for the biggest and hardest fight in her stormy career. Her creditors have been so numerous [illegible] and they have [illegible] opportunity to attack her in the open. Concealed in one of the numerous corners of the Bell mansion guarded by half a dozen butlers and safe in the confidence of the members of the family, officers of the law found themselves blocked and powerless whenever they had any legal papers to serve on her. But now that "Mammy" has been forced to take up her abode in a modest flat, her connection with the Bell family entirely disrupted and Mrs. Bell, for many years her willing and pliant assistant, breathing vengeance against her, she has become both vulnerable and accessible.

The attorneys for those who have been ridden over roughshod by "Mammy" for a long while, have not let any grass grow under their feet. Yesterday they appeared in Judge Troutt's court, and on behalf of a long list of creditors asked that she be placed in insolvency, naming three statutory grounds for such proceedings. These grounds are, first, that she has for a long while concealed herself for the purpose of evading legal service; second, that in several transactions she has shown every intent to defraud her creditors, notably in the case of the transfer of the property known as the Belliane ranch, and third, that she has willfully suffered judgment to be taken against her by default.

In addition to the $[illegible] worth of claims represented by these creditors bills against Mrs. Pleasant aggregating $21,000 are held by various tradesmen in the city. All these will be joined in the petition for insolvency. Other accounts aggregating about an equal sum are known to be outstanding.

Neither "Mammy" nor her attorney, H. M. Soto, appeared in court yesterday when the case was called. Judge Troutt immediately placed it on the calendar for the first thing this morning and instructed the attorneys for the petitioners that both parties would again be notified to be present. If they are not the case will proceed anyway.

Attorneys S. J. Lazarus, Naphtaly, Freidenrich & Ackerman, Vogelsang & Brown and O. I. Wise represent the creditors. They are determined to bring "Mammy" into court no matter what steps they have to take to do it, and claim that when she gets into the witness box she will have a hard time in clearing herself from several grave charges that will be laid against her.

The principal one of these is the accusation in the petition that the old negress, having a lapse of memory at an inopportune moment, signed an affidavit which proves her to be guilty either of perjury or fraud. This was one of the few occasions on which she ever overreached herself. The story is an interesting one.

In the beginning of last year creditors began to crowd thick around "Mammy" and were taking steps to seize the famous Belliane ranch in Sonoma county, which stood in her name, when she produced and placed on record a deed dated September 25, 1895, making the property over to Mrs. Bell for an alleged consideration of $20,000. The creditors were greatly chagrined and threw out all sorts of charges about the whole thing being a fraud to defeat their claims, but they could prove nothing.

Later on, however, it was discovered that one day in June, 1897, the Sheriff had attached Mrs. Bell's [illegible] property in the case of [illegible] against Bell, and that "Mammy" had appeared at the Sheriff's office on the following day anxious to secure a bond for the release of the attachment. She then made an affidavit, a certified copy of which is now in the hands of the attorneys for the creditors, swearing that the Belliane property belonged to her.

"Mammy" will have an interesting time in her attempt to prove her innocence. One of the attorneys in the case said yesterday that it was hard to tell what she might do to try to get out of the mess. "In all probability she will come into court and swear that she believed the paper she signed was a subscription list for the relief of the Armenians."

It is estimated that the Bell estate has lost fully $[illegible] worth of property in the last six months. A Santa Barbara ranch of [illegible] acres appraised at $[illegible], mortgaged for $[illegible] has been [illegible], and a number of [illegible] in Mexico purchased by Thomas Bell for $[illegible] have gone for a mortgage. R. Porter [illegible] holds [illegible] of the Belliane ranch, one of the most valuable farms in the state at [illegible] $150 per month, which he takes [illegible] legal services according to [illegible] at the rate of $5 a day [illegible] come summer, come rain, come [illegible] and he earns it."

DAILY PROMO[illegible]

[illegible] THE [illegible]

WILLOWS, CALIFORNIA, FRIDAY MAY [illegible], 1899.

ASHURST ATTACKED.

Depositions Of Red Bluff People Introduced To Prove His Reputation Bad. Plaintiff Contradicted.

When Court convened this morning Mr. Johnson stated that at Court Attorney's request he withdrew the objection [illegible] position of [illegible] con[illegible] [illegible]

The reading of the deposition [illegible] continued. Witness believed Ashurst's reputation for truth, honesty and integrity to be bad, had heard others express themselves in the same manner. Witness believed Ashurst had tried to defraud a widow, Mrs. Jefferson, and that he had been the defendant in a rape case.

Deposition Of L. Champlin.

In his deposition L. Champlin of Red Bluff stated that he has known Ashurst since 1870. Witness believed his reputation to be not good. Witness had heard others say that Ashurst was a pretty good single-handed liar, and that he was not honest.

Deposition Of C. E. Fish.

In his deposition C. E. Fish stated that he had known Ashurst for twenty-eight years. Witness testified that Ashurst's moral reputation was bad. Witness had never heard his reputation for honesty dealing[illegible]

Mr. Johnson objected to the reading of the deposition of C. B. Marlen on the ground that Marlen was in the courtroom yesterday and that his oral testimony should have been taken then. The objection was sustained. Mr. Lark excepted.

Deposition Of R. H. Bierce

In his deposition R. H. Bierce stated that he had known Ashurst since 186[illegible]. Witness considered his reputation for truth, honesty and integrity to be bad. Witness questioned Ashurst's honesty in the Jefferson transaction referred to by Sam[illegible]

Deposition Of W. H. Cox.

In his deposition W. H. Cox had known Ashurst for twenty-five years. Witness did not know what a majority of the people thought of Ashurst's reputation, but those he had heard speak of it thought it bad.

Deposition Of F. M. Ward.

In his deposition F. M. Ward stated that he had known Ashurst for a long time. Witness knew of a transaction in which he thought Ashurst had not acted honorably. Witness did not appear to know Ashurst's general reputation.

Deposition Of Andrew Jeffrey

In his deposition Andrew Jeffrey stated that he knew Ashurst well, and that he believed his reputation to be bad. Witness had heard it said that Ashurst robbed Mrs. Jefferson.

Expert Kirke was call to the stand. He identified the writing on two pages of a memorandum book as that of William Murdock.

[illegible] memorandum identified [illegible] that William [illegible] to hold sheep [illegible] place on the east side of the [illegible] in September [illegible], but [illegible] no intention of giving a [illegible] on the [illegible]

[illegible] objected to [illegible] the evidence on the ground that it was a [illegible] of William [illegible] shows him [illegible]. The objection was [illegible] Court.

Deposition Of M. W. Connor.

The deposition of M. W. Connor of Los Angeles was read by [illegible]. Witness resided in San Francisco from Dec 1st, 1890 to May 1st, [illegible] office in the [illegible]. During that time witness met [illegible] Megginson, [illegible], F. S. Young and [illegible].

[illegible] for the purpose of showing [illegible] ments and [illegible] made to the plaintiff Mr. [illegible] that [illegible] could [illegible] proven [illegible] till was made [illegible] to say, "[illegible]"

The [illegible] Barnes. The hearing of the contentions of counsel [illegible]

[illegible]

[illegible] was spent in arguing the [illegible] by Mr. Johnson [illegible]

Judge [illegible] stated [illegible]

[illegible] morning.

[illegible] Barr [illegible] in the Court's [illegible] ing Megginson [illegible] ing that Megginson [illegible] plaintiff was [illegible]

Deposition Of Chas. S. Young.

General [illegible] the [illegible] and Charles S. Young. Witness lived on the note at the Arlington Hotel on Kearney street, San Francisco, in 189[illegible]. It was shown him by [illegible] Me[illegible] in the possession of plaintiff. The [illegible] till talked of the [illegible] of [illegible] and desired Mr. [illegible] [illegible] interest [illegible] that the plaintiff [illegible] note was given [illegible] a mar[illegible] place and was [illegible] as a substitute for [illegible] [illegible] [illegible] during an [illegible] many subsequent consultations over the [illegible]

[illegible] to the [illegible]'s collection.

General [illegible] was not allowed to read witness' [illegible] steps he took to [illegible] the validity of the note.

SAYS THE LAW FAVORS M'GLADE

Attorney Reddy Making a Technical Fight for His Client.

MAY 4, 1899.

Jury Hearing Delayed by a Day of Argument and Repartee.

MAY THROW ALL CASES OUT OF COURT

A Favorable Decision on the Defendant's Objection Would Prevent Any Further Proceeding Under the Indictments.

Peter W. McGlade and [illegible] Supreme [illegible]

[illegible]

IN LIFE'S PRIME,

James Stocchini Is Laid Low By Swift Relentless Death.

A Sudden Strain On A Weakened Part Is Succeeded By An Agonized End

James Stocchini is dead. The [illegible] man whose [illegible] physique seemed a [illegible] but able to defy the [illegible] old [illegible] has gone the way of mortal man. A week ago yesterday afternoon James Stocchini, keeper of the warehouses, started to push a car loaded with lumber along the railroad track. A loose stone caused his foot to slip as the car moved from him. He recovered himself without falling, but he knew that the strain of saving himself had caused an internal rupture of some kind. Naturally uncomplaining, he did not mention the circumstances for several days. Saturday afternoon he lifted several sacks of wheat. On going home at supper time he was suddenly seized with great pain in the abdomen which lasted all night. The man's suffering was fearful. Dr. Tooley and several other men found it almost impossible to hold the patient on his bed.

On Sunday the sick man grew calmer, but as he himself said, his end was approaching.

At one o'clock Monday afternoon he waved the members of his family a farewell and died with a smile on his face.

Dr. Belton of Colusa, who had been summoned, arrived after death had ensued. With Dr. Tooley he held a post mortem examination last night. It was found that the walls of the stomach had bursted and large quantities of fluid had flowed out through the aperture. It is thought that the strain of last Monday parted the stomach walls, already weakened by disease of an ulcerous nature.

The funeral, conducted by the Odd Fellows, will take place from their Hall tomorrow afternoon at 4 o'clock.

James Stocchini was born in Switzerland in 1851, and was therefore 4[illegible] years old. He came to California at the age of 1[illegible] years, and after residing in Marin and Sonoma counties, he came to Willows 20 years ago. He was married to his wife, nee Josephine Fowler, at Sonoma in June 1875. The children of the union are Henry, Lulu, James and Tooley. Three children have died. Besides his immediate family, the deceased leaves a father and two sisters who live in Sonoma county, a mother, who is in Switzerland, and a cousin, Wm. Stocchini, who lives in Willows.

James Stocchini joined the Odd Fellows about 1885. To him his lodge was a large part of his life. His interest was always keen and his knowledge of its functions was unequalled, perhaps by any other member of the local lodge. He has filled all the official chairs, has represented Monroe Lodge at the Grand Lodge four times and was to go to San Francisco next Sunday as a grand delegate for the fifth time. The lodge will endeavor to make his funeral a befitting one who was looked upon as the leader.

James Stocchini was a man of broad mind and exact principles. By those who knew him best he is said to have possessed a character as splendid as his physique. He was [illegible], but determined. He never affiliated with any religious denomination but of his [illegible] principles there can be no doubt. He was a man trusted and faithful to the trust. In his death the community has lost a stalwart.

BALLOT TO BE QUESTIONED.

Mrs. Nettie Craven Voted at the Annuity Meeting.

MANY CONSIDER THE ELECTION INVALIDATED.

[illegible]

The Annual Report of the Secretary Gives the Financial Status of Fund and Outlines Future Conditions.

Mrs. [illegible]

[illegible]

THE DAILY PROMOTER.

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOT[illegible] SUIT

Vol. 3 WILLOWS, CALIFORNIA, TUESDAY, MAY 2, 1899 No. 51

FORMER RULING MODIFIED

THE COURT ANNOUNCES THAT THE FINANCIAL CONDITION OF SAM MURDOCK MAY BE SHOWN SUBSEQUENT TO 1872.

[illegible]

Mr. L[illegible] I [illegible] to prove by W. S. [illegible] that he is a [illegible] of Records of twenty years standing and a qualified [illegible] Records for the County of Tehama residing at Red Bluff, and that he has made a list which I offer of all conveyances in the county of Tehama of real estate conveyed by any person to Gawn W. Murdock the husband of the plaintiff in this action, from the year 1863 to the year 1885, and that he has a list of all the property conveyed to Samuel Murdock, the father of Gawn W. Murdock in the County of Tehama during the years, or from the year 1863 up until the death of Samuel Murdock. And I offer to prove in connection with said list, or I offer in evidence certified copies of all lands conveyed in Tehama county, including a certified copy of the deed from C. H. Ashurst to Gawn W. Murdock and conveying certain lands in the year 1872 for an express consideration of $12,000.00. That the record of consideration in all of said deeds executed prior to the year 1883 exceeds $20,000.00. That the same are offered for the purpose of showing that the lands must have been purchased with money derived by Gawn Murdock from the business or partnership business, and business conducted by him and his father, Samuel, and for the purpose of negativing the allegation that Samuel Murdock could have had the amount of money alleged by him to have been loaned to William Murdock. And as to the deeds mentioned in the list as being conveyances to Samuel Murdock in Tehama.

I offer certified copies of all deeds named in the list for the purpose of showing the amount of money invested by Samuel Murdock in Tehama county, for the purpose of proving and showing that he could not after investing so much money in real estate, that he could not have had the money alleged to have been loaned by him to William Murdock; and also certified copies of the deeds conveying all of said lands by Samuel Murdock to his grandsons before his death.

And all of this branch. I also offer in that connection the list made by the witness DeJarnatt of all mortgages on record in the county of Colusa, mortgaging property, real or personal, to Samuel Murdock or Gawn W. Murdock and a similar list made in the county of Tehama by the witness Bransford, of all mortgages, mortgaging real or personal property in the county of Tehama to Samuel Murdock or Gawn Murdock, his son. And I also offer together with said list of certified copies, mortgages being mentioned in either of said lists, the said mortgages being offered for the purpose of showing the amount of money loaned from the year 1863 to the year 1880 by Samuel and Gawn W. Murdock, and that being offered for the purpose of showing that after loaning that money in addition to the purchasing of the land they could not out of the business they conducted and carried on, have realized or had the amount of money alleged to have been loaned by Samuel Murdock to William Murdock. And I propose to offer other evidence in addition to this line of evidence to corroborate and support the evidence offered in the offer now made for the purpose of showing that there could not have been—that it would not have been possible for Samuel Murdock to have had the money alleged to have been loaned by him to William Murdock as a consideration for this note after the investments shown to have been made in land and money shown to have been loaned on mortgages. I think if I understand your Honor's ruling, it is that you will not permit me to offer now any further—I do not know whether I understand your Honor's ruling or not. I now ask for instructions, whether this evidence will be excluded or whether you mean further than that, that you will not permit me to offer further witnesses on this question.

The Court: Yes sir, it includes that.

Mr. Lusk: You mean you will not permit me to offer further witnesses on the line on which I was examining yesterday.

The Court: Yes sir.

Mr. Lusk: The defendants except to the ruling of the Court. I desire then to make this offer: To prove by witnesses Henry Lohman, James Moore, W. P. Harrington, T. N. Howell, Peter Eibe, F. McIntyre, Coon Robinson and Wash Milsaps, W. W. Marshall, Milton French, Andrew Williams, T. J. Cummings, John C. Hamilton of Tehama county, and Hugh Logan of Glenn county, and by each of these witnesses that during the years 1860 to 1880, William Murdock was a man of large means, was a loaner of money, and kept money on hand—was a loaner of money and was not a borrower of money; and by the witnesses specifically that at different times between the year 1860 and the year 1880, the respective witnesses were at the house or place of William Murdock and borrowed—asked for and obtained loans, and in many instances, loans without any interest at all were made and kept for a number of months; that he was not during that time a borrower of money at any time, but was a loaner of money.

Mr. Johnson: To which we offer the same objection as to the other offers, and all the objections heretofore made.

The Court: Objection sustained.

Mr. Lusk: Exception.

I offer to prove by Mary Compton, a sister of William Murdock, a surviving sister of William Murdock (deceased), that she came to California in the year 1852, and lived with her brother William Murdock most of the time for the next six or seven years; that during that time William Murdock was a man of large wealth, had herds of five or six hundred cattle, worth from $100 to $150 a piece according to the times. That he had large sums of money stored and concealed around the house where they lived, and which he loaned from time to time; that she married in 1857 to Henry Compton and lived near William Murdock in Grizzly Bend, in Butte county on Angel Lake as it is called; that he was a man at that time of large wealth being worth at least $75,000 or $100,000 in the year 1860; that he had a great deal of property, cattle, sheep and money; that he was not a borrower of money but on the contrary was a loaner of money; and that she knew Sheep Sam as he was called, the father of Gawn Murdock; that he came to California in 1857, and 1858 and that he had no property when he got here, and that he told the witness he had no money and that his father and mother had helped him to get out here. That he told the witness that sickness and death of his wife in the east had taken everything that he had and that he could not have gotten to California without assistance from his father and mother. And that she knew John Murdock, an uncle of herself and William Murdock, deceased. That her uncle John lived on Angel Slough, at William's house, and lived there with a son and cousin of Mary Compton's, named William Murdock, called by the family "Little William," or "Little Billy." That they both died there near together in about the year 1868; that neither of them had any property when they died except a small band of cattle not exceeding 70 or 60 in number; the wife had one-half and John and Sheep Sam each a quarter; that the cattle were caught in the flood of 1861 and 1862 and were mostly destroyed.

And I further offer to prove by Witness Mary Compton that she was intimately acquainted with William Murdock in 1860 up until the time of his death and that he was, at all times, a man of large means and loaning money and was not a borrower of money.

I offer to prove by the witness Mary Compton that she met Samuel Murdock at the house of William Murdock in the summer of 1877, and while Samuel Murdock was living in the house of William Murdock and that Samuel Murdock told her about his leaving the residence of his son Gawn and Gawn's wife up on Stony Creek; that he told her the reason of leaving was a difficulty that he had with Mrs. Gawn Murdock. That he had said something about her at which she got mad and threw his trunk and clothes out of the window.

Mr. Johnson. Same objection.

The Court: That same point we ruled on the other day. That is the conversation. The objection is sustained.

Mr. Lusk: Exception.

Mr. Lusk: I would like to finish the offer—and the son Gawn said that he would not have anybody around that would talk that way about his wife, and he wanted him to go away and never come back, and that he, Samuel, never would go back, were it not that he thought a great deal of his two grand children, and on that account, if they ever let him go back, he should go.

Mr. Johnson: Same objection.

The Court: Objection sustained.

Mr. Lusk: Exception.

TUESDAY'S SESSION.

When Court convened this morning Judge Pirkey excluded the jury, stating that he had an announcement to make to the attorneys. The Judge said "Now, gentlemen, I want to revert to that matter we were talking about Saturday—about the evidence excluded, I would like for this record to show that there may be no misunderstanding, I am going to give one exception. I want this record to show that I exclude any testimony other than what is already in as to the financial standing of Wm. Murdock, also any evidence as to the financial standing of Sam Murdock, and also any evidence as to the declarations of Sam Murdock; and that will be my ruling now in this case. I do not know whether or not the ruling was sufficient ly clear on last Saturday, and I refer to it was not because Mr. Lusk on several occasions asked if the order excluded that and so, so I make it this morning. But I will say this, that while I am satisfied that that is the law, as far as I am able to see it, that this case is one of such exceptional importance that I can and will allow you to introduce evidence, competent evidence of course, as to the financial standing of Sam Murdock, who was, we might say, the author of this note; the dealings he had with the dead man to the extent mentioned in the evidence, to the extent, for instance, that it is alleged he loaned this man $20,000. I see no objection for you to prove, if you want to, that at the time this man is said to have loaned $20,000 he was in circumstances of abject poverty; in other words, that he did not have it to loan. Now, I will allow you to introduce evidence as to the financial standing of Sam Murdock subsequent to 1872; I don't think it necessary to go over the history of the man's life, or to start from the time he came here."

General Barnes received the testimony of Gawn Murdock and stated to the Court why he believed the defense should be allowed to go back to 1872.

Mr. Lusk excepted to the ruling of the Court restricting the years in which they might prove Sam's financial condition. He stated for the record that it would be impossible for the defense to prove Sam's condition subsequent to 1872 to the jury in a comprehensive manner, without being allowed to go back to Sam's coming to California in 1855 and trace his circumstances from that time.

Mr. Lusk offered to prove W[illegible] financial affairs by the books of the Colusa Bank where he kept an [illegible] from 1872 to the time of his death [illegible] by the books of the Bank at [illegible] where he kept an account from [illegible] the time of his death, and by the [illegible] of both banks, for the purpose of [illegible] ing that William did not [illegible] the $20,000 and the $3,000 which [illegible] est were paid to him. The offer [illegible] fused. An offer of similar [illegible] was submitted to the Court in writing [illegible] an offer to show the business ch[illegible] nature of William.

The remainder of the morning [illegible] was consumed in submitting other offers in writing. The jury had been out of the room all morning.

AFTERNOON SESSION.

Mr. Lusk read the deposition of John S. Lewis of Oroville, taken April 21, 1899.

Witness has worked two summers for Gawn Murdock; worked for him during harvest of 1877.

The family and hired men ate together in the kitchen.

Witness and his mother went to Allen Springs in the fall of 1877. He saw plaintiff at the Springs; did not know that she made a trip home [illegible] days.

On cross examination witness did not remember ever having seen William at Gawn's.

Witness did not believe plaintiff could have been away from Allen Springs several days without his knowing it.

THE DAILY PROMOTER.

[illegible]

Vol. 3 WILLOWS, CALIFORNIA, WEDNESDAY, MAY 3 [illegible] No. [illegible]

MANY WITNESSES ARE HEARD TODAY.

A Large Amount of Testimony Going Chiefly to Show the Movements of Wm. Murdock at Various Times.

[illegible]

William S. Murdock On The Stand

William [illegible] Murdock of Modoc county was [illegible]. Witness was a nephew of William and a [illegible] Sam.

Witness [illegible] stayed at William's five times, [illegible] two weeks to a [illegible] time.

Witness [illegible] William did not have a [illegible]. William had [illegible] witness was [illegible] uncle's house.

Witness had [illegible] plaintiff said [illegible] William [illegible] man, that [illegible] sheep, cattle and land [illegible] ought to be worth half a million, [illegible] William [illegible], but not [illegible] she believed she [illegible] too well, and did not work [illegible], that William would probably [illegible] to [illegible] her letter.

[illegible] plaintiff believed William worth [illegible] because, as she said he owed nothing.

Cross-Examination By Mr. Johnson.

Witness did not always go around with William and did not always know where William went. No one had [illegible] witness' conversation with plaintiff. Witness had mentioned this conversation with plaintiff [illegible] after William's death. It was recalled to his mind on [illegible] of the note.

Albert Lothrop On The Stand.

Albert Lothrop, railroad conductor, of Ogden, Utah, was called. Witness worked for Gawn in the fall of 1878; stayed there until the spring of 1880. Witness ate with the family. During the [illegible] and a half witness lived at Gawn's he [illegible] saw William there; Sam lived there all that time. Witness was not allowed to state the relations between Sam and plaintiff.

The defense [illegible] to prove by witness Albert Lothrop, who worked for Gawn Murdock in 1878-1879-1880, that Mrs. Murdock constantly treated Sam Murdock badly, that she was cross and short with him and always acted as though he was a burden and in the way, and that she wanted to get rid of him, and the men on the ranch always talked about it and sympathized with the old man.

William Warren On The Stand.

William Warren of the Sacramento railroad shops was called. Witness began work for Gawn in the fall of 1888; worked there for four years. The family and hired men ate together. Witness never saw William at Gawn's.

Cross-Examination By Mr. Johnson.

Sometimes witness worked for weeks on another ranch of Murdock's staying there at night.

As to the witness Wm. Warren, the defendants offered to prove that while he worked for Gawn Murdock, Uncle Sam Murdock disliked Kirkpatrick very much and always referred to him as a S—— of a B—— and never talked that way about any body else. Also that Mrs. Mary Helen Murdock constantly treated Sam Murdock, her father-in-law, very [illegible] the men working around the place expressed a great deal of [illegible] and sympathy for Samuel in the way he was treated.

Gawn Murdock On The Stand.

Gawn Murdock was called by Mr. Lusk. Witness went to see William [illegible] a deed to certain land in 1872. Witness saw Henry Compton at William's. Witness [illegible] Compton [illegible] that at his witness' request William had deeded the land to plaintiff. [illegible] Compton if William [illegible] Compton that he believed William did not owe a dollar.

Henry Compton On The Stand.

Henry Compton was called. Witness stated that he had a [illegible] conversation with Gawn when the latter visited William's in 1872; that Gawn had told him William deeded the land to plaintiff at his (Gawn's) request, that he asked him if William was a good man to rent him, and that he did not suppose William owed a dollar.

James Boyd On The Stand

James Boyd was called. Witness had lived in Glenn county for forty years. Witness lived with William from 1875 to 1884, as his tenant. In refutation of F. J. Kirkpatrick's statement, witness stated that William bought no seed wheat from Kirkpatrick's ranch in 1879 or 1880. William neither owned nor drove a one-horse buggy. William never drove a four-horse wagon to the ranch with seed wheat or anything else.

Witness identified [illegible] book heretofore mentioned as containing William's writing, had seen the book in William's possession.

Sam came to William's April 1877 and stayed two months.

Witness knew William [illegible] just before Sam came to William's.

Mr. Lusk wished to prove that the characteristics of William would cause him to be remembered when once seen. Witness described William as tall and gaunt, of strong features, he wore a beard until 1878, and had few gray hairs at the time of his death.

Witness did not know of William ever going to Gawn's but [illegible] the one occasion mentioned.

William had his sheep on Butte Creek in 1877.

Witness thought he would have known if William had gone to Gawn's on election day, Sept. 5, 1877, and stayed there over night. He did not know of William's going there.

William always drove a two-horse buggy.

Witness did not know of William's bringing home $20,000 or any sum exceeding $500 in [illegible] in September, 1877.

During the time witness lived with William, he knew of no money transaction between William and Sam.

Cross-Examination by Mr. Johnson.

Witness was never away from William's for more than a day or two at a time, he could not remember being in Colusa on October 27, 1875. If that was [illegible] year [illegible] marriage, [illegible].

Witness [illegible] day 1877 [illegible] at [illegible]. Mr. Johnson [illegible] at the [illegible] was an election in [illegible] the [illegible] gift of the people, though [illegible] have [illegible] all [illegible] Butte," [illegible] real, who no longer wanted [illegible].

Defendants offered to prove by [illegible] Pond that when Samuel Murdock came to William Murdock in 1877, that he said he left Gawn Murdock's, his son's, on account of the trouble he had with Mrs. [illegible] in March [illegible], and that [illegible] pitched his trunk and things out of the window, and that [illegible] Murdock told his father Samuel to leave and never come back.

Among the offers [illegible] yesterday the defendants offered to prove a great many details [illegible] and facts showing that Wm. Murdock had a great deal of money from [illegible] to 1880, which he kept concealed [illegible], and loaned liberally and was a lender and not a borrower of money during those years, and that [illegible] in 1862 and had books [illegible] showing his financial condition from [illegible]. This was [illegible] for the [illegible] could not [illegible] Mr. Murdock [illegible] Willows [illegible]. They would to prove these [illegible] Robinson, [illegible], T. J. [illegible], John [illegible] Hamilton, H. W. C. Nelson, [illegible], James T. Mitchell, [illegible] Wilson, W. W. Marshall, [illegible] Millsaps, Hugh Logan, James Boyd, Milton French and others. The testimony was excluded by the court and the defendants excepted.

The defendants attempted to prove by James Boyd, [illegible] W. P. Harrington and others, William Murdock's business habits to show that he was prudent and economical, a first class shrewd business man, and had no bad or extravagant habits. The defendants offered this to prove that he would not have gone into this transaction which they claim to have been a very unbusinesslike one, nor [illegible] the money he borrowed under the ice on Mt. Shasta, as Mr. Johnson said he might have done. This offer was excluded by the Court and defendants excepted to the ruling of the Court.

WEDNESDAY'S SESSION.

J. [illegible] was called. Witness [illegible] searched records of Sacramento, was Assessor [illegible] Sacramento county from 1873 to 1894. Witness was shown copy of a deed of property from Mary B. Edwards [illegible].

Dr. M. W. Hicks. Witness had searched the records and found Hicks to possess no other property in September, 1877. Its outside value was placed at $3,000. The deed was placed in evidence.

W[illegible] On The Stand

[illegible]

H[illegible] Allen On The Stand

[illegible] Sacramento [illegible] Sept. 22 [illegible] Sept. 23, 1877.

W. P. Harrington On The Stand.

W. P. Harrington was recalled. Witness was William Murdock's [illegible] till his death. [illegible] between William and Sam [illegible].

Mr. Lusk [illegible] William [illegible] the time [illegible]. Plaintiff [illegible] talked to the witness about her claim.

James Moore On The Stand

James Moore [illegible] was called. Witness [illegible] merchant. He knew William intimately from 1854, and [illegible] bought and sold for William. Witness [illegible] of any business [illegible] between William and Sam.

A letter written to witness [illegible].

Witness was not allowed to state [illegible] to him in San Francisco just before his [illegible] and [illegible] William [illegible]. The [illegible] evidence.

Joseph H[illegible]man On The Stand

Joseph H[illegible]man [illegible] was called. Witness is one of Pinkerton's detectives. Witness went to Toledo, Ohio, and had a [illegible] conversation with Wm. H. Meggison [illegible] April 14, 1894. Mr. Lusk asked if Meggison had stated to the witness that he was the owner of the note. The question was objected to by Mr. Johnson and argued until the noon hour. The objection was sustained.

AFTERNOON SESSION.

P. H. [illegible] a record book and showed [illegible] several quantities of grain were received at the warehouse.

Henry Compton was recalled and stated that William [illegible] attend the State Fair [illegible] that William made a trip to Surprise Valley in 1877, with [illegible] Compton and returned [illegible] September [illegible].

[illegible] a record [illegible] that kept [illegible] and his sister. The book was [illegible] evidence.

Mr. Johnson [illegible] the witness for half an hour to test his memory.

John Hammerson on the Stand

John Hammerson [illegible]

[illegible] Jack P[illegible] [illegible] from [illegible]. [illegible] was taken [illegible] Surprise Valley [illegible] the State Fair.

Mr. J[illegible] the [illegible].

Jack Powers On The Stand

Jack Powers was called. [illegible] the State Fair that fall.

Michael Klein On The Stand

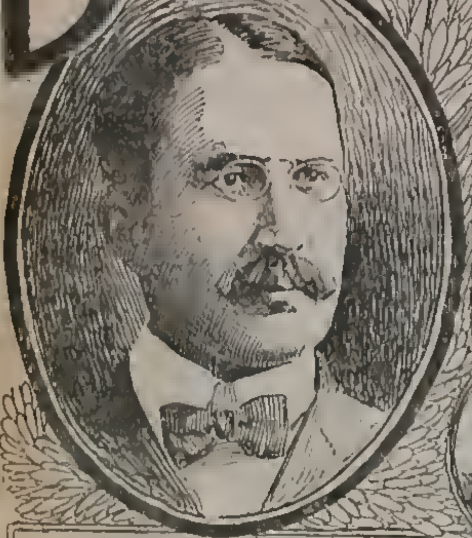
Michael Klein was called. [illegible] September 1880. [illegible] was at home all the time.

O. W. Stonebeggar On The Stand

[illegible] was called. [illegible] worked for William [illegible] 1880, had [illegible] William went [illegible]. He spent only one night away from the ranch.

Court adjourned at [illegible] of the [illegible] of James [illegible].

BIGGEST GANG OF COUNTERFEITERS IN THE COUNTRY CAUGHT.



JOHN ELBERT WILKIE CHIEF OF UNITED STATES SECRET SERVICE.

OUTFIT FOR THE COUNTERFEITING OF COIN CURRENCY.

WHERE THE PLANT WAS LOCATED

W. L. KENDIG

Secret Service Officers Making the Search for Evidence Against the Counterfeiters

THE boldest, most skillful and most extensive counterfeiters this country has ever known were landed safely in jail three weeks ago in Lancaster, Pa. They had been conducting their operations for [illegible] during which time they had defrauded the [illegible] nearly half a million dollars and were rapidly getting improved machinery in shape to defraud it out of millions annually. So difficult of detection was the product of their skill that it necessitated the recall by the Secretary of the Treasury of an issue of $26,000,000.

For more than a year the shrewdest detectives of the Secret Service Department have been at work on the case, no less than 150 men, women and children having been employed on it at one time or another. Months ago sufficient evidence was secured to warrant the arrest of some of the guilty parties. But the United States Government does not mind being slow if it is sure, and it laboriously wound its coils closer and closer about the gang until it was ready to strike. The result has been the greatest coup ever known in the annals of the secret service.

The most surprising thing in connection with this remarkable case is the attempts at bribery that are shown to have been made by the counterfeiters not only to insure their own personal safety, but to introduce their false currency even into the United States Treasury in Washington. The secret service men have discovered that even the treasury itself had been invaded by the agents of the counterfeiters. A fortune was offered a very prominent treasury official if he [illegible] take [illegible] [illegible] paper and give in return the equivalent of genuine money. He was then to give out the worthless notes as genuine and so manage that the Government itself would be circulating the bad money for the counterfeiters. Had this bold attempt at bribery been successful the Government would have lost millions of dollars and at the same time established a reputation [illegible]

Government. The worst of the case is that the plan in contemplation was to flood the country with new issues of paper before the people were fully acquainted with the genuine, and in this manner the counterfeit would put itself on a plane of equality with the real.

Attention was first called to the operations of the gang in January, 1898. George Cramer of the sub-treasury in Philadelphia then submitted to the officials of the Treasury Department in Washington five "Monroe head" silver certificates of the value of $100 each, stating that he was sure they were counterfeited, but desired the judgment of his superiors at headquarters on the question. The bills had come to him in the ordinary course of business, three having been accepted without suspicion at the Custom-house and two having been turned in by banks. The color of the seal of the suspected bills was salmon-pink instead of carmine as it should have been and the paper seemed thicker than the genuine.

Consternation reigned in the Treasury Department when the perfectness of the certificates was demonstrated. There were 26,000 of the genuine bills in circulation and how many of these marvelous imitations were out no one could surmise. The Government was in a way to lose an enormous sum which would continue to grow greater until the makers of these counterfeits should be discovered and their nefarious operations stopped. The matter fell within the scope of Assistant Secretary of the Treasury Vanderlip, who has supervision of the Secret Service Bureau, and he felt that a great responsibility lay on his shoulders.

John E. Wilkie, a Chicago newspaper man, had recently been made chief of the bureau at Mr. Vanderlip's suggestion and to him fell the task of [illegible] [illegible] [illegible] [illegible] city editor of one of Chicago's biggest dailies he had done some remarkable detective work indeed. It was his record there that had recommended him to Mr. Vanderlip. He now set about his task with a will and the result has [illegible]

Lancaster, Pa.—William M. Kendig and William L. Jacobs. The first was a tobacco leaf warehouseman and the second was a cigar manufacturer, and they had already incurred the suspicion of the internal revenue officials.

Jacobs it seems had been selling his cigars at a rate that other cigar men declared left no margin for profit if he was conducting a legitimate business. Moreover he had bought only $25,000 worth of revenue stamps, but his business was so large that it ought to have paid twice that sum to the internal revenue. Putting these facts together, the internal revenue officers began a quiet investigation, and eventually came to the conclusion that his revenue stamps were not genuine.

They had matters all ready to swoop down on him when in the course of their investigations they were brought in contact with the secret service men. The latter were not ready for their grand coup, for they had not yet located the makers of the counterfeit stamps. Accordingly, the internal revenue officials were given the tip to lay low for a while.

[illegible] drawing [illegible] revealed the facts they felt that they had their game well [illegible]. A few [illegible] men were sent to Lancaster, and soon managed to get employment in Jacobs' factory and [illegible]

[illegible]

What Shall We Do With Cuba?

By Andrew Carnegie

What Shall We Do With Cuba?

By Andrew Carnegie.

Take Peanuts to Sober Up

THE BABY BOAT OF THE NAVY.

Charles L. Fair's Lucero May Be Wanted by Uncle Sam.

Steam Engines to Give the Craft a High Rate of Speed

IS FIT FOR TORPEDO SERVICE

She Can Be Made [illegible] for the [illegible] on This Coast

Naval [illegible] have been inspecting [illegible] yacht the Lucero and [illegible] that the craft will be [illegible] by the Government. She will be [illegible] with as powerful engines as she can carry and be taken into war service.

[illegible] would be made of the vessel has [illegible] It is a fact that the naval authorities are planning to fit up a [illegible] torpedo [illegible] for emergencies in the [illegible] and that the Lucero is regarded as one of the few available [illegible] for the service. Her speed capability is high, though her [illegible] gasoline engines are [illegible] practically useless for naval purposes.

[illegible] pleasure the Lucero is commended [illegible] beautiful lines and perfect construction [illegible] she now lies on the [illegible] waters of Oakland creek she represents in every respect the idea of her millionaire owner, but if the naval authorities take possession of her some radical and rapid changes will be made.

Fair wanted a gasoline yacht so that he would be free from Government regulation [illegible] But he did not want a yacht merely for the bay, so he built this [illegible] gasoline yacht.

In the summer of 1895 the building of the Lucero was begun by H. T. Englebrecht of Seattle on the ocean steam-yacht model. Washington fir was the material used, with finishings of the most costly woods.

The keel is of fir, cut in one piece of 10 by 15 inch stock, and on this rests a keel son of 8 by 8 inch fir. The floor timbers are of selected fir roots, having the natural crook. The planking is of two inch fir.

Adjoining the pilot-house is the captain's cabin. The fore cabin is thirteen feet long and contains four double width bunks.

The present engine-room is fourteen feet long and twelve feet wide and is bulkheaded from the rest of the yacht.

A gasoline tank with a capacity of 36,000 gallons was placed in the yacht, and the thought of explosion made her unpopular with [illegible] and experts from the very beginning.

With gasoline engines the Lucero has 360 horse-power. She has an electric dynamo for illuminating purposes. The yacht is schooner-rigged. Her foremast is 36 feet long, with a gaff of 16 feet, and the mainmast is 31 feet with a 14-foot gaff.

The length of the Lucero is 110 feet over all and 105 feet at the load water-line. Her beam measurement is 16 feet. The draught is 4 feet at the bow and 6½ feet at the stern. With powerful steam engines it is believed the yacht would attain very high speed.

No expense was spared by Mr. Fair in constructing and fitting up the craft, and the cost is said to have gone above $20,000.

The owner seemed to be dissatisfied with the result. He has used the Lucero very little, and since 1896 the yacht has been lying in Oakland creek.

George A. Knight took her out in the bay [illegible] and ran down a big tramp steamer, a collier from Australia. No damage was done to the yacht.

THE DAILY PROMO

SPECIALLY ISSUED BY THE TELA... PROMOTER ... THE ... OF THE MURDOCK NOTE SUIT

Vol. 3 WILLOWS, CALIFORNIA, THURSDAY, MAY 4, 1899.

CONTRARY TESTIMONY

Many Witnesses Give Evidence Which Conflicts With That Of Witnesses For The Plaintiff.

Jack Powers Recalled.

When court convened this morning Jack Powers was recalled by Mr. Johnson for further cross-examination. He was asked many questions as to how he fixed the dates of hauling lumber and grain for William Murdock as recited in his testimony of yesterday. Witness did not think William was away from home on Sept 13th. He knew William did not go any distance from home because he was at home at night.

Henry Compton Recalled.

Henry Compton was recalled. Witness stated that William and witness' brother Ira went to Surprise Valley in 1887 and returned about September 1st. Witness visited William at the "Adobe ranch" about September 15th. Witness fixed the dates by the diary kept by his sister. Witness testified that William attended Seaver's sale at Colusa in September 1887; that William spent the night preceding the sale and the night following it at witness' house.

Ira Compton On The Stand.

Ira Compton was called. Witness had assisted Adam Compton in collecting all William's papers and returned checks. All had been given to Mr. Lusk.

Witness accompanied William to Surprise Valley in 1887, where they remained three weeks. They saw T. J. Cummings, who was then William's partner in the stock business, at Surprise Valley.

Witness attended the last two days of the State Fair in 1890. William was not there at that time, but plaintiff was. Witness was introduced to plaintiff by Gawn Murdock at the Western Hotel. Plaintiff said nothing about William being at the Fair.

Chas. R. Mayhew On The Stand.

Chas. R. Mayhew of Red Bluff was called. Witness was treasurer of Tehama county from 1876 to 1878, and ex-officio tax collector.

Mr. Lusk offered in evidence a certified copy of the recapitulation of taxes of Tehama county in 1877. Mr. Lusk offered the copy in evidence to prove that Assessor Jackson Eby had in his possession only $300 or $400 at the time Cam Ashurst claims Eby loaned him $10,000 of the county money.

Mr. Lusk offered a certified copy of record of the Supervisors of July 2, 1877 for the purpose of showing when Jackson Eby turned over the assessment roll of Tehama county.

Mr. Lusk offered in evidence certain entries appearing in the cash book of treasurer of Tehama county for 1876 and and 1877. The assessments total $51,085. This amount was paid to witness as tax collector.

A copy of the road and hospital tax receipts for 1877 was placed in evidence. A copy of the poll assessments of 1877 was placed in evidence. A copy of the treasurer's settlement with the county was placed in evidence; also a copy of the delinquent assessment roll of 1877.

The total sum of taxes collected in 1877 and turned over to witness as treasurer was $84,168.14.

Mrs. Mary Compton On The Stand.

Mrs. Mary Compton was called. Witness is a sister of William. Witness lived at the Caden ranch in 1887; knew William and Ira Compton went to Surprise Valley, did not believe William went to the State Fair in September of that year. Witness was not allowed to state what William said to her on his death bed about the note.

Mr. Lusk read from the deposition of the plaintiff. In it plaintiff stated that she did not know how much Sam loaned William; she heard the two men say it was $100,000 when the note was made. Plaintiff said the note was given to her instead of Sam at the latter's request. She and Sam were always on good terms. Plaintiff stated Sam paid William $20,000 in $20 pieces when the note was made; that Sam got the $20,000 by selling mutton sheep and wool; he did not get it from anybody; it arose from the sale of produce. William was at plaintiff's house three times, at least, after the note was given. Plaintiff thought William suggested making the rate of interest one per cent per month.

Notes paid by William were torn up.

B. H. Burton On The Stand.

B. H. Burton was called. Witness stated that plaintiff did not present her claim in person. Gawn Murdock never talked to witness about the claim.

Mr. Lusk offered to prove what witness' conversation with Dr. Sehorn was. The offer was not allowed as the Court had ordered Dr. Sehorn's testimony stricken out.

The defense offered ten cancelled notes of William's in evidence for the purpose of showing that he preserved such papers.

AFTERNOON SESSION.

Expert Kytka was recalled to the stand. He exhibited a photograph on glass which he stated was a reduction from an enlarged photograph of the note signature back to the original size. The expert placed the glass photo over the signature of the note and stated that they tallied exactly. The Court and jury viewed the transposed signatures. The object of this reduction was to prove whether the lines of the signature are distorted in the enlarged pictures.

Kytka exhibited an enlarged picture of a small chart on which were a lace, two sets of parallel lines and a protractor. The expert measured the enlarged picture to show that the parallel lines remained parallel and that other lines retained their relative positions.

Mrs. Elinor Murdock was called to the stand for the purpose of showing that a certain cancelled note for $9,000, introduced this morning was payable to "old Sam" and not to "Sheep Sam."

Mr. Johnson asked the witness if Cam Ashurst asked her on the day he first testified whether he went home on the next day after he and she visited William at the sanatarium or the second day thereafter, and that she replied on the next day. Witness denied making the statement.

L. J. Klemmer was called and stated part of Wm. Murdock's signature to a certain check in evidence was written by himself.

Mr. Lusk offered in evidence a certified copy of a mortgage recorded in Tehama county in 1876, made by W. W. Watkins to Gawn W. Murdock for $2,000; also a mortgage from Watkins to Gawn dated 1876 for $3,400; also an assignment of the two mortgages by Gawn to Sam in 1877; also a mortgage from W. W. Watkins to Sam dated 1878 for $1500; also a deed from W. W. Watkins to Sam of the land covered by the three in consideration of the sum of $9062.80; also deed from Sam to Edmund Murdock dated 1887, and another of the same date to Stanley Murdock, the two conveying all the property obtained from Watkins.

George G. Murdock On The Stand.

George G. Murdock of Upper Lake was called. Witness was a nephew of William and a son of "old Gawn" Murdock. Plaintiff and the family visited at witness' home in the fall of 1881. At that time witness had a conversation with his father and Gawn in the woods.

Witness was not allowed to state whether Gawn had said that he had got the best of his father in their settlement; that he had got nearly all the property, which was right as he had worked very hard for it.

Plaintiff and family had visited witness home again in 1887. A conversation had been held about William. Plaintiff told witness that he ought to make up with William and get part of his property when he died as he was worth about a $1,000,000; William owed nothing and that he had a large amount in the bank; that William was worth more than the Glenn estate as he owed nothing, while the Glenn estate was in debt.

Mrs. Lizzie Smith On The Stand.

Mrs. Lizzie Smith of Upper Lake was called. Witness is a sister to George Murdock. She corroborated the testimony of the previous witness about the conversation of 1887. George Murdock asked if William was not in debt and Gawn had replied as before stated.

Witness identified several letters written to her by plaintiff and they were placed in evidence.

Mr. Lusk began reading the deposition of Sam Lewis of Red Bluff as to the reputation of Cam Ashurst. An objection was argued until the Court adjourned at 4:15 p. m. in order to allow juror Carmichael to go to Chico.

FRANCISCO: FRIDAY

FORGOT THEIR OWN SIGNATURES

Ambrose and Piper Were Poor Witnesses Against McGlade.

Former Superintendent of Streets Was Shy of Official Information.

TECHNICAL OBJECTIONS SWEPT AWAY

Judge Cook Decides Against Attorney Reddy In the Latter's Plea That There Was No Statutory Forgery.

W. F. Ambrose, former Superintendent of Streets, and Harry Piper, who was Dr. Curey's Chief Deputy County Clerk, do not remember very much that is damaging to Peter W. McGlade in the forgery case now on trial before Judge Cook.

Both of these retired city officials were called as witnesses yesterday to aid Assistant District Attorney Black in fixing the responsibility for the crime by which the city was defrauded of $1,[illegible].

They swore that they could not identify their own signatures on official documents and they had forgotten, more or less, their official actions that were supposed to have a bearing on the case.

When the McGlade case was resumed in the Superior Court yesterday morning Judge Cook overruled Attorney Reddy's technical objection that the Street Department document on which the indictment is based does not constitute a forgery under the law, even though the paper be entirely fictitious. The Court ruled that if the face of the document was forged by McGlade, that would constitute a forgery within the meaning of the law, without regard to the passing of the demand.

H. J. Swords, in whose name the demand now before the court was prepared, testified that he had not signed the demand and that the signature was forged.

Ex-Superintendent W. F. Ambrose was then recalled. McGlade's written oath of office as assistant bookkeeper in the Street Department was submitted to him.

"Have you ever seen that document before?" began Mr. Black.

"I couldn't swear to it."

"Is that your signature on the document?"

"It looks like my signature, but I couldn't swear to it."

After much effort, however, Mr. Black succeeded in having the paper sufficiently identified, and Mr. Reddy agreed to have it admitted as McGlade's official oath of office.

Much questioning about the routine of the bookkeeper's work in the Street Department was done, and Mr. Reddy had an objection to every question, though the objections were usually overruled.

Mr. Ambrose disclaimed all knowledge of the forged demand upon which McGlade was indicted. He couldn't positively say very much about the routine of his office during the time that McGlade was employed, most of his knowledge being merely what others had told him.

Mr. Ambrose said that he had given McGlade and all deputies authority to use the stamp of his name.

In the afternoon Harry Piper, formerly chief deputy county clerk, testified that he was unable to identify his own signature to the verification of McGlade's oath of office.

Routine testimony was given by Thomas F. Clark, formerly a deputy superintendent of streets, and T. B. McGlade and John H. Ryan, who have been deputy clerks of the Board of Supervisors.

M. F. Berensberger, a broker, identified McGlade's signature on the forged demand and offered several examples of his signature. The hearing was then continued to Monday, when Theodore Kytka will testify, as an expert, about the forgery.

DEFENSE OPENLY ALLEGES FORGERY.

Declaration Made In Court That the Murdock Note Is the Handiwork of Some Unscrupulous ...

WILLOWS, May [illegible].—The Murdock note [illegible] ... [illegible]

KYTKA SWEARS THAT McGLADE IS A FORGER

Expert Appears for Prosecution.

TEN DOCUMENTS IN EVIDENCE

OBJECTIONS OF DEFENSE ARE WITHOUT AVAIL.

When the Cross-Examination Came However, the Witness Did Not Enjoy Himself, Nor Will He To-Day.

Theodore Kytka, the handwriting expert, has shaken the dust of Wil[illegible] from his feet after giving the ... Murdock note ... telling ... yesterday he joined the ... the occupation of trying to ... McGlade ... [illegible]

McGLADE STILL ON TRIAL.

Testimony Offered That He Was the Forger.

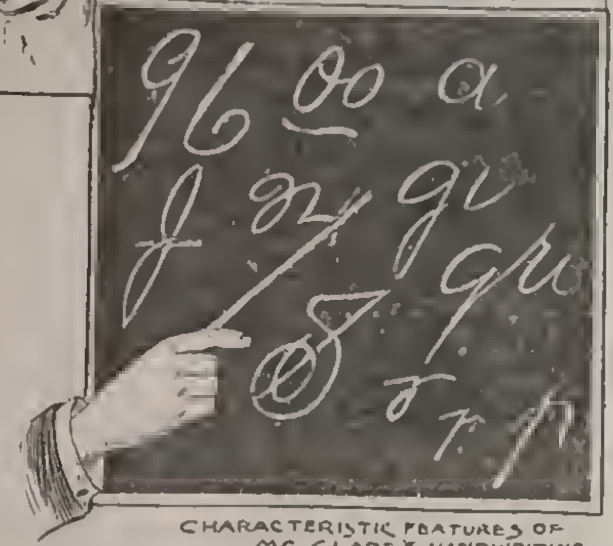
[illegible]

KYKTA APPEARS AGAINST M'GLADE

Theodore Kytka, the handwriting expert, was the principal witness this morning in the trial of Pete M[illegible] for forgery.

Kytka illustrated by means of [illegible] grams the similarity of the [illegible] of the parties to the forged demand [illegible] street work to McGlade's own [illegible]. To do this it was necessary [illegible] produce in evidence the [illegible] to which McGlade's counsel [illegible] jected. Kytka had not completed [illegible] testimony when the [illegible] came.

PETER THE PENMAN WAS CLEVER, EXPERT KYTKA SAYS, IN THE SIGNING OF NAMES



CHARACTERISTIC FEATURES OF MC GLADE'S HANDWRITING.

EXPERT THEODORE KYTKA yesterday declared that the names of Amadie Flinck and McGinnies, on the Street Department demand under which Peter W. McGlade has been indicted for forgery, were all written by the defendant. He said that the imitation of each signature was excellent, and that the work showed McGlade to be an excellent penman.

John J. Pelbrett, a deputy in the Street Superintendent's office, provided exemplars for identifying McGlade's handwriting in the official records, and then Mr. Kytka took the witness stand for the remainder of the day. Attorney Reddy for the defense kept up his technical fight on every point that presented itself. He was persistent, and Kytka was irrepressible.

The expert witness pointed out peculiar characteristics in the several signatures on the forged documents. He said that all the signatures, though seemingly very different, had been written by one person. That person was the man who had written the proved McGlade exemplars. Mr. Kytka was positive in his declaration that McGlade had done all the forging, and he stated that the work was so good as to deceive anybody but an expert who had given careful study to it.

Attorney Reddy, on cross-examination, attempted to discredit rather than break down the testimony. He began:

"Do you always testify for the prosecution in such cases as this?"

"Not always."

"Have you a contract to do this kind of work for the police?"

"I have not."

"Did you ever talk with Chief Lees about such a contract?"

"No, never. I don't like police cases. There is little money in them. Sometimes they don't pay enough for the chalk that I use."

"Do you have to buy your own chalk?"

"I have had to in this case."

PEN MARKS SCRUTINIZED BY JURORS.

Jurors manifested [illegible] interest in Expert Kytka's explanation of the peculiarities of McGlade's chirography [illegible] to decide that the disputed documents were filled out by McGlade. [illegible] the small letter [illegible] Mr. Kytka [illegible] out peculiarities in the [illegible] These he declared to be characteristic of McGlade's [illegible] illustrated by comparison with acknowledged specimens of his writing.

"How much were you to get for your work in this case?"

"I have already received $150 for my work before the Grand Jury."

"How much do you expect to get for your testimony here?"

"I think I deserve $75."

"Oh, I think you ought to have more. And I am perfectly willing that you should get it, too."

Of course the expert's fee is not to be paid by Mr. Reddy's side in the case. Mr. Reddy next asked whether the witness could be mistaken in any of his testimony, and the reply was that there could be no mistake. The defending attorney then stated about a case in which Mr. Kytka had been opposed by other distinguished experts. Mr. Kytka [illegible], in response to question [illegible] what the handwriting experts call the tremor of illiteracy in a signature, the tremor of old age and the tremor of [illegible]

"There is no tremor of delirium tremens?" inquired Mr. Reddy.

"No, sir."

"I would like to see a specimen of the tremor [illegible]."

"You will find a very fine specimen in the demand on exhibition in this case," was the reply.

The cross-examination of Expert Kytka will be resumed this morning.

SAME HAND

That Forged Vouchers Looks Like McGlade's Writing.

Expert Theodore Kytka occupied the attention of court and jury in the trial of Peter W. McGlade, the defaulting bookkeeper of the Street Department, Monday. Mr. Kytka had made comparisons of the warrant alleged to have been forged with the writing of the defendant in the books of the Street Department. He testified that he [illegible] sufficient [illegible] in the formation of the letters and the general character of the writing to warrant him in asserting that the warrant was written by McGlade. At the present rate of progress the greater part of the week will be required to put in the evidence in the case.

LAWYER LUSK GETS INFLAMED IN COURT

WILLOWS, May 8.—In the Murdock note case this morning Attorney Lusk for the defense read a question from the deposition of Helen Pratt as to his having met Mary Helen Murdock. The plaintiff's attorneys objected to the question on the ground that there was not sufficient proof of the identity of Mrs. Murdock.

Attorneys Lusk and Johnson became belligerent. Johnson said plaintiff declined to be present at the taking of new depositions of Pratt, Turner and Connor in order to assist in identification, but would agree to pay the expenses of these witnesses if they would appear and testify in court. Lusk then said that if plaintiff's counsel would admit that a photograph recently taken here of Mrs. Murdock was a faithful likeness the new depositions would be taken at once. This was declined and a remark made about these three witnesses being "under the control of the defense" caused Mr. Lusk to lose his temper. He started to make a statement to the court [illegible] but was stopped and the Judge [illegible] the jury to be taken to [illegible] chambers by the Sheriff.

Attorney Lusk then [illegible] that the defense claimed and [illegible] the note to be a forgery, forged by and with the connivance of the plaintiff and [illegible] S. Margeson [illegible] Attorney Johnson was a party to [illegible] statement as cowardly [illegible] denounced the statement as cowardly [illegible] and asked that it be stricken from the record. This was [illegible] the plaintiff.

Dawn Murdock [illegible] was called by [illegible] as to whether certain [illegible] was [illegible] to him in the years [illegible] financial property of [illegible] He answered [illegible]

Attorney Lusk [illegible] Willits the defense [illegible] the latter part of this week.

PETER M'GLADE AGAIN ARRESTED.

Peter McGlade, the defaulting deputy of the Superintendent of Streets, who had been in hiding until he could get friends to go on his bonds, was found and arrested yesterday by Detective Tom Gibson. Since his second indictment, ten days ago, McGlade has been lying in the Mansfield House on First street, near Grant avenue. Gibson reached Park [illegible], a friend of McGlade, [illegible] and then searched the rooms for McGlade. He looked over the transom of McGlade's room and discovered his man playing cards with Moses Taylor, a jockey. McGlade was surprised, but submitted cheerfully to arrest and [illegible] at the City Prison, where two charges of forgery are entered against him. Bail was set at $1,500 on each charge.

Not A Republican.

Several people were lounging around the Crawford Hotel last night talking when the conversation drifted into politics. Theodore Kytka, who was standing near, was asked if he were a Republican. "No," he replied, "I am an expert."

MURDOCK CASE NEAR ITS END.

As It Progresses Public Interest in It Seems to Increase.

Day by Day the Courtroom Is Crowded With the Curious.

[illegible]

Attorney Lusk [illegible]

[illegible] this afternoon.

OPENING FOR THE DEFENSE.

Allowed to Put In Important Evidence in Murdock Case.

JUDGE PIRKEY MAKES CHANGE IN RULING.

FINANCIAL STANDING OF SAMUEL MURDOCK IS TO BE [illegible] [illegible]

Attempt to Show That He Had No Cause to Loan William—Fitzpatrick's Statements Refuted.

WILLOWS, May [illegible] [illegible]

Mary Helen Murdock [illegible] to William Murdock [illegible]

[illegible] Judge Pirkey [illegible] from January 1, 18[illegible] to the date of the [illegible] September [illegible]

The only [illegible] by the defense [illegible] the jury [illegible] Lusk offered to prove by the books of the Colusa Bank where William kept an account from 1873 to the time of his death at [illegible] the books of the Bank of Willows [illegible] that William never [illegible] This evidence [illegible] the [illegible] of William [illegible]

By John S. [illegible] William Ware [illegible] and Albert [illegible] the defense attempted to show that William did not spend the night here on September [illegible] All these witnesses said that the family and the hired men [illegible] they would have seen William had he been there.

William S. Murdock, nephew of William [illegible] 1872 that William ought to have [illegible] told him that William did not like [illegible]

[illegible] William [illegible] James [illegible] and [illegible] Kirkpatrick [illegible] had bought [illegible] from Kirkpatrick [illegible] Willows [illegible] anything in a four-horse wagon [illegible] William [illegible] night [illegible] Dawn [illegible] William had [illegible] that William should [illegible] during all the time that [illegible] lived with William [illegible] Willows [illegible] [illegible] John [illegible] proved that [illegible] Kirkpatrick [illegible] that [illegible] year [illegible] Ed Hasper [illegible]

WILLOWS DAILY JOU[RNAL]

VOL. XXIII. WILLOWS, CALIFORNIA: TUESDAY EVENING, MAY 2, 1899.

A LIVELY DAY.

The Murdock Case Becomes Intensely Interesting.

Many Witnesses Examined Today and Some Lively Examination Gone Through With.

Court, jury and attorneys, looking much refreshed after their short vacation and showing no effects from any Dewey Day festivities, appeared promptly at 10:30 of the clock this morning—and the big battle was on again.

The jury had no sooner settled back comfortably in their seats when Judge Pirkey had them escorted out of the court room to the Sheriff and his honor then announced that after deliberation, he had decided that the case being of such exceptional importance he would permit evidence to be introduced tending to show the financial condition or financial transactions of Samuel Murdock from January 1, 1872, up to and including Sept. 5, 1877, but that no evidence as to such financial condition of William Murdock would be allowed.

Attorney Johnson made an objection and General Barnes spoke for several minutes, saying in substance, that even if the defense had not brought out certain facts in the cross-examination, yet he believed in a case like this that the defense should not be prevented from bringing out the truth; that he believed every financial transaction of these men should be gone into and that the jury should have them all before it in the interests of justice.

The reporter read the judge's order which was of some length, and at request of defense, the order was taken down in writing.

Attorney Lusk then filed a long exception to almost all there was in the order. He said that the exception was made as to that portion of the order which forbid evidence as to the financial standing of William Murdock, also to that portion excluding evidence as to the financial standing of Samuel Murdock prior to January, 1872; he said that it was impossible and impracticable to give the financial condition of Samuel Murdock within the time specified unless they could go back to the time when Samuel Murdock came to California in 1858, that they must follow the transactions, the creepings and windings of his business dealings, etc., with their history and growth, so that the jury might infer what was the standing.

Mr. Lusk then took up some typewritten pages and said he would refer to another line of testimony, when Attorney Johnson stopped him with a gesture and said that he supposed these matters were to be placed on record so that they could be given to the newspapers for publication, in order that they might "reach the jury that way." This caused a decided stir, and Attorney Bryne said he resented "such insinuations." The Judge quieted things, and then Mr. Lusk started to read the pages.

The first of these referred to offers to prove as to the bank account of William Murdock by cashiers W. P. Harrington and B. H. Burton; also as to William Murdock's financial condition by James Moore of Moore, Ferguson & Co., San Francisco; also offers to show financial condition of William Murdock by others.

There were other offers, all denied and exceptions taken.

AFTERNOON SESSION.

When court convened in the afternoon another exhibit as to the signature of William Murdock was placed in evidence.

Attorney Lusk then read a deposition of John S. Lewis of Oroville, taken at that place. This deposition referred to matters supposed to be in the knowledge of Lewis, who was employed on the ranch of Gawn Murdock at one time. Lewis in his deposition was asked a number of questions as to his being at Allen's Springs with the Murdocks in 1877. Said he did not think Mrs. Murdock left the springs, though she might have gone away for a day.

William S. Murdock was called. Testified was son of Samuel Murdock and nephew of William Murdock, both deceased. Witness' father was a cousin of Samuel Murdock, father of Gawn Murdock, husband of plaintiff. Witness had been at his uncle William Murdock's place many times between 1870 and 1880. His uncle never had a single buggy or conveyance on his place and never to his knowledge had such a one-horse vehicle.

Had talked with plaintiff, Mrs. Murdock, while at Gawn Murdock's. She had told him that Uncle Billy was a peculiar man; that he owed nothing; ought to be worth half a million dollars; that Uncle Billy did not like her, although he did like her husband; because she traveled around too much, was away from home too much and put on too much style. That she believed Uncle Billy would leave her husband a good sum of money, only he didn't like her.

Cross-examined by Mr. Johnson: Was not his Uncle Billy's keeper and didn't know every place his uncle went. Had recovered from his lameness a short time before he went over to Gawn Murdock's. Was twenty years old when he went there, in June 1881. Thought one of the boys, Stanley, was at the house then. Gawn Murdock was there. Did not remember that anyone was doing the housework then. Paid no particular attention to matters there. Had quite a long talk with Mrs. Murdock and didn't know why he particularly remembered this conversation with her any more than he would any ordinary conversation.

Answering Mr. Lusk, said he might remember a conversation if his attention was called to it. First thought of this conversation with Mrs. Murdock when the matter of this note came up.

Albert Lothrop an S. P. Conductor now living at Ogden, was called. Knew Gawn W. Murdock and wife; also father of Gawn, Samuel. Had worked for Gawn Murdock in 1878. Was ill during part of the time he lived at Gawn's. Had never seen Wm. Murdock at Gawn's.

There was no cross-examination.

William Warren was called. Is employed by S. P. Co. in Sacramento railroad shops. Knows Mr. and Mrs. Gawn W. Murdock, knew Samuel Murdock. Had worked at the place from 1888 to 1892. Never saw Wm. Murdock there and never saw him eat a meal there.

Was asked how Mrs. Murdock treated Samuel, and the objection of attorney Johnson was sustained.

On cross-examination witness said he had been away, once for seven months, that there were two ranches owned by Gawn and witness had been back and forth working for different periods.

Gawn Murdock was called by Mr. Lusk and asked as to a visit to Wm. Murdock's at one time. Whether he had told Henry Compton at that time that Uncle Billy must be a shrewd man to accumulate so much money and that he supposed he (Billy) didn't owe a cent. Also other remarks. Witness denied making any and all of the statements.

Henry Compton was called and testified that Gawn Murdock did make all these remarks at that time.

Jas. Boyd was called. Knew William and Samuel Murdock. Samuel Murdock's wife's brother married witness sister. Had lived with William Murdock and rented land of him. In 1879 and 1880 no seed wheat was brought to the place; never saw a one-horse buggy on the place. An old book was shown witness and the writing identified as that of Wm. Murdock. Knew of Uncle Billy going to Gawn Murdock's place once; it was before Samuel left Gawn's house.

Mr. Boyd was asked to describe Wm. Murdock and he did so. Witness said that Uncle Billy always told him where he was going and when he would get back, etc. Never saw Mr. or Mrs. Gawn Murdock at the house. Never knew of Uncle Billy bringing $20,000 or any large sum home with him. Witness said he had been away but a few times; was always at home nights.

The cross-examination by Mr. Johnson was what might be called a stem-winder. It was rather hard on Mr. Boyd as it was a severe test of memory. Mr. Johnson succeeded in getting Mr. Boyd to contradict himself and to testify that his memory was not wholly accurate.

It was here that General Barnes made a hit. Johnson had mentioned an election in 1878, when his friend Barnes was elected to the only office he ever held through the California people, "although he has deserved others."

"Yes, and I might have had another if you hadn't voted for Dan Burns," retorted the General, and the first big hearty laugh went through the court room—and Mr. Johnson joined in.

Court adjourned until 9:30 tomorrow morning.

ROYAL
Baking Powder
Made from pure cream of tartar.
Safeguards the food against alum.
Alum baking powders are the greatest menacers to health of the present day.
ROYAL BAKING POWDER CO., NEW YORK.

EXPERT KYTKA

Enterviewed Last Evening By A Promoter Reporter.

A Man Broad And Liberal In His Views And Of Wonderful Experience And Work.

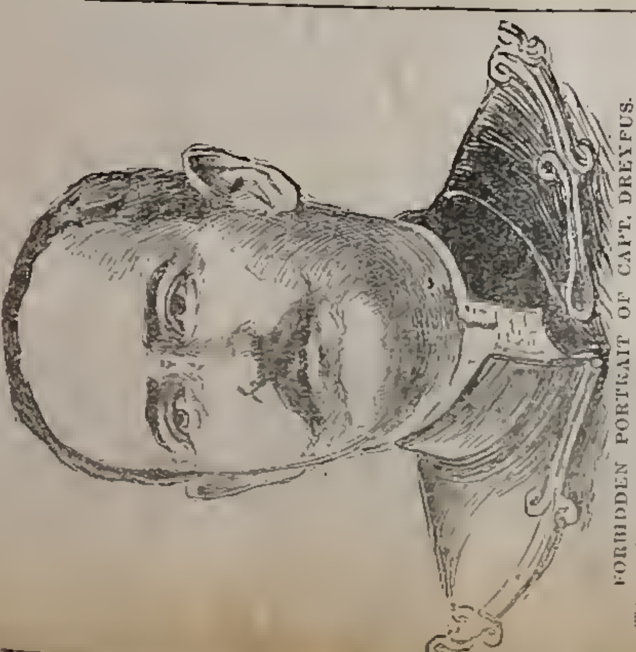
Theodore Kytka, the ... to the great note case ... last evening on the subject ... and hand writing by our rep... Kytka is a gentleman wort... respect of all and has made ... friends during his short stay ... He said in part, "I have ... ed myself while in Willows, ... impressed upon my mind ... most pleasant periods of my ... that this will not be my ... your beautiful town, for I have ... plated a hunting trip. I ... a very cordial invitation from ... brothers to visit them next ...

He was asked, what he thought ... testimony of Mr. Knock, and ... good-natured way, said, that his ... gret was that he had been ... hear and witness the fascinating ... mony of Mr. Knock, and would ... pay this gentleman if he would ... the same. As the notes of the ... stenographer failed to disclose ... derful impression made by ... called foot-rule measurements ... picturesque efforts on the bla... Had also heard that some ... Knock's friends were endeavoring ... duce him to deliver a lecture on ... tific photographic, tracing and ... handwriting. Continuing he ... no doubt, Ames, Lees, Eisen ... and Farr and his numerous other ... who had been connected with ... on such cases, would be ... amazed when they read in the ... duties" that a gentleman had ... in the great Murdock note case ... part whose youth and a greater ... his manhood had been spent ... of "dd" in attending the ... father, later mounted the ... fame and rose to Civil Engineer ... from there to a full-fledged ... handwriting.

He said he understood and ... that his able contemporary ... carried away and elated by the ... and fame which he acquired ... stand, with the aid of a yard ... tailor's tape, and would undoubt... move his residence from the ... tious little town of Willows ... great cosmopolitan metropolis ... prosperity and happiness ... who learns to labor and to wait.

DREYFUS MAY YET SECURE HIS FREEDOM.

The Court Reports Favorably on Revision of His Case—Paris Excited.



FORBIDDEN PORTRAIT OF CAPT. DREYFUS.

This portrait of Capt. Dreyfus was made by the French authorities immediately after his degradation by the military authorities. Its circulation is forbidden in France, but a copy was recently secured by Black and White of London, and through that publication it is given to the world.

PARIS, May 2.—It is understood that the report of M Ballot-Beaupre, the president of the civil division of the Court of Cassation, on the Dreyfus revision proceedings, states that the documents ... fully ... that if the ... of Dreyfus ... had been ... Picquart had acquainted Generals Boisdeffre and Gonse with his evidence of Esterhazy's guilt he was not permitted to act independently, his chiefs seeking to prevent the scandalous discovery that innocent officers had been convicted, degraded and imprisoned. Henry, aided by Du Paty de Clam, Lauth and Gribelin, was redoubling his efforts to save Esterhazy. Du Paty de Clam forging the Weyler letter and conveying to the Eclair the two famous articles in one of which was first published the "Canaille" document.

DAILY PROMOTER.

WILLOWS, CALIFORNIA, WEDNESDAY, APRIL 26, 1899. No 48

PROGRESS MADE IN THE MURDOCK CASE.

Expert Testimony Is Concluded And The Promised Sensations Follow Each Other In Rapid Succession.

[illegible] with Gawn, but with the plaintiff, and that there was no consideration for the giving of the note. Mr. Johnson's objection was sustained.

Mr. Lusk asked a number of questions concerning what Sam had told witness, stating that the questions were asked to get them on record. The questions referred to a difficulty between Sam and the plaintiff. Mr. Johnson objected to the questions being asked in the presence of the jury, as the Court had ruled that the witness should not answer, and the Court ordered the Sheriff to take the jury into another room while the questions were put.

[illegible] were asked by the defense [illegible] Kirkpatrick [illegible]

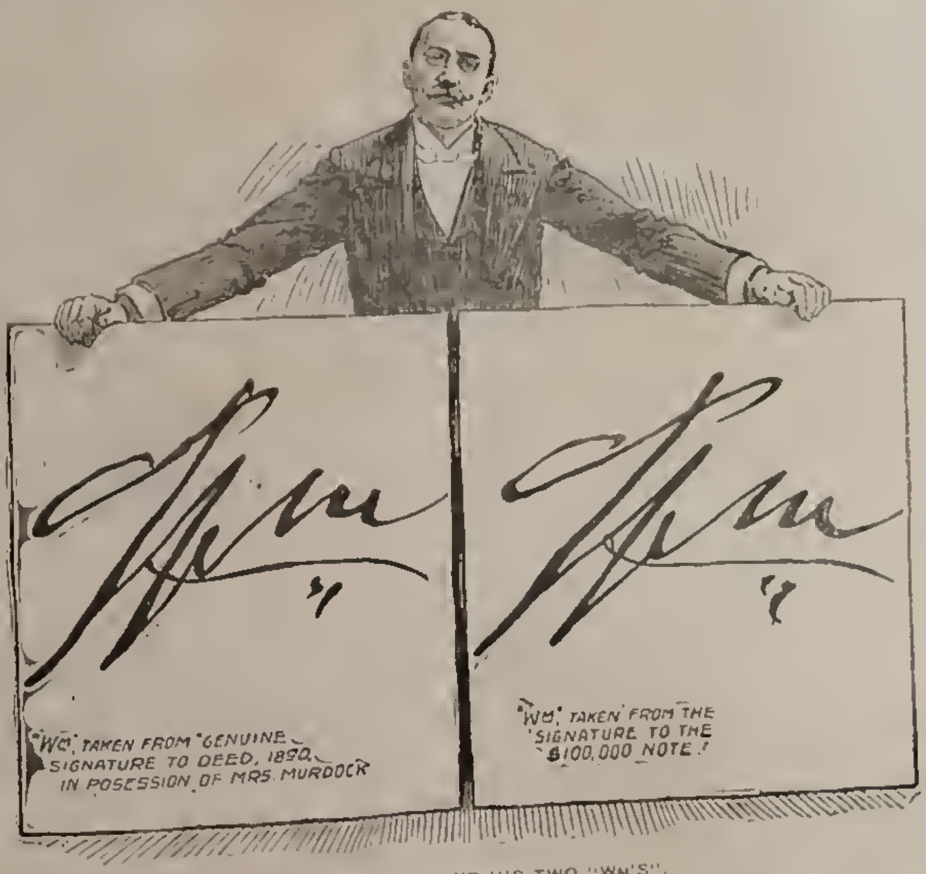
Witness had never seen Sam and Kirkpatrick talking together. [illegible] plaintiff came home [illegible] the [illegible] and her family went to Allen Springs, witness [illegible] not remember.

Cross-Examination by Mr. Johnson.

Witness had [illegible] in Montana in 1897, had worked [illegible] at Bidwell's [illegible]. [illegible] Gawn in February and March 1897, [illegible]

[illegible] Lusk would pay [illegible] Montana, that he [illegible] Mr. Johnson asked if John [illegible] was not present when the [illegible] was made.

Mr. [illegible] a bad witness [illegible] did not say to Alex Lake [illegible] day [illegible] in front of Putnam's [illegible] Walker's [illegible] had received $100 and



EXPERT KYTKA AND HIS TWO "WM'S".

All The Handwriting Experts Claim That The "Wm" On The Note [illegible] That On The Deed. Expert Kytka Declares That No Person Can Write Two Signatures Which Resemble Each Other As Closely As Do These Two Abbreviations. The Experiment Is One Which Anybody May Try. Kytka [illegible] Two "Wm's" On A Courtroom Window And Declared That The Lines Of One Fit The Lines Of The Other. The Expert Said On The Stand That After An Experience In Many Celebrated Cases The Signature "Wm Murdock" To The $100,000 Note Was One Of The Clumsiest Forgeries He Had Ever Examined.

Mr. Johnson asked that the questions be submitted in writing so they would not be taken down by newspaper reporters present, published in the papers and reach the jury through that medium.

The jury was recalled, and Mr. Lusk asked witness as to the relations between Sam and plaintiffs witness T. J. Kirkpatrick. Mr. Johnson's objection was sustained.

The jury was again excluded while three questions were asked, that they might go on the record. The questions related to uncomplimentary remarks purporting to have been made by Sam to witness about T. J. Kirkpatrick, and worked for Morrison Bryan the same year.

Witness went to Chico on April [illegible] and stayed there until yesterday. Witness saw Mr. Lusk in Chico and recited his testimony to him. Witness came to Willows to testify at Abb Merrill's request.

Witness had seen James Skillman on the train yesterday. He identified Skillman when the latter stood up in Court. Mr. Johnson asked witness if he had not said to Skillman on the train yesterday that he had been in Chico for twenty days, and was only allowed to "show up" at night; that Lusk said he would not lose his testimony for $500; that if he intended telling all he could would receive $200 more for his testimony; that Lusk said he could make more here than he could by going to Montana to shear sheep. Witness denied making the statement. He said he had not received the $100; that he received $20 from Mr. Lusk last Saturday and $2 for expenses from Ab Merrill yesterday, and that he was to receive just the same as he could make at sheep-shearing.

Ab Merrill On The Stand.

Mr. Lusk called Ab Merrill. Witness stated that he was an agent for defendants. He was asked to state what Bernight was to be paid, but Mr. Johnson objection was sustained.

Witness stated that plaintiff's witness

[illegible]

Deposition Of S. Q. Crafford.

[illegible]

Witness said [illegible] plaintiff [illegible] her letter to Skiff [illegible] what he had promised [illegible] and said that she wanted [illegible] very much in Oakland or San Francisco.

The reading of the deposition consumed nearly two hours.

Deposition of Peter Bryan.

The deposition of Peter Bryan, which like that of S. Q. Crafford was taken at Chico by attorneys Lusk and Freeman, was read.

Witness lived in Washington where he knew H. A. Skiff. Skiff had told him he had received a letter from plaintiff wanting to know his price for testifying in the Murdock case. Skiff told witness the business was a little dangerous and he should demand $10,000 for his testimony. Skiff said he had quoted plaintiff that price.

Deposition Of H. J. Rizeor.

The deposition of H. J. Rizeor of Winthrop, Washington, was read. The deposition was taken at Chico in November last.

H. A. Skiff had worked for witness for several weeks. Witness had heard Skiff speak of the Murdock note. Skiff said he was expecting a letter from plaintiff. Said if he got it he was going to take a trip to California and if things went right he would make a big stake. Skiff received a letter and said it was the one he expected. Skiff said he was going to California and if he could not get all he wanted from one party he would see what he could get out of the other party; or he might get all he could from one or both parties and skip out.

Witness stated that he was to receive $1 per day and expenses while he was in California giving his testimony—the same as Bryan was to receive.

[W]OWS DAILY JOUR[NAL]

WILLOWS, CALIFORNIA: FRIDAY EVENING, APRIL 28, 1899.

MANY WITNESSES

Examined by the Defendants at Today's Session of Court.

At yesterday afternoon's session Mr. Lusk continued his offering as follows:

"That in 1861 or 1862 he received from Wm. Murdock 300 ewes upon shares; that he started with these ewes on the plains, 2 or 3 miles back of Jacinto, now the Glenn ranch, and at the time when he started there, and at the time it is said that he loaned $4000 to Wm. Murdock, he had no property whatever, except the small band of ewes on shares, and that he brought no money to California of any kind or shape, and that he received no money from property in from his father's estate, except a few cattle, being one-fourth of less than 100 head, and most of them were lost in the flood of 1861-2, that this little band of sheep he had started with were taken up to Stony Creek in the year 1863 or 1864 and placed where he lived until his death, that the sheep grew and accumulated until 1870, he had a band of four or five thousand; that all of the proceeds of the sheep, after the year 1870 went into land that is now owned by Gawn Murdock, and we propose to offer with this evidence further evidence from different witnesses, that Samuel Murdock out of the proceeds of this band of sheep, and sheep business, was entirely used the first years in loaning small sums of money to his neighbors and immediate family connections—such as Cam Ashurst and others. After that the proceeds were put into lands.

"This is also to be accompanied by evidence of other witnesses, that Wm. Murdock, during the year that he is said to have borrowed this money from Samuel, had money on hand all the time and loaned money without interest frequently to friends and neighbors, that he was a lender of money and not a borrower.

"We will show by witnesses the business habits and capabilities, and business judgment of Wm. Murdock, that he was close and penurious, and thrifty. He was not extravagant, and had no bad habits, and was careful in everything he did. He did not gamble nor keep a woman, but was careful and thrifty, and preserved all his means as he accumulated them. There will also be proof by other witnesses, that he kept his money after the year 1872 entirely in banks; and his bank account will be offered to show all money received by him from 1872."

Mr. Lusk had begun to read the deposition of Mrs. Ellen Murdock of Lake County, shortly after calling court, which was taken January 21, 1899. She is the wife of Gawn Murdock, deceased, a brother of William Murdock, deceased.

Mr. Johnson raised an objection to one of the questions embraced in the deposition, wherein Samuel Murdock had made a statement to her in 1870, at a time when she visited him, as to his financial conditions. Mr. Johnson argued at great length, and was replied to by Lusk and Bayne, the argument lasting until the hour of adjournment.

The judge gave notice that he would render his decision in the morning at 9:30.

TODAY'S PROCEEDINGS.

At the opening of court this morning, the objection made by plaintiff last evening as to reading the deposition of Mrs. Ellen Murdock, as to what Samuel Murdock told her he was worth in 1870, was sustained by Judge Pirkey, and defendants excepted.

Mr. Ames was recalled by defense and asked if he had made a study of ink. Said he had for about 30 years. He was handed the Kirkpatrick affidavit and asked if he could tell by an examination of it what kind of ink had been used in writing it, and said he could. Said he could only characterize it as colored water, rather than ink, for the reason that the water predominates so largely that a deposit was left on the edges of the lines. Mr. Ames placed the affidavit under the glass in order to show the jury the character of the lines—that is how outer edges of hair lines are made, and how the diluted ink, which he likened unto dirty water, with drift wood floating over the edges. Mr. Kirkpatrick was recalled for a moment to identify the handwriting on the affidavit. The expert was then asked to place under the glass an instrument written with undiluted ink and show both broad and hair, which he stated showed an uniform flowing of the ink over the surface of the lines, without the floating of the particles as in the case where diluted ink is employed. He was asked, if from the character of the ink employed in writing the affidavit, if he could state whether it had been written later than five years ago, and said he could not; that there was not enough coloring matter in the ink to cause oxidization. Asked if it might have been written longer than five years before, said it might.

He then placed two checks written in 1872 under the glass and explained that it showed the yellowing of the lines from oxidization consequent upon age.

Under cross-examination, Mr. Ames said he could not tell the age of the document by its appearance, but that it was not written within a month but might have been written within a year.

Expert Kytka was recalled and qualified as an expert on ink. Said he had made inks himself.

He was asked as to how different inks looked when photographed. He had photographed the affidavit under discussion, and explained that ink, which had yellowed by age, took much darker than when it is newer, as yellow is an opaque color. Stated that the photo showed the ink was diluted, which is manifested by the gray color of the lines. He explained that the black ink which is undiluted would appear in thirty years from now a perfectly solid and even line, while in the diluted ink in the instrument, there appears ragged lines, caused by the coloring matter flowing out to the edges and lodging there. There was not a single instance in the 800 exemplars, where diluted ink had been used except in the case of the affidavit.

The plaintiffs had no cross-examination to make of Mr. Kytka and he was excused.

General Barnes stated that Mr. Johnson had made a great many suggestions as to the photographs being exaggerations and divergencies. If the plaintiffs expected to offer any proof upon the theory that the photographs are not correct, then the defense would be compelled to keep Mr. Kytka here and have him reduce the photos from the enlargements to their original size in order to prove the correctness of the work, otherwise they would dismiss him.

Mr. Johnson said he would only argue that the enlargements made small things larger.

Quite a little discussion arose between counsel without any real understanding.

Mr. Lusk then proceeded with the reading of the deposition of Mrs. Ellen Murdock. When he had read the direct of it, Mr. Cannon stated that he wanted to read the cross-examination, but Mr. Lusk thought as he had introduced it, he had a right to read it, saying that the other side was trying to get a chance to read just as much as they desired, and exclude as much as they pleased. He asked them if they would read it all, but they declined to do so.

The point was that plaintiffs had no right to object to a single question brought out in the cross-examination in the deposition.

The court uniformly ruled out all answers as to what Samuel Murdock told her he was worth in the year 1870.

She was not friendly with Mary Helen Murdock because she had "forged that note." She knew it was a forgery because Gawn W. Murdock had told her that William owed no debts before that. She was down on her, and would tell anyone [illegible] would [illegible].

AFTERNOON SESSION.

The first witness [illegible] was J. B. DeJarnatt, called by defendants. He was asked what official positions [illegible] he had held, and stated that he had been

Continued on page [illegible]

County Clerk, Auditor and Recorder of the county of Colusa from 1878 to 1883.

He had made a search of these offices and failed to find the poll list of the election held in the year 1877.

Had also made a search for the assessment rolls showing the amount of property assessed to Samuel Murdock from 1860 to 1865 and failed to find them.

Mr. Lusk then offered a certified copy of the assessment rolls for the years 1865-6-7-8-9, which were ruled out by the court.

W. M. Heid was called. He had been County Assessor of Colusa County from 1870 to 1875. He was asked as to the assessment of Samuel Murdock for the years he was Assessor, but on the objection of the plaintiff the same was ruled out. All this, of course, was for the purpose of showing what property was assessed to Samuel Murdock for the years from 1872 to 1879.

Mr. Lusk stated that the offers were made for showing the improbability of Samuel Murdock having loaned the amount of money which it is alleged that he loaned to Wm. Murdock, by plaintiffs in this action.

L. V. Cushman was called by defendants. He lived in the county in the years 1875-6 and was deputy assessor for a number of years. He was asked about the amount of property assessed to G. W. Murdock during certain years, the evidence being ruled out on objection of plaintiff.

I. W. Brownell of Stony Creek, was next called and asked about the sheep owned by Samuel Murdock but was not allowed to answer the question, same having been objected to by plaintiffs.

Mr. Lusk offered to show by the witness on the stand what number of sheep Samuel Murdock owned from 1862 and several years thereafter, and that the number was never more than 2,000.

J. Griffith was called and testified that he was a member of the board of election at Orland on Sept 5, 1877; also gave the names of the other members of same board. Like the preceding three witnesses he was not cross examined.

G. D. Mecum was asked if he knew of Samuel Murdock peddling blackberries, whether witness had every borrowed any money from him; whether he had ever known of his loaning money to other people; whether he had any sheep. All were ruled out.

J. J. Winkler was called and asked a number of question about what property William Murdock owned at Angel Island and to what sort of a man he was, etc., but was not allowed to answer a single question.

Like the other witnesses, he was not cross-examined by plaintiffs.

L. Scearce was next called and questioned as to Samuel Murdock and as to what property he had in the Stony Creek country, after the time he knew him first, and whether he had borrowed any money of him.

At this juncture the court informed counsel that its patience was being sorely tried.

Mr. Lusk said that he was getting along just as rapidly as he possibly could.

Mr. Johnson argued that the questions along this line had certainly gone far enough.

The court permitted Mr. Lusk to proceed.

The next witness was Joseph Billiou. He knew Samuel Murdock from the fall of 1857, but was not allowed to answer any questions as to what property he owned at any time.

A. J. Logan had known William Murdock since 1854. Was not al-

WILLOWS DAILY JOURNAL

WILLOWS, CALIFORNIA: SATURDAY EVENING, APRIL 29, 1899.

THE NOTE CASE.

The Judge Will Allow No More Testimony Regarding Poverty or Wealth of Sam or Wm Murdock.

Mrs Eleanor Murdock testified as follows yesterday afternoon:

She is a sister of Samuel Murdock and niece of William Murdock. She and her sister and brother were willed $25,000 by William Murdock and one-quarter of the residue of the estate after paying all legacies. She like the others was asked a large number of questions regarding Samuel Murdock but was not allowed to answer.

Mr. Lusk made many offers to prove respecting what Samuel didn't have and as to what William Murdock did have; such as that Samuel had made statements at different times what he had, giving very small amounts; that William had a large amount of money and property and was loaning money at different times. She knew Cam Ashurst and heard him testify that he accompanied her to San Francisco to see William Murdock about getting some money to redeem property of hers which had been sold under mortgage by Cox & Clark of Sacramento.

Mr. Ashurst did not go there to see about getting money, and not one word was said about money. "We called to see my uncle, William Murdock, at the sanitarium as a matter of courtesy." She further testified that William Murdock, before the time that Cam Ashurst went there, had already made arrangement with the lawyers in reference to the redemption of her property. She met [illegible] in San Francisco just after the death of Samuel Murdock at the "Owl" lodging house, before the death of William Murdock; it was while he was in the sanitarium. "I heard Mary Helen Murdock say, when she was visiting me while William Murdock was at the sanitarium, that she did not see why William Murdock grudged himself to drink brandy at five dollars a bottle when he did not have a dollar in the world and had no children."

Witness said she is employed in the [illegible]

The deposition of John W. Bowers of Chico, was then read by Mr. Lusk, all answers to questions as to what Samuel Murdock ever had, or what he stated that he had or didn't have, were objected to and the objections sustained; also statements to his having nothing when he came to California.

The reading of the deposition was finished and court took an adjournment until 9:30 tomorrow morning.

The morning session of the court was brief. The Judge said:

"I wish to say this morning that after the statement of counsel and argument upon that line of testimony that was brought out yesterday, after considering the matter, I have decided to rule that there will be no more evidence permitted or attempted to be introduced as to the business relations between and the business standing of—the poverty or wealth of Samuel Murdock or William Murdock, or "Sheep Sam" as Samuel was called, whichever name it is. And that will be the rule of evidence in this case from now on. I have allowed the greatest latitude in regard to those matters and the defendants have the benefit of all rulings and exceptions of this court, and it is now the order of this court that that line of testimony and evidence be excluded from this time on.

"In regard to offers to prove, the court will impose this rule strictly; that hereafter all offerings to prove can be made in writing and handed to me, which I will pass upon promptly, or else all offers to prove must be made not in the presence of the jury. They will be excluded during such offers if they are not made in writing. This can be done in that way, and when the matter comes up in depositions an exception can be taken to all of those questions without reading the question, and much less reading the answer, and if upon that proof of anything, the offer, as heretofore stated, must be made in writing, which I will promptly pass upon, or it must be made not in the presence of the jury. They will be excluded.

"I hope you understand that as the matter has been gone into fully with a number of witnesses and the defendants have the benefit of course, of all rulings and exceptions, and the record seems to be complete in that line, and this rule will be enforced strictly."

Mr Lusk—The defendants desire to except to each branch and sub-division that is, to the order of the court made in reference to testimony and offers of proof this morning. The defendants desire to except to the matter as a whole and except especially to each subdivision and branch of the order.

The Court—The record shows that I have excluded all further testimony upon the business relations of William Murdock and Samuel Murdock—their business relations and dealings and standings, and especially those of "Sheep Sam" as he is commonly called.

Mr. Lusk—I take an exception to that, and also an exception to any other order made in the general order this morning in reference to the deposition and offers, and to all the order as a whole and to the subdivisions.

The Court—The exception is allowed.

J. J. Winkler was again called to the stand and testified as to the location of Mott ranch, and as to who owned it.

He was not cross-examined.

J. H. DeJarnett was called.

Mr. Lusk, Q. Without making anything that can be considered as an offer, so that I may understand, I would say to your honor the branch of the case I want to prove by this evidence is contained in the documents in front of me, and if that is a branch that is excluded in your order of exclusion, then I would like to make an order about it, which I will make in your presence or in the presence of the jury, or in any way you see fit. The branch of the case I desire to prove by Mr. DeJarnatt is the examination of the records of Colusa County, and the statements therefrom of all lands deeded in this county, as shown by the records, to William Murdock from 1858 to 1891, and a similar statement of all lands in this county, deeded to Gawn W Murdock from 1863 until 1890, and a similar statement of the lands deeded to Sheep Sam Murdock. And then, in connection with that, the deeds themselves, either by the original or by certified copies and for the purpose of showing in connection with other evidence——

Mr. Cannon: We think that Mr Lusk is violating the rule at the beginning.

Willows Daily Journal.

SATURDAY — APRIL 29, 1899.

TIME TABLE.

[illegible]	[illegible]	[illegible]
Leave South	[illegible]	[illegible]
Leave North	[illegible]	[illegible]
[illegible] Stage	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

THE NOTE CASE.

Continued from page 1

the deeds [illegible] property [illegible] erty [illegible] Colusa [illegible] to from the year [illegible] property [illegible] conveyed to William Murdock [illegible] made a list [illegible] which [illegible] testimony, showing all property which has been [illegible] in Colusa county which appears [illegible] the records. The list of deeds—of all the deeds recorded in the records of Colusa county showing conveyances of real property to Gawn W. Murdock, the husband of the plaintiff, in said county, from the year 1853 to the year 1891, also a list of all property conveyed in the county, as shown by the records of Colusa county to have been conveyed to Samuel Murdock, the father of Sheep Sam."

"And in connection with that testimony the defendants offer the original deeds themselves, or a certified copy of every deed mentioned in the said list as being conveyance of property in Colusa county to William Murdock from 1858 to 1891. And also offer to show in connection with the said deeds, to prove by other testimony that the consideration for each of the conveyances of land made to William Murdock came from funds acquired by William Murdock as the products of his land and stock business, and none of it came from the funds furnished or loaned to him, or furnished to him in any manner by Samuel Murdock, the father of Gawn Murdock. And I offer in connection with that, the deeds which came from the Central Pacific Railroad Company, quite a number, seven or eight in all, and part from H. H. Miller, seven or eight in all. I offer to prove by the deposition of witnesses, taken in San Francisco, the dates when the land was purchased and when they were made, and in connection with their testimony, we offer to show that payments were made from moneys other than moneys received by Wm. Murdock from Samuel Murdock, and in reference to the list of deeds conveying land from different parties to Gawn W Murdock, we offer to show by a certain copy of the deeds themselves, (18 in number) property was conveyed to Gawn Murdock in the County of Colusa—real estate, and for considerations aggregating in all considerable more than $50,000.

Mr. Lusk's offer was continued at great length, and the remainder will be published in our next issue.

The jury was recalled and Adam Compton, one of the defendants and a legatee and devisee under the will of William Murdock, was called by defendants. He was asked if while he was living at the Caton place and farming it for William Murdock during the years 1879 or 1880, if there was at any time any seed wheat brought there while he was farming the place and would have known if any had. He answered that there had not and he would have known if any wheat had been brought there.

This testimony impeached T. J. Kirkpatrick, who testified for plaintiffs that in one of these years William Murdock came to his place after a load of seed wheat and he let Murdock have it.

Witness was then asked what kind of a wagon or buggy William Murdock drove 1879-80 and replied that he always drove two horses to an old two-horse buggy with the top taken off, and never used any other kind or drove less than two horses.

[illegible] testimony contradicted the testimony of plaintiff, Mary Helen Murdock, [who] testified that at the time Samuel Murdock loaned William the $70,000 he took it away in an old one-horse buggy with the top off, she assisting to carry the money out to the buggy, the money be-

[illegible] in two canvas bags.

Henry Compton, another nephew of deceased William Murdock, [illegible] He was then asked if he knew [illegible] he [illegible] William [illegible] his traveling [illegible] years [illegible] he never [illegible] on [illegible]

[illegible] Mrs. M[illegible]

Mr. L[illegible] Murdock [illegible]

The jury being out then Mr. L[illegible] Samuel [illegible] Samuel and Gawn W. [illegible] the sheep, and [illegible] the women [illegible] out of their [illegible] shares.

He went back in the [illegible] some books, at which time he had a conversation with Samuel Murdock, father of Gawn in which Samuel told him that everything he had in the way of property was to be Gawn's same day after his death.

Mr. Lusk then stated that the rulings of the court had overtaken him by surprise that he would have to ask for a little time to rearrange his case. The court granted his request.

General Barnes called attention of the court to the fact that Mr. Johnson had characterized the enlarged photographs of the note as distortions and that the defense now offered to have the photographs reduced to the original size of the note, and to do this in the presence of the court and jury in order that they might see that the enlargements were perfect in every way. Mr. Johnson objected to having the jury witness the process. That it would be taking testimony out of court. The objection as to the jury being present was sustained.

Court then adjourned to 10 a. m. Tuesday.

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DAILY PROMOT

SPECIALLY ... THE ... WEEKLY ... MOTTO ... THE ... IN ... O THE ... DO K NOTE SUIT

WILLOWS, CALIFORNIA, FRIDAY, APRIL 28, 1893.

EXPERTS ON INK.

They Declare Kirkpatrick's Affidavit May Have Been Written In The Last Five Years. Other Developments.

At the press hour yesterday afternoon Mr. Lusk had just begun reading the deposition of Mrs. Ellen Murdock of Lake county, a sister-in-law to William.

After reciting the circumstances of her family coming to California, etc., the witness stated that Sam Murdock's mother died in 1870, in Chico and that Sam was sent for and on his way to Colusa stayed all night at the home of witness who was then living near Dayton, Butte county, October 8th, 1870; that while sitting at supper with the family, Sam stated that if everything he possessed was converted into money he would have less than $25,000.

Mr. Johnson objected to this statement being admitted, and the matter was warmly argued until adjournment time. Judge Pirkey said he would not decide the point until this morning, though he intimated that he would sustain the objection.

FRIDAY'S SESSION.

On the convening of Court this morning Judge Pirkey stated that the objection of Mr. Johnson would be sustained. Mr. Lusk excepted.

Mr. Lusk desired to suspend the reading of Mrs. Ellen Murdock's deposition for a time, and he called expert Ames to the stand. Witness was handed the Kirkpatrick affidavit purporting to have been signed by Sam.

Witness stated that he had made a study of inks for thirty years; that he could tell a diluted ink when he saw it on paper. Witness said the ink used in writing the affidavit had very little coloring matter in it. He claimed the fluid used on the paper was nearly all water; that the coloring matter in it was to be seen mostly in the furrows made by the pen nibs.

T. J. Kirkpatrick was called to the stand and identified the affidavit to a deed of 1874 as having been written by himself. Mr. Lusk stated that he wanted this paper to use in a comparison of inks. It was placed in evidence.

Several documents written in the "70 ties" were introduced for the same purpose. Expert Ames explained where in he believed the ink on the affidavit to differ from that used on the others and a comparison of the writings was made under the microscope by the Court and jury.

The witness stated that ink used on the affidavit had not enough coloring matter too yellow. He believed the writing might have been done as late as five years ago, though it might have been written prior to that time. Mr. Lusk offered to prove by the expert that it was very common to use leaves from old account books in making simulated instruments, but the Court would not allow him to do so.

On cross-examination witness said he could not say what the age of the affidavit was.

Expert Kytka was called. He stated that fluid on the affidavit was no standard ink; that it was merely colored water. Witness had photographed the paper, and the plates and lens were placed in evidence. Witness stated that the photograph showed that the ink was diluted; that normal ink would show dark in a photograph while this showed gray.

Witness placed affidavit under the glass again and called attention to the lack of coloring matter in the writing. He thought the writing might have been done in the last five years.

Mr. Lusk continued the reading of Mrs. Ellen Murdock's deposition.

In her deposition witness stated that plaintiff had visited her house in Lake county three times; that plaintiff had reported several times that William did not like her; that plaintiff wanted witness to go with her to William's house and help her "make up" with him.

Plaintiff told witness she had heard that William had declared he would never speak to her again; that she (plaintiff) had made him speak to her over a glass of lemonade at the State Fair.

Mr. Lusk offered to prove by the deposition how many cattle Sam received from his father's estate, but this part of the testimony was disallowed. The attorney was not allowed to prove that Sam had no means when he came to California in 1858.

Witness had not been on good terms with plaintiff "since the note was forged." Witness believed it a forgery because Gawn Murdock had stated to her house long after the date of the note that William owed no debts.

Plaintiff told witness that William did not like her (plaintiff) because she was too extravagant, dressed too fine and would not work.

Mr. Lusk offered to show that William brought 7,000 sheep across the plains with him, but the objection was sustained.

Witness thought William took advantage in business; believed he had gone to the point of dishonesty on one occasion with her husband.

AFTERNOON SESSION.

J. B. DeJarnett was called. Witness stated that he was County Clerk of Colusa county from 1878 to 1882; that he had searched through the papers and found that the poll list for 1877 was missing; that he had searched through the offices of the Auditor, Clerk and Assessor of Colusa county and that the tax statements for the years from 1860 to 1885 were not there.

Mr. Lusk then offered in evidence a certified copy of the assessments of Sam, the cousin of William, and Sam, the brother of William, for 1863. It was disallowed as were the assessments of Sam, cousin of William, for 1864-65-66-67, the assessment of "S. Murdock & Son" for 1867 and the assessment of Sam for 1869.

W. M. Hurd On The Stand.

W. M. Hurd was called. Witness was Assessor of Colusa county from 1870 to 1885. He himself assessed the northern part of the county in 1870; he had assessed Sam Murdock. The objection to witness stating what money Sam had was sustained by the Court. Testimony to certain Sam's statements for 1875 was not allowed.

J. B. DeJarnett was recalled. Mr. Lusk offered to prove by witness that Sam Murdock was not assessed during the years from 1872 to 1876, but was not allowed to do so. The offers to prove by certified copies what property Sam possessed in 1884 to 1885 was disallowed, as were offers to prove the property Sam and Gawn possessed in earlier years to show that it was not possible for Sam to have loaned the sums claimed to William. Offers to prove property held by Gawn in various years and particularly in the year after the dissolution of the partnership with his father were not allowed.

L. V. Cushman On The Stand.

L. V. Cushman was called. Witness was Deputy Assessor of Colusa county in 1875 and 1876, and assessed the northern part of the county. Mr. Lusk offered to prove by witness the amount of property held by Sam and Gawn in those years, but he was not allowed to do so.

I. W. Brownell On The Stand.

I. W. Brownell was called. Witness had lived on Stony creek since 1862. Witness had known Gawn since 1862. Mr. Lusk offered to prove by witness that in 1862 and for several years thereafter Sam's band of sheep numbered about 2000. The objection was sustained.

J. Griffith On The Stand.

J. Griffith was called. Witness with Marshal Bryan, Jeff Walker, C. M. Moulton and Taylor Wilson was on the election board at Orland on September 5, 1877. Up to that time the polling place had been at Olimpo.

E. B. Mecum On The Stand.

E. B. Mecum was called. Witness settled 1½ miles from Sam and Gawn's house in the spring of 1872. A question as to the sheep and cattle owned by Sam and Gawn was disallowed, as were others concerning money loaned and fruit peddling done by Sam.

J. J. Winkler On The Stand.

J. J. Winkler had lived near Butte City since 1856. First knew William in 1858. The Court refused to allow witness to answer questions concerning cattle he had purchased from William and the price paid, questions as to what William was worth in 1858 and as to William's habits.

Laban Scearce On The Stand.

Laban Scearce had lived near Orland since 1857, three miles from Sam's. Sam moved in several years later with his wife and three children. Witness was not allowed to answer questions concerning Sam's property or money he had loaned witness.

Joseph Billiou On The Stand.

Joseph Billiou had lived on the Walsh ranch since 1856. He knew Sam there. Witness was not allowed to answer whether Sam had worked for him, what wages he received, whether Sam had any money, or what sheep Sam owned at a later date. Mr. Lusk offered to prove that Sam told witness that William had given him 300 ewes on shares.

A. J. Logan On The Stand.

By A. J. Logan Mr. Lusk wished to prove William's financial condition; that William had purchased large bands of sheep, and that William loaned witness money, but was not allowed to do so.

THE DAILY PROMOTER.

[illegible] ISSUED BY THE TRI-WEEKLY PROMOTER [illegible] THE HEARING OF THE M[illegible] CASE [illegible]

Vol. 3 | WILLOWS, CALIFORNIA, SATURDAY, APRIL 20, 1895 | No. 10

LITTLE PROGRESS MADE IN THE BIG CASE; RULINGS, EXCEPTIONS AND OFFERS IN FULL.

Stenographic Reports Of The Matters Engrossing The Attention Of The Court And Counsel.

Mrs. Elinor Murdock On The Stand.

Mrs. Elinor Murdock was called. Witness was one of the three surviving children of Samuel Murdock, William's brother. Witness came with William to California in 1853, she first knew Sam at the Murdock ranch. Mr. Lusk offered to prove that Sam was digging postholes for William at $40 per month, and that in 1859 Sam told witness he had no property, that he had great difficulty in getting to California, and that if he ever made any money he was going to give his children a good education. The proof was not allowed. The attorney offered to prove that while witness lived at her father's William had large sums buried and frequently dug it up and loaned it in $1000 and $6,000 amounts.

Witness married Adam Murdock in 1863. Mr. Lusk offered to prove that Sam had only 500 sheep in that year, and that Sam's father left his children only a hundred cattle and that nearly all of them were drowned.

Mr. Lusk offered to prove that witness went to Sam to borrow money for her husband in 1869; that Sam said he had just spent part of his money on his new house, and that he had loaned the remainder to Sam Ashurst.

Witness stated that she went with Sam Ashurst to see William at a San Francisco sanitarium, as stated by Ashurst on the stand. Witness stated that the subject of a loan for herself, mentioned by Ashurst, was not broached on the occasion of the visit. Witness was with William at the sanitarium next morning, and William did not go to the Russ House to see Ashurst. Witness stated that the matter of obtaining money from William to redeem certain property had been entirely settled before this time.

Mr. Lusk asked witness what steps she had taken in 1893 to trace a Spanish woman said to hold the note, and said to be an illigitimate niece of William. The question was not allowed.

Witness held a conversation with plaintiff at the Owl lodging house in San Francisco in 1893, when plaintiff stated that William begrudged himself drinking brandy at $5 per bottle while he was in the sanatarium; that plaintiff said she could not see why he begrudged the price when he had no children and owed not a dollar in the world.

In reply to Mr. Johnson, witness said she had been employed in the mint since November 1893.

Deposition Of John W. Bowers.

Mr. Lusk began reading the deposition of John W. Bowers taken at Chico on March 4, 1892. Mr. Lusk offered to prove by the deposition that Sam worked for several parties at $40 per month; that Sam told witness he had a hard time in getting to California, and that he brought no money. The proof was not allowed. Mr. Lusk offered to prove that William was worth $50,000 at the time he turned over the 800 ewes to Sam. Objection sustained.

SATURDAY'S SESSION.

When Court convened this morning Judge Pukey announced, "I wish to say this morning that after the statement of counsel and argument upon that line of testimony that was brought out yesterday, after considering the matter, I have decided to rule that there will be no more evidence permitted or attempted to be introduced as to the business relations between and the business standing of, or the property or wealth of Samuel Murdock or William Murdock, or Sheep Sam as Samuel was called, whichever name it is. And that will be the rule of evidence in this case from this on. I have allowed the greatest latitude in regard to those matters, and the defendants have the benefit of all exceptions and rulings of the Court, and it is now the order of this Court that that line of testimony and evidence be excluded from this time on.

In regard to offers to prove, the Court will impose this rule strictly; that hereafter all offers to prove can be made in writing and handed to me, which I will pass upon promptly, or else all offers to prove must be made not in the presence of the jury. They will be excluded during such offers, if they are not made in writing.

This can be done in that way, and when the matter comes up in depositions, an exception can be taken to all of those questions without reading the question, and much less reading the answer, and if upon that point, you desire to offer proof of anything, the offer, as heretofore stated, must be made in writing, which I will promptly pass upon, or it must be made not in the presence of the Jury. They will be excluded.

I hope you understand this as I think the matter has been gone into fully with a number of witnesses, and the defendants have the benefit, of course, of all rulings and exceptions, and the record seems to be complete in that line.

"To this Mr. Lusk excepted. He said "The defendants desire to except to each branch and sub-division, that is, to the order of the Court made in reference to testimony and offers of proof this morning. The defendants desire to except to the matter as a whole and except especially to each sub-division and branch of the order."

The Court: "The record shows that I have excluded all further testimony upon the business relations of William Murdock and Samuel Murdock—their business relations and dealings and standings, and especially those of Sheep Sam as he is commonly called."

Mr. Lusk: "I take an exception to that, and also an exception to any other made in the general order this morning in reference to the depositions and offers, and to all the order as a whole, and to the subdivision."

Thus was the matter which has been engrossing the attention of the Court and attorneys for several days ruled upon and excepted to by the defense.

J. B. DeJarnatt was Called.

Mr. Lusk. Q. "Without making anything that can be considered as an offer, so that I may [illegible], I [illegible] state [illegible] want to prove in [illegible] introduced in the documents in front of me, and [illegible] to [illegible] on, then I would like to [illegible] it, which I will make in your presence or in the presence of the jury, or in any way you see fit. The branch of the case I desire to prove by Mr. DeJarnatt is the examination of the records of Colusa county, and the statements therefrom of all lands deeded in this county, as shown by the records, to William Murdock from 1873 to 1880, and a similar statement of all lands in this county, deeded to Gawn W. Murdock from 1853 up until 1880, and a similar statement of the lands deeded to Sheep Sam Murdock. The purpose of the two branches of the testimony, that is, the branch as to the finances of William Murdock, to show by them and in connection with other testimony to be offered, that all of the lands held by William Murdock were paid for out of moneys other than moneys got by him from Sheep Sam, and the part of the testimony referring to the deeds to Gawn W. Murdock, the land acquired by Gawn W. Murdock, to show that the lands acquired although deeded in Gawn W. Murdock's name, were acquired and must have been acquired by the partnership money of Samuel Murdock and his son Gawn, for the purpose of showing that all the money, that is to say, that all that could have been reasonably expected to be made out of the business owned by them was put by them into land and therefore, could not have gone from Sam to William Murdock as a consideration for this note.

"The defendants offer to show by the witness J. B. DeJarnatt, now upon the stand, that he is an experienced and qualified Searcher of Records of many years standing, living at Colusa, and that he has made a careful examination of the records of Colusa county up until the date of the division of the county in the year 1890 or 1891, and that a list offered in connection with his testimony in evidence, contains a true statement of all the deeds by which property, real property, has been conveyed in Colusa county from the year 1853 to 1891, by which real property has been conveyed to William Murdock, deceased, and that he has also made a list of the records of the county which is offered in connection with his testimony, showing all property which has been conveyed in Colusa county which appears on the records. The list of deeds—of all the deeds recorded in records of Colusa county showing conveyances of real property to Gawn W. Murdock, the husband of the plaintiff, in said county, from the year 1853 to the 1891; also the list of all property conveyed in the county, as shown by the records of Colusa county to have been conveyed to Samuel Murdock the father of Sheep Sam.

"And in connection with that testimony the defendants offer the original deeds themselves, or a certified copy of [illegible] Colusa [illegible] William Murdock from 1853 to 1891. And also offer to show in connection with these deeds, to prove by other testimony that the consideration [illegible] of the land [illegible] to William Murdock came from funds acquired by William Murdock as the products of his land and stock business, and none of it came from the funds furnished or loaned to him, or furnished to him in any manner by Samuel Murdock, the father of Gawn Murdock. And I offer in connection with that, the deeds which came from the Central Pacific Railroad Company, quite a number, 7 or 8 in all, and part from E. H. Miller, seven or eight in all. I offer to prove by the deposition of witnesses taken in San Francisco, the dates when the land was purchased and when the payments were made, and in connection with their testimony, we offer to show that payments were made from moneys other than moneys received by Wm. Murdock from Samuel Murdock, and in reference to the list of deeds conveying land from different parties to Gawn W. Murdock, we offer to show by a certified copy of the deeds themselves, that (18 in number) property was conveyed to Gawn Murdock in the county of Colusa—real estate, and for considerations aggregating in all considerable more than $50,000. The testimony being offered for the purpose of showing that the property must have been purchased out of the proceeds and earnings and had come from and the partnership business of Samuel and Gawn Murdock, his son. And for the purpose of showing that so much was used for the purpose of buying land, that it would not have been possible for Samuel Murdock, out of the business of said partnership, to have had or accumulated or had the money said to have been loaned, or alleged to have been loaned, by him to William Murdock. And in reference to the list of conveyances of land in this county to Samuel Murdock, the father of Sheep Sam, the conveyances are offered by certified copies from the records of Colusa county, and are offered for the purpose of showing that all of the land conveyed in this county to Samuel Murdock was by him held and conveyed to his grandsons, and there is offered in connection with that, certified copies of the deeds from Samuel Murdock, showing that all land received by Samuel Murdock, or conveyed to him between 1854 and the time of his death, in 1869, was held by him and conveyed by him to his grandsons. And for the purpose of showing that such land so acquired by him must have been often by the partnership property or the funds arising from the partnership business, or the business carried on, first by himself, and later, in partnership with his son Gawn, and that the two negative the idea that after the purchase of so much land, he could have had so much money left to have loaned Billy Murdock the moneys alleged to have been loaned by him to [illegible] Murdock."

Mr. Lusk also offered to prove by W. L. Bransford, searcher of records, of Red Bluff, all the deeds to property in Tehama county executed to Sam and Gawn from 1853 to 1885, [illegible] that no money was [illegible] Sam to loan William.

The attorney also offered to prove by De Jarnatt and Bransford all the mortgages held by Sam and Gawn on property in Colusa and Tehama [illegible] during the period stated, [illegible] the amount of money loaned by Sam and Gawn.

Mr. Lusk offered to prove by a [illegible] well known man whom he [illegible] that from 1860 to 1880 William was not a borrower, but a loaner of money.

Mr. Lusk offered to prove by Mary Compton, sister of William, that she lived with William from 18[illegible] to 1868, that he had many cattle and large sums which he loaned, that in 1860 William was worth $75,000 or $100,000; that Sam was poor as compared with William; that witness saw the two men at William's house in 1877 when Sam told William plaintiff was mad at remarks he made; that she had thrown his trunk out the window and driven him away.

The jury was recalled.

Adam Compton on the Stand

Adam Compton was called. Witness was a nephew of William. After William's death witness turned over all of William's checks to Lusk. William sent no seed wheat to witness' place in 1879; William drove tan horses.

These questions were asked in order to contradict the testimony of T. J. Kirkpatrick.

Witness was not allowed to tell what William had said to him just before his death, about signing the note.

Henry Compton on the Stand.

Henry Compton was called. Witness identified a memorandum book of William's which he had found after the old man's death. Witness had seen William writing in the book. Witness never saw William driving a one horse buggy.

The deposition of Samuel G. Fr[illegible] relating to financial circumstances of William and Sam was not allowed.

The jury was excluded while Mr. Lusk offered to prove similar matters by the deposition of George M[illegible]. Objection sustained.

Mr. Lusk stated that the ruling of the Court had interfered with his program for the morning and it was decided to adjourn until half past ten Tuesday morning.

Mr. Johnson had made several statements to the effect that the photographic enlargements had magnified the characteristics of the originals. General Barnes wished to take any paper in evidence, preferably the note, and have expert Kytka make a photographic enlargement of it this afternoon, in the presence of the jury, for the purpose of comparison. The Court declined to instruct the jury to be present.

THE DAILY PR

[illegible] DAILY IS-UED BY THE TRI-WEEKLY PROMOTER DURING THE HEARIN[illegible]

VOL. 3 WILLOWS, CALIFORNIA, THURSDA[illegible]

CONTRARY TESTIMONY

Many Witnesses Give Evidence Which Conflicts With That Of Witnesses For The Plaintiff.

Jack Powers Recalled

When Court convened this morning Jack Powers was recalled by Mr. Johnson for further cross-examination. He was asked many questions as to how he fixed the dates of hauling lumber and grain for William Murdock as recited in his testimony of yesterday. Witness did not think William was away from home on Sept. 13th. He knew William did not go any distance from home because he was at home at night.

Henry Compton Recalled.

Henry Compton was recalled. Witness stated that William and witness' brother Ira went to Surprise Valley in 1887 and returned about September 1st. Witness visited William at the "adobe ranch" about September 15th. Witness fixed the dates by the diary kept by his sister. Witness testified that William attended Seaver's sale at Colusa in September 1887; that William spent the night preceding the sale and the night following it at witness' house.

Ira Compton On The Stand.

Ira Compton was called. Witness had assisted Adam Compton in collecting all William's papers and returned checks. All had been given to Mr. Lusk.

Witness accompanied William to Surprise Valley in 1887, where they remained three weeks. They saw T. J. Cummings, who was then William's partner in the stock business, at Surprise Valley.

Witness attended the last two days of the State Fair in 1890. William was not there at that time, but plaintiff was. Witness was introduced to plaintiff by Gawn Murdock at the Western Hotel. Plaintiff said nothing about William being at the Fair.

Chas. R. Mayhew On The Stand.

Chas. R. Mayhew of Red Bluff was called. Witness was treasurer of Tehama county from 1876 to 1878, and ex-officio tax collector.

Mr. Lusk offered in evidence a certified copy of the recapitulation of taxes of Tehama county in 1877. Mr. Lusk offered the copy in evidence to prove that Assessor Jackson Eby had in his possession only $300 or $400 at the time Cam Ashurst claims Eby loaned him $10,000 of the county money.

Mr. Lusk offered a certified copy of record of the Supervisors of July 2, 1877 for the purpose of showing when Jackson Eby turned over the assessment roll of Tehama county.

Mr. Lusk offered in evidence certain entries appearing in the cash book of treasurer of Tehama county for 1876 and and 1877. The assessments total $81,063. This amount was paid to witness as tax collector.

A copy of the road and hospital tax receipts for 1877 was placed in evidence. A copy of the null assessments of 1877 was placed in evidence. A copy of the treasurer's settlement with the county was placed in evidence; also a copy of the delinquent assessment roll of 1877.

The total sum of taxes collected in 1877 and turned over to witness as treasurer was $81,168.14.

Mrs. Mary Compton On The Stand.

Mrs. Mary Compton was called. Witness is a sister of William. Witness lived at the Garden ranch in 1887; knew William and Ira Compton went to Surprise Valley; did not believe William went to the State Fair in September of that year. Witness was not allowed to state what William said to her on his death bed about the note.

Mr. Lusk read from the deposition of the plaintiff. In it plaintiff stated that she did not know how much Sam loaned William; she heard the two men say it was $100,000 when the note was made. Plaintiff said the note was given to her instead of Sam at the latter's request. She and Sam were always on good terms. Plaintiff stated Sam paid William $20,000 in $20 pieces when the note was made; that Sam got the $20,000 by selling mutton sheep and wool; he did not get it from anybody; it arose from the sale of produce. William was at plaintiff's house three times, at least, after the note was given. Plaintiff thought William suggested making the rate of interest one per cent per month.

Notes paid by William were torn up.

B. H. Burton On The Stand.

B. H. Burton was called. Witness stated that plaintiff did not present her claim in person. Gawn Murdock never talked to witness about the claim.

Mr. Lusk offered to prove what witness' conversation with Dr. Sehorn was. The offer was not allowed as the Court had ordered Dr. Sehorn's testimony stricken out.

The defense offered ten cancelled notes of William's in evidence for the purpose of showing that he preserved such papers.

AFTERNOON SESSION.

Expert Kytka was recalled to the stand. He exhibited a photograph on glass which he stated was a reduction from an enlarged photograph of the note signature back to the original size. The expert placed the glass photo over the signature of the note and stated that they tallied exactly. The Court and jury viewed the transposed signatures. The object of this reduction was to prove whether the lines of the signature are distorted in the enlarged pictures.

Kytka exhibited an enlarged picture of a small chart on which were a face, two sets of parallel lines and a protractor. The expert measured the enlarged picture to show that the parallel lines remained parallel and that other lines retained their relative positions.

Mrs. Elinor Murdock was called to the stand for the purpose of showing that a certain cancelled note for $9,000, introduced this morning was payable to "old Sam" and not to "Sheep Sam."

Mr. Johnson asked the witness if Cam Ashurst asked her on the day he first testified whether he went home on the next day after he and she visited William at the sanitarium or the second day thereafter, and that she replied on the next day. Witness denied making the statement.

L. J. Klemmer was called and stated part of Wm. Murdock's signature to a certain check in evidence was written by himself.

Mr. Lusk offered in evidence a certified copy of a mortgage recorded in Tehama county in 1876, made by W. W. Watkins to Gawn W. Murdock for $2,000; also a mortgage from Watkins to Gawn dated 1876 for $3,400; also an assignment of the two mortgages by Gawn to Sam in 1877; also a mortgage from W. W. Watkins to Sam dated 1878 for $1600; also a deed from W. W. Watkins to Sam of the land covered by the three in consideration of the sum of $9032.80; also deed from Sam to Edmund Murdock dated 1887, and another of the same date to Stanley Murdock, the two conveying all the property obtained from Watkins.

George G. Murdock On The Stand.

George G. Murdock of Upper Lake was called. Witness was a nephew of William and a son of "old Gawn" Murdock. Plaintiff and the family visited at witness' home in the fall of 1881. At that time witness had a conversation with his father and Gawn in the woods.

Witness was not allowed to state whether Gawn had said that he had got the best of his father in their settlement; that he had got nearly all the property, which was right as he had worked very hard for it.

Plaintiff and family had visited witness' home again in 1887. A conversation had been held about William. Plaintiff told witness that he ought to make up with William and get part of his property when he died as he was worth about a $1,000,000; William owed nothing and that he had a large amount in the bank; that William was worth more than the Glenn estate as he owed nothing, while the Glenn estate was in debt.

Mrs. Lizzie Smith On The Stand.

Mrs. Lizzie Smith of Upper Lake was called. Witness is a sister to George Murdock. She corroborated the testimony of the previous witness about the conversation of 1887. George Murdock asked if William was not in debt and Gawn had replied as before stated.

Witness identified several letters written to her by plaintiff and they were placed in evidence.

Mr. Lusk began reading the deposition of Sam Lewis of Red Bluff as to the reputation of Cam Ashurst. An objection was argued until the Court adjourned at 4:15 p. m. in order to allow juror Carmichael to go to Chico.

Say—Why pay $40 or $50 for a bicycle when you can buy a Hartford equipped with single tube or American Dunlop Clincher tire for $30. Again we have the Vedette at $25, another good wheel. Drop in and examine them at Freeman's.

MORE BLOWS AT MURDOCK NOTE.

EVIDENCE TO PROVE IT IS A FORGERY.

STRAIGHT CONTRADICTION OF TESTIMONY PRESENTED BY THE PLAINTIFF.

Conflict of Statements as to the Whereabouts of William at Certain Dates Vital to the Issue.

[illegible]

WILLOWS, May [illegible].—Flat contradictions of witnesses in the Murdock case have ceased to cause surprise and even impeachment proceedings have [illegible] lost [illegible] to cause more than a ripple of excitement. The defense continued today in offering rebuttal testimony aimed at the salient points of the structure Mary Helen Murdock has erected about the note which bears interest of $1000 per month.

A deal of attention has been given to the $20,000 which the plaintiff says Sam Murdock gave William on September 3, 1877, the day the alleged note was made. Cam Ashurst claims he paid Sam $10,000 of this amount on the day before, and that the money had been secretly loaned him from the funds of Tehama county by Assessor Jackson Eby. The defense claim that Eby settled with the county in July, 1877, and when he next settled in January, 1878, he turned over less than $400. Charles R. Mayhew, who was Treasurer of Tehama county at that time, was on the stand to-day with certified copies of all his own records and those of Assessor Eby for 1877, showing that Eby settled in full on July 2d.

The plaintiff and E. J. Robinson testified that William Murdock acknowledged the note to them at the State Fair in 1887. Henry and Ira Compton testified to-day that William accompanied Ira to Surprise Valley and returned on September 1, 1887. Henry Compton stated that he saw William at home on September 15th, and both the Comptons and others stated that William attended a sale at Colusa on September 20th. They did not believe he was in Sacramento in September.

Attorney Lusk read from plaintiff's deposition, made last year, her statement that she did not know how much Sam had loaned William, that she and Sam were on good terms, and that William destroyed several notes held by Sam as he paid them. Lusk introduced ten cancelled notes to show that William preserved such papers. Lusk offered certified copies of mortgages and deeds from the records of Tehama county for the purpose of contradicting minor statements of Gawn Murdock. George and Lizzie Murdock, children of William's brother, testified that Gawn and the plaintiff had told them in 1887 that William owed no money.

Expert Kytka exhibited a photographic reduction of one of his enlarged pictures to show that his lense does not distort.

[illegible] ing the trial of the Murdock note case an attempt was to-day made to impeach the reputation of a witness. As the witness in question, C. B. Ashurst, is brother of the plaintiff and a well-known man, the matter stirred up no little excitement.

Adam Compton, a nephew of William Murdock, and co-executor of his will, was first called to the stand. He testified as to the mountain trip made by his brother Ira and his uncle, William Murdock, in the fall of 1887, and said he did not believe his uncle attended the State Fair of 1887. On cross-examination he acknowledged that he was not positive as to exact dates. Ira Compton, Adam's brother, told of the trip to Modoc county with his Uncle William in the fall of 1887. He also did not think his uncle attended the 1887 State Fair. Charles R. Mayhew, who was Treasurer and Tax Collector of Tehama county in 1876 and 1877, was called and defense introduced a number of transcripts from county records, all with the purpose of showing the amount of moneys in the hands of Jackson Eby, County Assessor in 1877. Attorney Lusk said he would show that Eby could only have had $300 or $400 at that time. (Cam Ashurst had testified that he had borrowed about $10,000 of county moneys from Eby just before the date of the Murdock note.)

Mrs. Mary Compton, a sister to William Murdock, was not allowed to tell what her brother stated to her on his death-bed in January, 1891 in relation to this note. Attorney Lusk read questions and answers from a deposition of plaintiff taken last year, in which she told of her writing the note in the presence of the two, of the paying over to William of $20,000 which Samuel had accumulated from the sale of stock, and of the removal of the twenty-dollar pieces in sacks the next morning by Uncle Billy in his "one-horse shay." Ten cancelled notes made by William Murdock were offered in evidence to show his business habits, plaintiff having sworn that two later notes surrendered to him when the big note was made were torn up.

Two mortgages, dated 1875, to G. W. Murdock, plaintiff's husband, were offered by defense. The amounts aggregated $4,400. Then an assignment of these to his father, Samuel, was introduced, dated September 3, 1877. Gawn Murdock has testified that he settled with his father on this date, paying him all but $[illegible] in cash. The defense claims that the assignment above disproves this.

George G. Murdock of Upper Lake, a nephew of William Murdock, told of a visit made to his home in 1881 by plaintiff and her husband while on a trip to Ukiah. Witness testified that on this occasion plaintiff told him, in presence of the family, that he ought to go over and "make up with his Uncle Billy," as his uncle was worth a million dollars. Witness further testified that the plaintiff's husband told him that Uncle Billy did not owe anything and had a large sum of money in the bank.

Mrs. Lizzie Smith, sister of preceding witness, corroborated his testimony in detail. Defense then introduced three letters written by plaintiff to witness, and read them. They were offered to show the warm friendship then existing between the two women.

Attorney Lusk commenced to read a deposition of Samuel Lewis, taken at Red Bluff last month. The first question was as to the reputation of C. B. Ashurst and an objection stopped the reading of the answer. Plaintiff's attorney was engaged in support of his objection when adjournment time arrived. It is believed the Red Bluff depositions will cause a merry war between counsel.

FORGOT THEIR OWN SIGNATURES

Ambrose and Piper Were Poor Witnesses Against McGlade.

Former Superintendent of Streets Was Shy of Official Information.

TECHNICAL OBJECTIONS SWEPT AWAY

Judge Cook Decides Against Attorney Reddy in the Latter's Plea That There Was No Statutory Forgery.

W. F. Ambrose, former Superintendent of Streets, and Harry Piper, who was Mr. [illegible]'s Chief Deputy County Clerk, do not remember very much that is damaging to Peter W. McGlade in the forgery case now on trial before Judge Cook.

Both of these retired city officials were called as witnesses yesterday in aid Assistant District Attorney Black in fixing the responsibility for the crime by which the city was defrauded of $1,850.

They swore that they could not identify their own signatures on official documents and that had forgotten, more or less, their official actions that were supposed to have a bearing on the case.

When the McGlade case was resumed in the Superior Court yesterday morning, Judge Cook overruled Attorney Reddy's technical objection that the Street Department document on which the indictment is based does not constitute a forgery under the law even though the paper be entirely fictitious. The Court ruled that if the face of the document was forged by McGlade, that would constitute a forgery within the meaning of the law, without regard to the passing of the demand.

H. J. [illegible]wolde, in whose name the demand was before the court was prepared, testified that he had not signed the demand and that [his] signature was forged.

Ex-Superintendent W. F. Ambrose was then recalled. McGlade's written oath of office as assistant bookkeeper in the Street Department was submitted to him.

"Have you ever seen that document before?" began Mr. Black.

"I couldn't swear to it."

"Is that your signature on the document?"

"It looks like my signature, but I couldn't swear to it."

After much effort, however, Mr. Black succeeded in having the paper sufficiently identified and Mr. Reddy agreed to have it admitted as McGlade's official oath of office.

Much questioning about the routine of the bookkeeper's work in the Street Department was done, and Mr. Reddy had an objection to every question, though the objections were usually overruled.

Mr. Ambrose disclaimed all knowledge of the forged demand upon which McGlade was indicted. He couldn't positively say very much about the routine of his office during the time that McGlade was employed, most of his knowledge being merely what others had told him.

Mr. Ambrose said that he had given McGlade and all deputies authority to use the stamp of his name.

In the afternoon Harry Piper, formerly chief deputy county clerk, testified that he was unable to identify his own signature to the verification of McGlade's oath of office.

Routine testimony was given by Thomas F. Clark, formerly a deputy superintendent of streets, and T. H. McGlonie and John H. [illegible] who have been deputy clerks of the Board of Supervisors.

M. F. Higgensberger, a banker, identified McGlade's signature on the forged demand and offered several examples of the signature. The hearing was then continued to Monday, when Theodore Kytka will testify, as an expert, about the forgery.

GRAND JURY TAKES UP STRAW BOND CASES.

The Investigation Will Be Continued at a Future Session—Plea for Chief Lees and the [illegible] Department.

The Grand Jury commenced its investigation of the straw-bond [illegible] yesterday afternoon. Captain Seymour of the Police Department and Harry Wi[illegible], negro who [illegible] while out on a [illegible] bonds and was subsequently recaptured, were questioned by the Grand Jury concerning the methods of furnishing [straw] bonds for criminals. The Grand Jury learned sufficient about this [illegible] to feel called upon to continue its investigation at a special session next Monday afternoon.

The dive and gambling evil was brought up in the course of the routine work. In view of the recent activity on the part of the Police Department the Grand Jury decided that the best efforts are being made to stamp out the twin evils. Resolutions were passed approving the course of Chief of Police Lees and the Police Department and expressing the belief that the matter was receiving the proper attention. One indictment was found and Presiding Judge of the Superior Court [illegible] and was placed upon the secret file, with bonds fixed at [illegible]. It is against an offender who is not at present in reach of the authorities, and for this reason his name is withheld.

MRS. CRAVEN'S NEW SCHEME.

Seeks a Place on List of Pensioned Teachers.

WILLING TO PAY WELL FOR THE PRIVILEGE.

[illegible]

CLAIMED HE WAS PAID TO TESTIFY

Alleged Admission of a Witness.

Special Dispatch to The Call

WILLOWS, May 9.—The Murdock note case is drawing to a close. When court convened this morning Mr. Lusk said he desired to prove by Witness W. P. Harrington that William Murdock had $50,000 in bank in May, 1890. This, the attorney said, was to contradict the testimony of Witness Skiff, who swore that Mrs. Mary Helen Murdock had asked "Uncle Billy" for the payment of interest on the note and that he had refused. Attorney Johnson objected to such testimony, and his objection was sustained.

Adam Compton was called, and Mr. Lusk handed to him a note for $1,000, made by William Murdock to a man named Singletary. Mr. Compton was asked why this note was given. Mr. Lusk said he wished to show that the note was given, not for money loaned, but as a part payment on the Calvin ranch. Attorney Johnson's objection was sustained and Mr. Compton was excused.

Mr. Lusk said that with the exception of two witnesses the defense was ready to rest. Johnson wanted to know the names of these two witnesses, but the court would not allow it. With this understanding the defense rested.

Seth Millington was called. He said he had been Judge of the Glenn County Superior Court. He was present in court when Witness T. J. Kirkpatrick testified; he heard the testimony of Kirkpatrick and remembered the affidavit purporting to have been made to Kirkpatrick by Samuel Murdock. At the time of the giving of this testimony he heard Expert Carl Eisenschimel say to Expert Theodore Kytka, "Tell that affidavit, Kytka; take a photograph of it and we'll knock it out," or words to that effect.

Mrs. Mary Helen Murdock, the plaintiff, was called and told of having gone to Deadwood in April, 1891, returning home in July. Attorney Johnson said that all this was to contradict the testimony of W. S. Murdock, who had related certain conversations of plaintiff to him at her house during June, 1891. The witness denied having conversed with C. S. Young and L. S. Megginson at the Arlington, in San Francisco. She never spoke of this note to Young. She said she had heard the testimony of George G. Murdock, Mrs. Lizzie Smith and Mrs. Ellen Murdock. She remembered hurting herself at the Murdock home at Upper Lake, but she never made the remarks about "Uncle Billy" attributed to her by these witnesses.

Mrs. Murdock denied that she and Megginson left Young at the Arlington and returned with [illegible] payment was to be a "make-believe" [illegible] on the note. She also denied any knowledge of a consultation with attorneys held by Young and Megginson as to the note. She said she did not go to the bank, and never offered Young a half-interest in the note if he would attend to the collection of it.

Alexander Lake was called for the plaintiff. He lives in Clarkes Valley. He testified that two weeks ago William H. Burnight, a witness for the defense, told him in front of Putman & Walker's drug store that he was to get $100 for testifying in the case, and that Mr. Lusk was to give him [illegible] He further said that Mr. Lusk [illegible] there was more money in testifying in this case than in [illegible] intended going. [illegible]

[illegible]

MRS. MURDOCK ON THE STAND

Denies Stating the Note Was a Substitute for a Will.

CONSIDERATION NOT LOVE AND AFFECTION.

[illegible]

Witness Turner Throws Light on Negotiations Between Gavan's Wife and the Alleged Conspirators

[illegible]

WILLOWS, May 9.—[illegible] called in the Murdock [illegible] the defense [illegible] evidence was [illegible] and [illegible] testimony was given in rebuttal. Attorney Lusk asked [illegible] testimony of W. P. Harrington that William Murdock had [illegible] in the bank in May, 1890. [illegible] the testimony that Mrs. Helen Murdock had asked for the payment of interest on the note and was refused. Johnson objected and the testimony was excluded. After stating they had two more witnesses the defense rested their case.

Mrs. Mary Helen Murdock was placed on the stand in her own behalf. She denied ever conversing with C. S. Young and L. S. Megginson, also that she had never spoken of Uncle Billy [illegible] in connection with a 25 bottle of brandy. Here General Barnes commenced a searching cross-examination regarding her meeting with Young and Megginson. Plaintiff did not deny having been introduced to Young, but said she did not show him the note or state to him that the note was made as a substitute for a will. She also stated that she never made the remark about the note being given to her for love and affection. The witness positively denied having any conversation with Young other than in reference to the school [illegible] In fact, Mrs. Murdock denied almost everything testified to by deponent Young in regard to the note.

Outside of this testimony the major portion of the day was consumed by the defendants in offering depositions to show the negotiations of plaintiff with M. W. Connor of Los Angeles, J. F. Turner and Delos Pratt of San Francisco, and her statements to their relative to the forming of a syndicate to buy a half-interest in the note. The plaintiff's attorneys made a vigorous fight to exclude this testimony, [illegible] [illegible]

[illegible]

RILEY'S ACCUSATION.

Says His Name on the Wilson Bond Was Forged.

Grand Jury Getting Ready to Indict the Straw Bondsmen.

[illegible]

THE EVENING [illegible]

"MAMMY" IN COURT

Bitter-Tongued Negress Gets Excited.

She Interrupts Witnesses Who Testify Concerning Her Debts.

[illegible]

M'GLADE'S TRIAL.

[illegible]

MURDOCK CASE GROWS LIVELY.

The Attorneys Talk About Forgery and Cowardice.

Judge Pirkey Has All He Can Do to Restore Order

WILLOWS, May 9.—In the Murdock [illegible] ... Pratt and Turner, [illegible] ... the plaintiff would agree to pay the expenses of Pratt and Turner if they would come here and take the stand. He stated that the defense had them under their control and would bring them here if they were not afraid of a personal examination. As far as he was concerned, he believed the [illegible] forgeries. Mr. Lusk took exception to the remarks of Johnson and in reply said that if the latter would permit the defense to send a likeness of Mrs. Murdock for identification, the new depositions of Pratt and Turner would be taken tomorrow. In a very positive manner he said that he believed there was a scheme connected by the plaintiff and that Megginson was a party to it, and that this was the reason why they did not propose bringing the men here and putting them on the witness-stand.

Mr. Johnson called this a cowardly attack and moved that it be struck out. For a few minutes there was quite a lively time in court, but Judge Pirkey, after repeated raps, succeeded in restoring order.

A number of depositions were then attempted to be read by Lusk, but as they related to matters that had been passed upon in the other depositions, they were objected to and the objections were sustained. Lusk then announced that he thought the defense would rest after examining one witness in the morning.

Mr. Lusk, in opening this morning, stated that he would like to call W. P. Harrington to contradict Mr. Skiff in regard to his testimony that Mr. Murdock had \$50,000 on hand to pay the note in 1890.

Objected to and objection sustained.

Mr. Compton was then called to identify a \$24,000 note, given by Murdock to a certain party.

Objected to and objection sustained.

Mr. Lusk then said that the defense would rest, provided they were allowed to examine a couple of witnesses that were, on account of sickness, prevented from being here. Johnson wished him to give the names of the witnesses, which was objected to by Lusk, who was sustained by the court.

Mr. Johnson then read a deposition of R. Gernon in regard to the standing of Cam Ashurst in Red Bluff. In answer to the question, "What do you think of the character of Mr. Ashurst, as regards truth and veracity?" the deponent said: "I consider it good." The deposition of the cashier of the Bank of Tehama County was also read. The deponent stated that, so far as he knew, Ashurst's reputation for truth and integrity was good. Another deposition was read, that of G. V. Vestal of Red Bluff, who stated that he had been acquainted with Ashurst for forty years, and considered him truthful. When asked in regard to his moral character, the question had been objected to and the objection had been sustained. A number of other depositions were read from residents of Tehama county, all favorable to Ashurst.

Ex-Judge Seth Millington was then put on the stand by the plaintiff, and testified that he had overheard a conversation between Experts Eisenschimel and Kytka on the day on which T. J. Kirkpatrick testified, in which Eisenschimel said to Kytka, "Get that affidavit and photograph it, and let's knock it out."

In cross-examination General Barnes questioned the witness very closely in regard to his position in the court-room at the time, and also as to where the experts were sitting.

Mrs. T. J. Kirkpatrick was then called, and stated that she was a sister of Mrs. Mary Helen Murdock; that she was frequently at her sister's, and that her sister was not at home in June, 1881, but was at Deadwood, Butte county.

Mrs. Graves, another sister, was also called, testifying likewise that her sister was in Deadwood in June, 1881, under treatment of a Chinese doctor. The purpose of this was to contradict the testimony of William S. Murdock, who had said he was at Mrs. Murdock's place in June, 1881, and that she was present. Mrs. Kirkpatrick and Mrs. Graves both said she was at Deadwood from April to July of this year.

Mrs. Murdock was called and asked if she knew the witness, W. S. Murdock, who said that he was visiting her in June, 1881, when he had a broken leg.

[illegible] ... Young and Megg[illegible] ...

I never at any time or any place [illegible] Mr. Young [illegible] ... or ask [illegible] Young or Megg[illegible] ... take [illegible] ... Mr. Young [illegible] ... regard to the note [illegible] ... to do so."

She [illegible] that Mr. Megginson did not offer to pay her \$1000 on the note in the presence of Young.

In her further testimony Mrs. Murdock denied emphatically all the statements made in the deposition of Young in regard to her having any transaction [illegible] in regard to the [illegible] ... offered to give Young and Megginson half of the note for [illegible].

The case undoubtedly will end in a few days.

HE FORGED MANY NAMES.

Evidence That McGlade Operated on a Large Scale.

At the trial of Peter W. McGlade for forgery [illegible] ... street [illegible] ... testified that they [illegible] ... The fraudulent demands [illegible] ... whose names the fraudulent demands were [illegible] worked [illegible] the Street [illegible].

Charles F. Durham [illegible] Thomas P. Clark [illegible] ... the Street [illegible] whose names were attached [illegible] ... testified that these signatures were forged. Expert Kytka [illegible] testified that McGlade was the forger.

[illegible] ... McGlade produced the orders which McGlade had [illegible] ... Rivers testified [illegible] auditing the fraudulent demands by the Street Committee of the Board of Supervisors last year and ex-Auditor [illegible] clerk testified to the action on them in his office.

J[illegible] H. [illegible], assistant clerk of the Board of Supervisors, testified that McGlade [illegible] and receipted for the fraudulent demands after they had been acted upon officially.

J. Turner, H. Swords and J. Lynch, who were among the men in whose names fraudulent warrants were issued, testified that the signatures on warrants were forged.

The trial will be resumed today in Judge [illegible]'s court.

WILLOWS DAILY JOU[RNAL]

VOL. XXIII. WILLOWS, CALIFORNIA: WEDNESDAY EVENING, MAY 10, 1899.

EXPERT KNOCK

Says Murdock's Signature Was Not Traced.

Mr. and Mrs. Henry Give Some Strong Testimony for the Defense.

Before the case began this morning the defense asked the privilege to recall Jas. Boyd and W. E. Bowles, as they had several questions that they desired to ask these gentlemen.

Plaintiff did not object and the request was granted.

Mr. Boyd was called and testified that he knew Jim McConnell, whom W. E. Bowles had testified was at the State Fair in 1887. Knew McConnell because he had worked for witness before he left Willows but had never seen him at a State Fair in Sacramento; and furthermore that he had never gone with him. Had never seen Wm. Murdock in Sacramento at the State Fair; would most surely have seen both men had they been there.

On cross-examination by Johnson, Boyd said he was certain about this.

W. E. Bowles followed Mr. Boyd. He was asked by Lusk if he had not, before he left Willows years ago, been arrested here for extorting money from prostitutes and Chinamen; also asked if he had not left Willows so that he would not have to stand trial for the offense.

Attorney Johnson fairly flew to his feet and said this was a very improper question and a witness should be allowed to strike down an attorney for such an insult. He asked the court to protect the witness and not allow the question to be answered. The witness had already answered "no" but Judge Pirkey said he would allow this one as witness had already answered; did not want any more along that line to be asked. Witness started an explanation about being arrested, but was immediately stopped by attorney Johnson.

Mr. Knock was then called to give expert testimony in regard to measurement of angles in "Wm" of note and 1890 deed from which the defense claims signature on the note was traced. Said he had had many years experience as a civil engineer and had made a close study of surveyors' lines and degrees. Mr. Knock said he had examined the seventy-nine photographic signatures of Wm. Murdock and also the signature to the note and deed. Said he had discovered that the "Wm" of the deed and the "Wm" of the note were not alike. "There is not a line in the 'Wm' of the deed and the 'Wm' of the note that correspond with but one exception and that is the first stroke of the 'm' of both 'Wms.'"

Expert Knock explained many differences which he said he found between other letters of the two signatures. The expert testimony of Mr. Knock contradicts almost all of that given by experts Ames, Kytka and Eisenschimel.

Mr. Knock had made several tracings of different signatures which he used in his demonstrations. Said he did not believe the signature of the note was traced from the signature of the deed.

After Knock had finished with his expert testimony, Mrs. T. J. Kirkpatrick was recalled. In answer to Johnson said she had been to Mary Helen Murdock's house on September 6, 1887. She went there to pick some geese, which Mrs. Murdock had left in her charge for the feathers. Mrs. Murdock was at home and witness was very much surprised to see her there for she thought she was at Allen Springs. Remembered the date for her house burned three days after that and this was the ninth; also remembered date by the death of Mr. Neideffer's child about that time.

As the plaintiff had no more witnesses on hand but were expecting some on the 11.20 train, court adjourned until that time. At calling of court after recess the witnesses were all present and testimony continued.

Jas. P. Matlock, Dr. West, H. P. Andrews, W. A. Fish, Chas. F. Foster, L. W. Valentine and A. L. Conard all of Tehama County, testified that the general reputation of Ashurst was good; but a few of them had heard some talk about his seducing a Dutch working girl and a colored woman.

Ashurst wanted to go on the stand to testify in regard to his character, but defense objected and objection was sustained.

Johnson, for plaintiff, said they were ready to rest their case with the exception of offering rebuttal testimony to the evidence of the two witnesses of the defense, who are expected on today's 1:20 train. Court then adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

Mrs. Smith, a daughter of Gawn Murdock, deceased, was called this afternoon by the defense immediately after court convened. Mrs. Smith testified that she was at Allen Springs sometime in the latter part of August, 1877 and had seen Mrs. Mary Helen Murdock there at that time and had talked with her. Mrs. Murdock wanted to make a visit to Mrs. Smith's home in Upper Lake but was warned by Mrs. Smith not to come as there were several cases of diphtheria in that neighborhood and it would not be advisable for her to visit at that time. Mrs. Smith returned to her home, but before leaving, promised Mrs. Murdock to keep her informed about the progress of the disease. Had written a letter to Mrs. Murdock on September 6th, 1877, and had sent it by a minister named John Black, who is now in Idaho, and he had taken it to Mrs. Murdock at Allen Springs. Mrs. Smith received a letter from Mrs. Murdock on September 7th. Remembered this distinctly, as a child, which witness had known well, died upon that date.

This was the date on which witnesses for the plaintiff have sworn that Mrs. Murdock was at her home near Orland.

In the cross-examination Mr. Johnson asked the witness how much she had talked to Mr. Lusk in regard to her testimony. Witness said she had talked very little about it. Said in 1881 Mrs. Murdock visited her and spoke to her about her trip to Allen Springs in 1877. Mrs. Murdock had told her that she had remained at Allen Springs until late in September. Mrs. Smith was not shaken by cross-examination and told her story in a straight-forward honest way.

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ROYAL BAKING POWDER CO., NEW YORK.

Allen Henry, a resident of Chico, was the star witness for the defense in regard to Allen Springs matters. He testified that the election of Sept. 5, 1877, had been impressed upon his mind, for he was a candidate for the Assembly and was defeated. On the next day, September 6th, started for Allen Springs and arrived there on the afternoon of the 7th. While standing in front of his cabin that evening saw a lady standing in a cabin door across the way from his, who was later introduced to him as Mrs. Gawn Murdock. He identified Mrs. Murdock in the courtroom as the woman he saw there.

In cross-examination said he was attracted to the lady standing in the cabin door by her elegant clothes and fine appearance. Mr. Allen's testimony was not shaken in the least by the severe cross-examination.

After Mr. Henry was excused his wife was called. Mrs. Henry said that she had spent the summer of 1877 in Allen Springs and lived next door to Mrs. Murdock while she remained there. During her stay at Allen Springs she went over into Lake County to visit the family of G. G. Murdock, but returned to Allen Springs on August 27th of the same year and had remained there until September 7, 1877 when her husband came for her and took her home the next day. She knew that Mrs. Murdock was at Allen Springs from August 27th to September 7th, for each and every day they exchanged neighborly calls.

Mrs. Henry corroborated every [illegible] in regard to her husband's trip to Allen Springs on the 7th of the month.

In cross-examination witness said she had talked several times to Mr. S[illegible] about the case, etc.

These are two of the most important witnesses which have been introduced by defense and their testimony made a sensation in the court room, which was crowded.

Expert Kytka was recalled by defense and identified some photographic signatures of the note.

Miss Maggie Murdock was not allowed to answer questions asked her by attorney Lusk and was excused.

Mrs. Lizzie Smith was recalled and corroborated Mrs. Henry as to a [illegible] to witness.

G. M. Potts was asked in regard to arresting W. E. Bowles but was not permitted to answer.

THE DAILY PROMOTER

SPECIALLY ISSUED BY THE [illegible] WEEKLY PROMOTER [illegible]

Vol. 3 WILLOWS, CALIFORNIA, WEDNESDAY, MAY 10, 1899. No. [illegible]

EVIDENCE ALMOST COMPLETE.

The Wheels Of Justice Grinds Slow But Exceedingly Sure---Many Important Witnesses Testify For Both Plaintiff And Defendants.

WEDNESDAY'S SESSION.

At calling of Court this morning Attorney Lusk asked the privilege to recall witnesses Lloyd and Bowles for re-cross examination, which was granted.

James Lloyd as a witness. Mr. Lusk asked him who Jim McConnel was, to whom Bowles referred yesterday and Lloyd answered that he was a man that worked for him a great many years ago. Lloyd said he was never at the State Fair with McConnel. Was at all times friendly with him. Said if McConnel had been at State Fair, he would most certainly have seen him. Further testified that he was never at State Fair with Wm Murdock.

W. E. Bowles on the stand. Lusk asked "Were you arrested for stealing money from room clerk and some prostitutes before you left Willows and were you not let go on your own recognizance and did you not leave Willows and never turn up until you came here yesterday?" This was objected to by Johnson but was overruled by Court. Bowles answered that he had not. Johnson said the question asked was very insinuative and such questions should not be allowed. Judge Pukey said the question had been answered but he would allow no more questions on that line. Witness was then dismissed with out further questions. Just before the witness left the stand he was going to say that he had been arrested and was going to explain how it happened but Johnson promptly stopped him.

Knock as an expert. T. L. Knock was put on the stand by the plaintiff. Testified that he was a civil engineer and surveyor and had about 20 or 30 years experience. Said he had made surveyors lines and degrees a study. Had examined the 79 signatures of Murdock which had been photographed by Kytka. Found that "Wm" of the deed differed quite materially from the "Wm" of the note. "Wm" of the deed was not quite so broad as the "Wm" of the note. Before Knock went any further, he was stopped by Barnes and asked from what photographs he had made these wonderful discoveries. Knock answered that he had examined the photographs taken by Kytka and supposed they were right in every particular. Found that the length of the two "Wm's" were not the same and that the angles were far from being alike. Witness took up several different portions of the two signatures and showed places where they did not correspond. Said there was, with but one exception, not a line of the "Wm" of the deed that corresponded with the same line in the "Wm" of the note. Knock had made several tracings of different signatures of Murdock and showed them to the jury and used them in his comparisons and contrasts. Said: "I do not believe that this signature to the note was traced from the signature of the deed." The stenographer had great difficulty in taking the testimony of the witness as he did not give the names of the different strokes of the letters but would merely refer to them with a pointer.

The only question asked in cross-examination was whether or not he knew how many times the photographic signatures had been enlarged. The witness could not answer. After examination of this witness was concluded a recess of 10 minutes was taken.

Mrs F. J. Kirkpatrick testified that she was over to Mrs. Gawn Murdock's house on the 9th of September, 1887, and at this time Mrs. Murdock was at home. She remembered the date because she cared for Mrs. Murdock's geese while absent and picked them for the feathers; that her horses burned and she lost them. She was very much surprised to find Mrs. Murdock at home, as she had supposed her being at Allen Springs.

After this testimony Mr Johnson asked for a recess, as witnesses would arrive on the 11:20 southbound train. The recess was granted and court adjourned until 11:25.

Jas. P. Mathock stated he was a resident of Red Bluff and had known Carr Ashurst about twenty-five years and his reputation for truth, honesty and veracity is good.

Dr. West was also a resident of Red Bluff, knew Ashurst, thought his reputation in general was good. On cross-examination said he had heard about Ashurst treating an old woman a little mean in regard to a note. Witness said he had never heard Ashurst called a "damned old thief". Had never heard about him seducing a dutch girl or a negress.

H. P. Andrews, a witness stated that Ashurst's reputation for truth and veracity was good. He said he had been employed by Ashurst as an attorney to assist Mr. Freeman in taking depositions in regard to Ashurst's character.

W. A. Fish, who had been County Clerk, Auditor and Recorder of Tehama county said Ashurst's Reputation was read in court the other day and who said Ashurst's reputation was bad.

Chas. F. Foster who had been Sheriff of Tehama county and who had also been State Senator from that district, testified that Mr. Ashurst's general reputation was alright. On cross-examination witness stated that he had interest in Maywood Colony at Corning and advertised extensively in religious newspapers in the East.

L. W. Vallentine, a witness knew Ashurst. Reputation was good. Had heard some talk about Ashurst and a negress. Witness at this time was assessor of Tehama county.

A. L. Conard, a witness, stated that he run a hotel in Red Bluff and that Ashurst's reputation was good.

At this Mr. Ashurst was called. His testimony was excluded, as it related to his own reputation.

Here Mr. Johnson rested the case of plaintiff, as Lusk wished to offer evidence in rebuttal of what these witness would say.

AFTERNOON SESSION.

Notwithstanding the increased heat of the day, a great many spectators were present this afternoon when court convened at two o'clock. A great many palm leaf fans were in evidence and part of the jury with the permission of the Court, sat in the box in their shirt sleeves.

Mrs. Lizzie Smith was recalled this afternoon by the defense. Said she saw plaintiff, Mrs. Mary Helen Murdock at Allen Springs about the 26th or 27th of August 1877 and had a conversation with her in regard to Mrs. Murdock visiting her at her home in Upper Lake.

Mrs. Smith said she told Mrs. Murdock at that time there was several cases of diphtheria at Upper Lake, but would return and let her know about it.

On September 6, 1877, Mrs. Smith sent word to her brother minister, Rev. John Black, and got an answer from Allen Springs. Plaintiff's witnesses swore that she was at home on this date.

Mr. Johnson cross-examined witness and she had never spoken to anyone except Mrs. Smith. Also stated that she did not know any more about the question.

EXCLUDED TESTIMONY.

The defendants did not get so much testimony yesterday. Lines of testimony that they thought very important were entirely excluded by the court. The depositions of witnesses J. P. McLaughlin, Thomas J. Dunn, Delos Pratt, and M. W. Connor were to the effect that in San Francisco, about 1891, Megginson, with the authority and consent of plaintiff, was trying to get up a syndicate of five men to put in nine hundred or one thousand dollars apiece and for which they were to have a half interest in the note for collecting it and they were applied to by Megginson to go into the syndicate, which he said was the biggest thing out, much better than any corner lot. Some of them he took to the plaintiff, who confirmed Megginson's authority to get the deal up.

The defendants' theory as to the importance of this testimony is that if it was a good note for the benefit of her children, executed in good faith, she would not be trying to sell half of it, which would amount to, say, one hundred and fifty thousand dollars to a syndicate of small real estate dealers in San Francisco, when no bank up in Sacramento valley had ever been shown the document or applied to for the purpose of borrowing money on it or negotiating it.

There was one deposition offered by the defendants nearly 200 pages long that was almost entirely excluded—that of a man by the name of Delos Pratt. He was the man who loaned Megginson the $3,500 to make the sham payment on the note that the witness C. S. Young testified to. This was proved, not only by Pratt but by Palmer, the cashier of the bank in Oakland where Pratt kept his money, and the actual draft that he gave Megginson and on which Megginson got the money was proved and offered in evidence at the trial. He stated that Megginson and Mrs Murdock offered him a twelve thousand dollar interest in the note if he would let them have the use of this $3,500 for the temporary purpose of making that payment, that he gave it to Megginson to use in that way in December, 1890. Megginson used it for the desired purpose and paid it back to Pratt in a day or two.

His story of his interview with the plaintiff was as follows:

"I was invited there for the purpose of having an interview with Mrs. Murdock as to this note, by Mr. Megginson, and I questioned her as to how she got the note. I told her this was a large amount, it looked like a good deal of money, and if a note of that kind was given it must be given for some consideration; there must be something as consideration, and she went on to explain then that her uncle had given this to secure her in case of death for what he wanted to give her out of his estate. Well, I asked her how he came to give it. She says that "I have always been good to him, and I think he thinks more of me than he does of the rest of his relatives." Then I said to her, "Now, if this is a straight affair why would you want to discount it so largely or give—agree to give a share of it to a stranger like Mr. Megginson?" She said she had met him at the Arlington and became acquainted with him and told him of her affairs and that he advised her that it would be better for her to transfer that note into the hands of a third party even if she did not receive but one-half of it, or something of that kind, one-half, and he induced her to assign it to him, with a promise that he was to have one-quarter or one-third when the note was collected, and that she wanted to raise some money. I asked her for what purpose she wanted the money for, and she said she thought of buying the Arlington as I understood it. Then Mr. Megginson opened up and told me how he had done, that he had gave her a check, and he had his receipt for it, but he was going to make it appear that he had paid her these sums of money from time to time, and the money was to be returned to him. Well, I said to Mr. Megginson, 'This is an unusual way of doing business. I don't like it. If you pay Mrs. Murdock these large sums of money, she must have some place to out[illegible] it. I understand she is poor.' He said that his bank books and his checks would show that he had made these payments. I says, 'That is well enough for a bluff, but I never would go into court with anything of that kind. The less you do of that you will be better off.' I told him that I didn't think that I wanted anything to do with it. I [illegible] of that kind, that I was willing after what I had learned to call it a gift, and if I got anything it was [illegible]."

FATE OF FAIR'S WILL IN DOUBT

Supreme Court Postpones Decision on the Trust Clause.

The opinions of six members of the Supreme Court [illegible] regard [illegible] [illegible] believed that the [illegible] of Justice [illegible] to the [illegible] will be required [illegible] question of the [illegible]

This [illegible] held the [illegible] of the Fair [illegible] invalid has been [illegible]. The order [illegible] the Justices to participate in the [illegible] and as Justice [illegible] was not [illegible] when the oral argument was made he is disqualified from acting. [illegible] the [illegible]

At the [illegible]

At the hearing of the case in the Supreme Court last April the attorneys who appeared [illegible] Judges [illegible] Wilson [illegible] Garber [illegible] Knight [illegible] Herrin [illegible] Robinson and [illegible]

[illegible]

A LITTLE BIRD MIXES UP WITH LAW IN THE PETER M'GLADE FORGERY CASE

CULPRIT SWALLOW BROUGHT BEFORE JUDGE COOK

It has not been the traditional "little bird" that tells things, but a little bird wandered into Judge Cook's department of the Superior Court yesterday, all rumors and flew directly to the jury-box. Court was adjourned until the intruder was captured.

Judge Cook was listening to a complicated, technical argument on one of Attorney Reddy's objections in the McGlade forgery case when the sharp complaint of a frightened swallow almost above his head and thirty feet from the floor attracted his attention. The bird had got into the courtroom and being unable to find a way out was very much alarmed at its predicament. His Honor smiled and attempted to resume business, but the bird had a sharp, shrill voice and was by no means as thoughtful of courtesy in its manner of speech as was Attorney Reddy.

This interruption continued for several minutes, the swallow's cries growing louder and more frequent. Then the bird, as many a well advised captive in the criminal court had done before it, concluded to throw itself on the mercy of the jury. It darted from the high window and, describing a semicircle above the "twelve good men and true," alighted on the right shoulder of Juror A. Heig. Juror E. P. Enright grabbed at the swallow, which screamed again and dodged to the floor. Judge Cook gave judicial sanction to the recess that had already been taken.

"We will adjourn court to catch the bird," he said with a smile.

The jurors, aided by Deputy Sheriff Dasha and Stenographer Stevens, made brief work of the pursuit and Juror J. P. Healey was the captor. Bailiff Dasha solemnly delivered the bird to Judge Cook, who held it in his hand a moment and then remarked:

"This prisoner is acquitted."

"It was probably attracted, your Honor, by the letter strokes and lines that Expert Kirks has left on the blackboard," remarked Mr. Reddy.

When the swallow had been liberated the trial of McGlade was resumed. The chief witness of the day was Melville M. Regensberger of the Hirt & Regensberger brokerage firm.

"Mr. Regensberger," began Assistant District Attorney Black, "have you in your possession any papers written by Mr. McGlade in reference to men who worked in the street department?"

"Yes, sir; I have."

Mr. Black then produced a note on which P. J. Murphy, a cigar dealer on Market street, is said to have obtained money from the brokers. It read:

SAN FRANCISCO, June 30, 1895.

No. 3,258

P. Murphy has worked 25 days on St. at $1 per day, month of June 1895.

P. A. M'GLADE,

$1 [illegible] Deputy Supt. of Sts.

"Do you offer this as an exemplar of McGlade's handwriting?" asked the court when Attorney Reddy had objected to admission of the document.

"No, your Honor, I offer it as a confession by Mr. McGlade," replied Mr. Black.

A forcible objection to the allegation of confession was made by Mr. Reddy. After a brief delay the objection was overruled.

Three similar documents were then admitted in evidence. They bore the names of T. Dwyer, J. Sullivan and William McGee. Regensberger testified that all were in McGlade's handwriting. The witness was in Europe at the time of the payment of money on the orders, and unless his partner can connect McGlade with the transactions the four documents will be stricken out, Judge Cook so stated, replying to an objection by Mr. Reddy.

In the forenoon, P. J. Murphy, declared by the prosecution to be the man named in McGlade's note about street work, testified that the name on the Regensberger document was not his signature, that he did not do any work for the street department in June, 1895, and that he had nothing to do with any claim against the city for June, 1895.

Thomas Dwyer, a fashionably attired young man of 844 Bay street, was called to testify that he had not worked twenty-four days in the streets as had been alleged in writing by McGlade.

Clerk John H. Ryan of the Supervisors' office was recalled to identify some books. Mr. Reddy cross-examined him thus:

"Mr. Ryan, have you ever taken the oath of office?"

"No, sir."

"Have you done any swearing while in office?"

"Swearing?"

"Have you administered any oaths?"

"No, sir."

"You are still in office, aren't you?"

"Yes, sir."

John Sullivan of 3036 Twenty-second street and William McGee of 826 Powell street denied that they had worked for the street department.

Thomas W. Rivers, ex-Supervisor, identified the forged warrants as having been passed by the Street Committee and the Auditing Committee.

Auditor Broderick next examined the demands and testified that they had been passed by him.

Assistant District Attorney Black has announced that he will close the prosecution this morning.

MRS. BELL SAYS SHE PAID NO MONEY FOR "MAMMY" PLEASANT'S BIG RANCH

Creditors Look for a Chance to Have Claims Settled.

"MAMMY" PLEASANT LISTENS TO THE WITNESSES

In the course of the examination of Witness Fred Bell "Mammy" Pleasant accused him of stating things which were not true. Then she engaged in a controversy with the attorneys who attempted to force her to keep quiet. She took a lively interest in all the proceedings in the trial.

CREDITORS of Mrs. Mary E. Pleasant, the old colored woman known for many years as "Mammy" Pleasant, have been skeptical in regard to her financial condition for a long time, and in order to test the matter the charge of insolvency made against her was called for trial in Judge Troutt's court yesterday.

Doubts have also arisen in the minds of Mrs. Pleasant's creditors touching the validity of her real estate transactions with Mrs. Teresa Bell, with whom Mrs. Pleasant resided at "the house of mystery," so called, at 1661 Octavia street, in this city. These doubts were deepened yesterday when it was seen that Mrs. Bell sat almost behind Mrs. Pleasant and Mr. Solo, her lawyer, and from time to time consulted with them in regard to the presentation of testimony on behalf of Mrs. Pleasant.

This manifestation of friendliness also raised the question of the genuineness of the recent reported quarrel between Mrs. Bell and Mrs. Pleasant, A. L. Black, attorney for the creditors, freely expressing his opinion that it looked like a ruse to defraud the claims of those to whom Mrs. Pleasant is indebted.

The greatest interest in the proceedings centers in the ownership of a $100,000 ranch in Sonoma county, deeded to Mrs. Bell by Mrs. Pleasant. The instrument bears date of 1891, but was not filed until 1898. The creditors contend that the transfer was not bona fide, and Mrs. Bell was called on to give her testimony yesterday afternoon.

As she took the witness chair it was gathered by her acquaintances that the yellow of litigation that have fallen to her lot since the death of her husband, Thomas Bell, have not dealt kindly with her.

Mrs. Bell testified that Mrs. Pleasant gave her the deed to the ranch over three years ago and that she delivered it to Fisher Ames, her lawyer, with instructions to have it filed if anything happened to Mrs. Pleasant. Answering interrogatories by Attorney Otto Wise of counsel for the creditors Mrs. Bell swore that she gave nothing to Mrs. Pleasant for the deed to the ranch, that she always had a deed to the property. She admitted that she never saw the deed but Mrs. Pleasant told her so and she placed implicit confidence in what Mrs. Pleasant said.

At this the opponents of Mrs. Pleasant exchanged significant glances as if to suggest that it confirmed their belief that Mrs. Pleasant's influence over Mrs. Bell is as potent as ever and that the stories of Mrs. Pleasant's eviction from Mrs. Bell's home did not grow out of any quarrel between the two women.

Fred Bell, who has been adjudged to be the son of Mrs. Bell though she vehemently denied it by swearing that she is no kin to Fred Bell's sister, Marie Bell, was called as a witness to prove the claim of a nurse employed by Mrs. Pleasant. He said that after the debt was incurred Mrs. Pleasant tried to shift the bill on to the shoulders of Mrs. Bell.

"That's not true," ejaculated Mrs. Pleasant in sharp tones.

Attorney Wise objected to such remarks and she turned on him with a command for him to keep quiet.

Judge Troutt interposed his authority and the lawyer quickly subsided; but Mrs. Pleasant kept up a running comment on the testimony of the witnesses, mostly uncomplimentary, throughout the hearing.

Fred Bell testified that Mrs. Pleasant sometimes claimed the Sonoma county ranch and sometimes said it belonged to Mrs. Bell. In this he was substantiated by F. W. Eaton. Mrs. Pleasant made a violent attack on Eaton because he spoke of her transactions as being carried "for a blind" to deceive outsiders.

Another effort to trace the ownership of the Sonoma county property will be made by the lawyers to-day.

THE GLITTER OF THE FAIR MILLIONS

Attorney Foote Presents the Case of His Client.

Marvels That Executors Object to Her Trying to Prove Her Rights.

Mrs. Nettie R. Craven-Fair, as she is officially designated in the papers filed in the Superior Court, appeared before Judge Troutt yesterday afternoon to urge her right to intervene in the opposition to the probate of James G. Fair's will, heretofore begun by Charles L. Fair, son of the testator.

Attorney W. W. Foote declared that so far as the pleadings show the intervenor here is the widow of the late James G. Fair, and that she is entitled to a family allowance from the estate. He said that all his client asks is an opportunity to come in and prove her claim, and he thought it strange that her application in this behalf should be so bitterly opposed by the executors.

Mr. Foote declared that he was not particularly impressed by the decision of former Judge Slack regarding the trust clause of the Fair will. In fact he disputes now, as he did during the argument, the soundness of Judge Slack's opinion.

Criticism was also passed on ex-Judge Slack's action in turning an ejectment suit into an equitable proceeding, with an advisory jury, and Mr. Foote called on his opponents to remember that his client had eight of those jurors while her opponents had only four.

Mr. Foote remarked that it had been suggested that if this will fails, there are parties ready to produce other wills, and it might surprise counsel to learn that still other wills, not in the possession of the executors, are in existence, and they might be glad to get those papers. If the so-called Victoria will should ever be produced Mr. Foote declared that he would have the person producing it arrested for failing to file the document as by law required.

Turning to Mr. Pierson, Mr. Foote said that if opposing counsel would meet a straight-from-the-shoulder question, he would like to know which crowd of lawyers has possession of the acorn or so of wills said to be in existence.

"I have no wills," replied Mr. Pierson.

Replying to the argument by Mr. F[illegible]

Mr. Pierson said that the position of the applicant here is peculiar, to say the least. If she has a legal right to intervene in this proceeding, he would like to know why she did not enter a contest to the probate of the will before the expiration of a year after it was presented for probate.

"You know why well enough. You knew that she was in the hands of persons who misled her and wrongfully advised her," cried Mr. Foote.

Attorney Garret McEnerney took the position that if the applicant be permitted to intervene, then the contest begun by Charles L. Fair must fail, for the reason that if the lady has a right to intervene as the widow of James G. Fair, she had a right to be notified of the proposed contest; that if she is the widow now, she was the widow then, and as such widow had a right as one of the heirs to be cited to the contest; that contest proceedings as they are now are void unless all the known heirs are cited to appear in court.

Judge Troutt, by way of suggestion, asked if at the time the contest was begun any publicity had been given to the fact that this lady claimed to be the widow of James G. Fair.

Mr. McEnerney thought that the act of the deceased might be presumed to show if any such relation existed. Pending the settlement of this point an adjournment was had until [illegible] at which time further argument will be heard.

Opposition to the intervention of Mrs. Nettie R. Craven-Fair in the contest over the estate of James G. Fair was filed by [illegible] Fair, Rachel Fair, John Fair, [illegible] Fair, Evaline Fair and Rachel Fair [illegible] objection of the persons [illegible] Attorney Bruns.

MURDOCK HEIRS REST THEIR CASE

Their Last Witnesses Barred From Testifying by the Court.

Mary Helen Takes the Stand in Rebuttal and Denies and Denies.

SOME EVIDENCE OF SUBORNATION

[illegible]

AGED MAMMY BATTLES WITH HER CREDITORS

Appears in Insolvency Proceedings.

SHE INTERRUPTS WITNESSES

DENIES SHE OWES YOUNG FRED BELL'S NURSE.

Mistress of the "House of Mystery" Takes the Stand and Again Repudiates Her Putative Children.

[illegible]

A BIRD TAKES PART IN THE M'GLADE TRIAL

Songster's Visit to Judge Cook.

TAKES PERCH ON A WINDOW

OVERCOME AT LAST BY FOUL ATMOSPHERE.

It Flies Directly Over the Head of the Accused and Drops Exhausted in the Jury Box.

[illegible]

MURDOCK CASE NEARING AN END

Arguments Will Begin To-Day.

LAST CARD OF THE DEFENSE

ALLEN HENRY AND HIS WIFE TESTIFY.

Swear That Mrs. Murdock Was Not at Home on the Day the Note Is Alleged to Have Been Executed.

[illegible]

JUST A WEEK OF ORATORY

Arguments in Murdock Case Commence This Morning.

Each Side Has Been Given Three Days in Which to Talk to the Jury.

[illegible]

EVIDENCE COMPLETE.

Testimony Presented in the Murdock Note Suit.

SIX DAYS ALLOWED FOR ARGUMENTS.

[illegible]

THE DAILY PROMOTER

[illegible] THE TRI-WEEKLY PROMOTER [illegible]

VOL. 5 WILLOWS, CALIFORNIA, THURSDAY, MAY 11, 1899. NO. [illegible]

THE GREAT NOTE CASE CLOSED.

The Suming Up And Arguments By Attorneys Will Commence Tomorrow---The Temple Of Justice Will Echo And Re-Echo With Cold Facts And Flights Of Oratory.

[illegible] Alleged [illegible]

One of the strongest blows that the defendants have struck in this case was just at the conclusion Wednesday afternoon when the testimony of Mrs. Lizzie Smith, of Upper Lake, and Hon. Allen Henry and his wife was introduced.

Mrs. Smith testified that she was at Allen Springs Aug. 28, 1877 visiting with the plaintiff, Mary Helen Murdock, that the plaintiff was very anxious to make a visit to Mrs. Smith's family in Upper Lake, but was afraid to [illegible] on account of diphtheria, which was prevailing there, that they arranged that Mrs. Smith was to keep her continually informed as to how the diphtheria was getting along, and that a little boy, Willie Kerr died on the 6th of September; that a peddler by the name of Blair brought the news to the Murdock's the same morning that the boy died, while he was on his way to Allen Springs; that they sent a note to Mrs. Murdock by him telling of the death of this boy and not to come, and that the next day, received a note from her in reply that showed that the message must have been delivered at Allen Springs on the 6th of September and the answer sent back that night or the next morning. This could not have occured had Mrs. Murdock been at home on Stony creek drawing the note as she has testified.

Mrs. Allen Henry testified that she went to Allen Springs on the 1st of July; that she had a cabin next to Mrs. Murdock's and that there were very few in that part of the Springs; that she soon got acquainted with Mrs. Murdock through their children playing together, and that they became very intimate friends, going to the hotel and store together every day and taking pleasure trips, such as to Soap creek. Mrs. Henry knew the Gawn Murdock's of Upper Lake before they moved over there. While there at Allen Springs she went over to pay them a visit, and was driven back to the Spring by diphtheria at Upper Lake. Gawn and his daughter Lizzie brought her back on the 27th of August. Her husband came after her on the afternoon of the 7th of September. At that time Mrs. Murdock was at the Henry cabin and was introduced to Mr. Henry. The Henry's packed that night and left Saturday morning, the 8th of September, reaching their residence in Dayton, Butte county, on Sunday.

Mrs. Henry testified in the most positive and strongest manner that the plaintiff was at Allen Springs in her cabin every day from August 27th until September 8th, when Mrs. Henry left.

Hon. Allen Henry testified that he ran for the Legislature that year at the election held on the 5th of September; that he was defeated; that he stayed in Chico until about midnight, until his defeat was known; that he went home and on Thursday morning started for the Springs after his wife, getting there about four o'clock Friday afternoon; that he saw the plaintiff at her cabin in a little while and asked his wife who she was; that his wife replied Gawn Murdock's wife; that Henry thought that she meant young Gawn Murdock of Upper Lake that he knew, and said he didn't know Gawn was married, and that she replied, "It is not our Gawn Murdock of Stony creek;" that later in the afternoon the plaintiff came over to the Henry cottage and he was introduced to her. Mr. Henry testified that he saw her the next morning before he left.

The testimony of each of these witnesses was very strong, and the force of it was apparent from the long cross-examination given by Johnson, which, however, failed to shake any of the witnesses in any respect, but which brought out a very good joke on Johnson. He (Johnson) asked Henry if he had not talked with Jo H. Sproul, of Chico, about the matter. Henry replied that he and Sproul were not on speaking terms. Johnson reiterated his question when Henry told that he and Sproul were about on the same terms as Johnson was with the "Examiner" editors, which produced a big laugh at Johnson's expense.

The importance of this testimony is that Mr. and Mrs. Henry are entire outsiders, having no connection with any of the Murdock family, and in every respect disinterested and if their testimony is true, it was not possible for the plaintiff to be on Stony creek at the time she says she drew the note and saw her uncle William sign it on September 5th, 1877, as she testified that she did not go back to the Springs for several days after that.

Kytka was then put upon the stand to identified some photographic reproduction of the signature of the note.

Miss Maggie Murdock was called by the defense but was not allowed to testify as Johnson objected on the grounds that witness should have been put on the stand before as she would testify to facts not brought up in their rebuttal.

G. M. Potts, witness testified that he was Marshal of Willows in 1886. Knew witness Bowles. Was asked if he arrested Bowles for the crime of extortion but was not allow to answer as an objection was raised by defense.

Among the many rich sensations that have been excluded in the Murdock case is a great deal that appeared in the deposition of the witness J. F. Turner in regard to L. S. Megginson, who wrote Turner the famous letter about not wanting to go so far with the Murdock note as to be placed in a position that would lead to perjury.

The deposition is full of statements of Megginson's to Turner about the note, and which defendants contended was proper evidence because it had been shown by Turner and a number of other witnesses that Mrs. Murdock told him that she had placed the whole thing in Megginson's hands to negotiate it, had made him her agent, and whatever he did was satisfactory to her. But it was excluded.

According to Turner's testimony, he and Megginson were on confidental terms at the time, and Megginson wanted Turner to go in with him on his purchase of half of the note and help him to pay the money to fight the note in the suit they would have with the heirs when the old man died. Afterwards they quarreled and became bitter enemies, and it was Turner who, in the latter part of 1893, gave to a detective in San Francisco the clew to the note, of which the detective first informed attorney Lusk, of Chico, by a letter written to him while the latter was at the World's Fair in Chicago. After his return, attorney Lusk investigated it, and resulted in Mr. William Murdock finding out about the note just before he died. The defendants claim that it was never intended that William Murdock should know of it before his death, and that this disclosure of Turner's heightened the enmity between him and Megginson.

The defendants offered by a number of witnesses to prove William Murdock's declaration as to the validity of this note while he was on his death-bed, but they were excluded from doing so on plaintiff's objection on the ground that, while they could introduce evidence as to anything Wm Murdock said, the defendants could not. While apparently this is the law, it evidently works an injustice in many cases. It is well known in this community what these declarations of Wm Murdock were, as sometime ago in the case the affidavits of his sister, Mrs. Compton, his nephew, Adam Compton, and Mr. Lusk were filed and published, showing in great detail how Wm Murdock first came to hear the note, his surprise and indignation over it, and his solemn statements that he never had given it; that he never had any cause to give Mary Helen Murdock a note; that he never had liked her, and that if he wanted to give all his property to any one person it would have been his favorite sister, Mary Compton. He said he had never given notes, except when buying land on two or three occasions, such as from his brother Samuel and from the railroad when they were not ready to make an outright sale. He, also, said that he had in his will given Gawn Murdock, of Stony Creek, a thousand dollars, and why should he do that if he owed him all he was worth. These statements of his are all contained in affidavits of reputable persons on file in this case.

THURSDAY SESSION.

Judge Pirkey, owing to the warm weather yesterday, today appeared in a light, new crash suit.

Expert Kytka was called by defense and was asked how many times photographic reproduction of the signature of the note was enlarged and was allowed to answer, despite the objection of the plaintiff. Said it was enlarged sixty times. Witness was not allowed to answer any more questions in regard to the similarity or dissimilarity of the signature of the note to the signature of the deed by court ruled that this had been sufficient gone into by the defense and could not be brought up by them in rebuttal. Mr. Kytka then testified that he was not in court at that time Mr Kirkpatrick testified. Said he was out chasing jack rabbits. Attention was first called to Mr. Kirkpatrick by O'Brien for the Chronicle who had Kytka make a sketch of him for the paper. On cross-examination witness said he had not asked Mr. Cannon for the affidavit at that time.

The deposition of W. V. Allen of Chico was not allowed by the court.

The deposition of W. M. Stewart, C. W. Cross and Col. A. C. Ellis was offered in evidence by Lusk to contradict the statements of the plaintiff in regard to conversations Young had with her about this note. Mrs. Murdock said he had none and defense wanted to prove that he did. Depositions were ruled out by court and Mr. Lusk, made an offer of testimony which he desired to appear in the records.

Ab Merrill was not allowed to go on the stand to tell whether or not he ever pointed Mrs. Murdock out to Mr. Henry in Sacramento.

Mr. Henry was recalled by the plaintiff for re-cross-examination. Witness had made a trip to Allen Springs in 1878 but did not see Mrs. Murdock at this time.

After a recess of ten minutes W. K. Duncan was put on the stand by the plaintiff. Knew Wm Murdock and had a conversation with him in 1880 while he was running a machine on Marshall's place. Murdock, at that time to the best recollection of witness, drove up to him in a one-horse covered rig. Witness was excused without any cross-examination.

While waiting for witnesses the point in regard to time limit was discussed. Lusk said that the defense wanted Gen. Barnes and himself to argue the case fully and completely and therefore did not want any limit to the time to be considered or enforced. The plaintiff were willing to limit the time to six hours a side but had no objection to a longer time being granted. Court said he would allow each side three days of six hours each to present their arguments. This was agreeable to both sides.

Mrs. Henry was recalled for cross-examination. Attorney Freeman asked that Mr. Henry be removed from the room while his wife was being examined and the request was granted.

Mr. Freeman went into details in questioning witness in regard to the position of her house at Allen Springs. Mrs. Henry gave description of the springs just as they are. She never hesitated. She was asked how large her house was and size of Mrs. Murdock's house, distance between them and numerous other matters in regard to different portions of the town.

Freeman could not "rattle" the witness and asked only questions that would tend to mix a witness. Mrs. Henry had been to Allen Springs in 1878. She gave minute [illegible] of [illegible] she returned home and [illegible] the [illegible] to the springs.

Mr. Henry was then called. Witness was also questioned closely about trips he and his wife made to and from Allen Springs. After attorney had completed the examination of this witness, Court adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

At the afternoon session Mrs. [illegible] of San Francisco was put on the stand by the plaintiff. Had known Mrs. Murdock and Mrs. Henry in 1877 and was at Allen Springs at the same time these ladies were there. Had never seen Mrs. Henry visit Mrs. Murdock [illegible] did not think Mrs. Murdock's house could be seen from Mrs. Henry's residence as the dancing hall was between the two houses. Mrs. Glover stated that she had made the dresses for Mrs. Murdock before she went to Allen Springs and she did not have any "Dollie Varden" dress among those that she knew of. Mrs. Glover was not cross-examined by the defense.

Mrs Carroll of Orland, but formerly of Princeton, was called and testified that she was married in 1877 and spent part of the summer of that year at springs and knew Mrs. Murdock, Mrs. Glover and Mrs. Henry at this time. Said Mrs. Henry lived in a house right beyond the dance hall from Mrs. Murdock. She had left Allen Springs late in Sept., and Mrs. Henry was still there. Had never seen Mrs. Henry at the springs. On cross-examination Mrs. Carroll said that Brown of Orland had been to her house yesterday and had talked to her about the case. Also said she had talked to Mr. Lusk about the case a [illegible] days ago and had told him she did not remember much about Mrs. Murdock and she might have been away from Allen Springs several times [illegible] without knowing it.

Mr. Carroll, the husband of Mrs. Carrol stated that he was a saloon keeper of Orland but had formerly kept a [illegible] in Princeton. Mr. Carroll corroborated the statements of his wife in regard to their stay in Allen Springs.

Mrs. Murdock said she knew Mrs. Henry at Allen Springs in 1877 but was not intimately acquainted with her. Denied having received a letter from Mrs. Smith from Upper Lake on the 6th day of September, 1877. Never had "flowered" dresses at that time.

Mrs. Henry denied on stand that she knew Mrs. Glover, Mrs. Carroll or Mr. Carroll, at least could not remember of having ever seen them. Was positive that she had not stopped at Carroll's hotel in Princeton in the latter part of September 1877, and said she never saw them she was on her way from Allen Springs.

(Continued to page 3)

Mr. [illegible] took the stand and swore [illegible] stop at the hotel on [illegible] late and that she did tell them [illegible].

Mr. Johnson said he would like for the Court to allow him to take some depositions of citizens of Chico tomorrow morning to prove that Mr. Henry's reputation for truth and veracity was not good. After a recess of fifteen minutes Court announced that he would not allow these depositions to be taken as it was too late in the case. Plaintiff excepted.

A. Merrill said that he had been in Mr. Lark's room at the Crawford the other night when Mrs. Cassell was interviewed by Lark, she said that she was so little acquainted with Mrs. Murdock that she might have left Allen Springs several times and stayed away a week for all she knew.

Mrs. Lottie Smith was recalled but was not allowed to testify as her testimony was about the description of Mrs. Murdock and Mrs. Henry's cottage in Allen Springs.

Mrs. Henry took the stand and corrected a mistake she said she had made in her testimony this morning. She said she wished the record to show that she studied at Princeton in July 1877.

Mr. Henry made the same correction in his testimony. Plaintiff and defense both rested and court adjourned until 9 o'clock tomorrow morning when the argument will begin.

Evidence has closed, and although L. S. Megginson had been in town during the whole trial he was not put upon the stand as a witness, though he had figured a great deal in connection with this [illegible], and the defendants say that this is because he is sticking to the idea that he expressed in his letter to Turner, that he did not want to be put in a position that would lead to perjury in any way.

MRS. CRAVEN HAS RENEWED HER BATTLE

Now on Hearing Before Judge Troutt.

FAIR'S MILLIONS INVOLVED

FOOTE BITTERLY ATTACKS THE OPPOSING LAWYERS.

Says His Client Was Betrayed and Now She Asks but an Opportunity to Prove Her Claims.

It will be determined [illegible] whether or not Mrs. Nettie R. Craven [illegible] in the contest of Charles L. Fair [illegible] against the will of his dead father. [illegible] the widow of the deceased millionaire [illegible] in Judge Troutt's court [illegible] with her attorney, W. W. Foote, and Judge [illegible] to intervene in the contest to the will of the late James G. Fair. Opposing [illegible] formidable array of counsel gathered. Charles H. Heggerty, who with [illegible] A. Knight represents the contestant, Pierson & Mitchell, attorneys for the [illegible] of the trust will and Garret McEnerney [illegible] [illegible] widow [illegible] argument and personal [illegible].

W. W. Foote was first to address the court. "The petition which we have [illegible]

[illegible]

MRS. NETTIE R. CRAVEN.

[illegible]

PETER M'GLADE SHOULD KNOW HIS FATE TO-DAY

Case to Be Submitted This Morning.

ALLEGED FORGER TESTIFIED

DEFENSE WAS A SURPRISE TO THE PROSECUTION

Attorneys for the Accused Plainly Depend Upon Technicalities to Keep Him Out of Prison

[illegible]

PETER McGLADE.

The prosecution [illegible] sitting in its [illegible] against the accused. All officials connected with the department who had any knowledge of the [illegible] McGlade, and [illegible] were examined. Handwriting experts gave their opinions at length as to who had traced the signatures [illegible] documents and then the case of the commonwealth rested.

It was expected that a week would be occupied by the defense in an endeavor to prove that McGlade did not forge the [illegible] warrants as charged, but the defense evidently [illegible] in the various technical points raised during the trial [illegible] after McGlade had taken the stand and briefly denied that he forged the documents as charged in the indictment. Assistant District Attorney Black [illegible] the defendant and the trial was concluded as far as the examination of witnesses was concerned.

Assistant District Attorney Black's argument was purely analytical, segregating the various damaging statements against the accused from the mass of the testimony and placing [illegible] stress upon them. The opening argument did not occupy more than an hour, and then Mr. [illegible] began his address for the defense. His argument was based solely upon the contention that the prosecution had [illegible] the presumption [illegible] which the law raises [illegible] in a criminal prosecution. He also dwelt [illegible] that the forged warrants [illegible] [illegible] Handwriting Expert Kytka came in [illegible] and will [illegible]

[illegible]

DENIED THAT HE FORGED THE PAPERS.

Peter McGlade's Brief Testimony in His Own Behalf Yesterday.

"I did not forge these documents on the treasury purporting to come from the office of the Superintendent of Streets," testified Peter W. McGlade before Judge Cook and a jury in Department Twelve of the Superior Court yesterday. He denied all complicity in the transactions that led to his arrest.

"Take the witness," said Attorney Patrick Reddy, counsel for the prisoner.

"No cross-examination," said Deputy District Attorney A. P. Black, and the testimony in the case of the People against McGlade, charged with forgery, was declared closed. The charge was that McGlade, while acting as bookkeeper for the Superintendent of Streets, fabricated a number of claims, simulated the signatures of other persons, obtained the money and applied it to his own use.

Mr. Black said it was to be expected that McGlade would deny the [illegible] as he did not take the trouble to question him. Argument will be concluded to-day and it is expected that the case will be submitted to the jury this evening.

Large Photoglaphs.

Expert Theodore Kytka has informed us that he will photograph the entire courtroom tomorrow, including Judge, jury, lawyers and reporters. Said he [illegible] [illegible] would be very liberal in distributing these pictures among his friends. They will rated feel under [illegible] obligations to Mr. Kytka for the beautiful souvenir of this celebrated case which will pass on to history's [illegible] as one of the greatest ever tried in [illegible] county.

Mr. Kytka will remain with us until Tuesday, Mrs. Kytka will join him in Willows Sunday in order to hear a part of the argument in the great case. Then they will take their departure for Santa Barbara where Mr. Kytka will be a witness for the people vs. Mrs. Ida Adir who is suing the Ex-Governor of Nevada for breach of promise.

DAILY PROMOT[ER]

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT

WILLOWS, CALIFORNIA, FRIDAY, MAY 12, 1890.

OPENING ARGUMENT.

Wm. M. Cannon Opens For The Plaintiff And Will Be Followed By F. C. Lusk For The Defense.

FRIDAY'S SESSION.

The Court was called promptly at 9 o'clock this morning. The Judge appeared in his usual neatness attired in tire spotless cream colored suit. The attorneys were all carefully and neatly groomed, with beautiful button-hole bouquets pinned tastefully upon the lapels of their coats. The jury fresh from their afternoon's vacation and good night's rest appeared eager for the fray.

All the evidence is in, and it now remains for the attorneys to sum up and present their arguments and the Judge to give his charge to the jury, and then no human power will be able to influence these twelve men, tried and true from the duty they owe to God and to man. In their hands rests the fate of the great case.

The arguments which is to continue six days is now on. The opening and closing belong to the plaintiff. In pursuant to this order the plaintiff fired their first gun this morning. Mr. Cannon said in part.

Mr. Cannon took the floor and calmly and in a conversational tone addressed the jury. He said this case like all things would have to have an end and the end of this case was now almost in sight and that he was glad it was soon to be in their hands to decide which side should have the decision; that there was not alone pecuniary interests involved in this case; There is the reputation of a woman to be cleared for if she should get an adverse decision it would stamp the mark of forgery upon the reputation of this woman who, heretofore, has walked before her fellow men with her honest and integrity unquestioned. He said that the plaintiff alleges that this note was given to Mrs. Murdock for a valuable consideration and that they had in sustension of their point what is called the burden of proof. Said: I think that a consideration equal to the face value of the note has been given but even if we had not proven this, even then, you would have to render a decision in favor of the plaintiff for we have told you just exactly how this note was signed and delivered to Mrs. Murdock and according to the law a consideration equal to the face value of a note does not have to be given to make it legal. Gentlemen of the jury, you know what I told you we would prove in the opening of the case and you also know that we have proven every point that we said we would prove, with the exception of a few minor points, which the Court excluded and to which we excepted. The attorney then criticised the opening statement of the defense and said that they had shown their side to be weak inasmuch as they did not make a clear statement of the facts that they were going to prove for, he said, they had no case.

Mr. Cannon said the facts in this case has narrowed down to one point, and that was whether or not this note was in existence before the year 1880 for the defense claim that the signature to the note was traced from the signature of the deed given to Mrs. Murdock by William Murdock in 1880 and if the plaintiff has proven that one person has seen this note before 1880, their case is proved and the defense is broken down. He said that if the jurymen should render a verdict in favor of the defense they would have to say that T. J. Kirkpatrick was a perjurer; that Gawn Murdock was a perjurer; that D. E. Alexander and E. J. Robinson were perjurers and that Mrs. Murdock was a forger.

The speaker said they had traced the note from the time it was given to Mrs. Murdock in 1877 untill the present time and had shown where it was and in whose hands it had been in through all these years. He said that the defense would say that this was not the way a business man like Wm. Murdock, showed in all his transactions, would have done, but he said, I will endeavor convince you that this was the best course Wm. Murdock could have pursued. Now I appeal to your reason, does it not seem to you that Wm. Murdock would have given such a note as this when on the day it was given, he had delivered to him $20,000 in cash besides having another note of $20,000 along with several notes of lesser sums cancelled?

Counsel went on to show the different sums of money paid by Samuel to Wm. and also spoke about the settlement between Gawn and his father. Produced receipt of Samuel from Gawn when the latter had paid to the former $8000 balance due on their settlement.

He took up the testimony of T. J. Kirkpatrick and went into it fully and brought plain and strong the affidavit signed by said Kirkpatrick in which it is alleged Samuel had made a true statement of the business relations between himself and Wm. in which this note is mentioned as being by Wm. Murdock for money loaned to him by Samuel.

Mr. Cannon then endeavored to explain how it come about that Mr. Marstill and others testified that Skiff said that he expected to make $10,000 out of this case and said that anybody is liable to make such remarks in a joking way.

Cam Ashurst came in for his share of the comments of the attorney. He said that the defense attempted to get thirty of the residents of Red Bluff and vicinity to say that Ashurst's reputation was bad but out of the thirty only secured about seven while plaintiff secured some of the best citizens of Tehama county to swear that his reputation was good.

Counsel then attempted to break down the testimony of Mr. and Mrs. Henty but failed to point out any contradiction except on one or two minor points.

This afternoon attorney Cannon continued his remarks about the testimony of Mr. and Mrs. Henty and said that this testimony agreed very well, when they were allowed to hear each other and "dove-tailed" together but when they were compelled to be separated and Mrs. Henty was put on the stand after her husband had been excluded she became a little "mixed" according to the opinion of the speaker. He said she showed intentional and willful diversion from the truth. Spoke of Mrs. Allen's statement that she was positive that Mrs. Murdock was in Allen Springs on September 5, 1877 and compared with this the testimony of Mrs. Glover and Mrs. Kirkpatrick who said she was at home on the 5th and 6th of Sept. 1877.

Deponent Young received a scorching at the hands of Cannon. Said Mr. Young's deposition was sadly and hopelessly tangled. That Young got names of the Murdock's mixed in several places and this all tended to show the unreliability of his testimony.

Mr. Cannon then said he would enter into the discussion of the uninteresting part of the testimony and that was the expert testimony. He dwelled quite a little on the point that the experts all received a large compensation for their services. He said it was true that Eisenschimel told him that the note was a forgery but did not give him this opinion until after he had consulted with an attorney for the defense.

During Mr. Cannon's remarks about the experts, Mr. Kytka was making some very beautiful as well as clever sketches of the speaker.

EXPERT KYTKA

Enterviewed Last Evening By A Promoter Reporter.

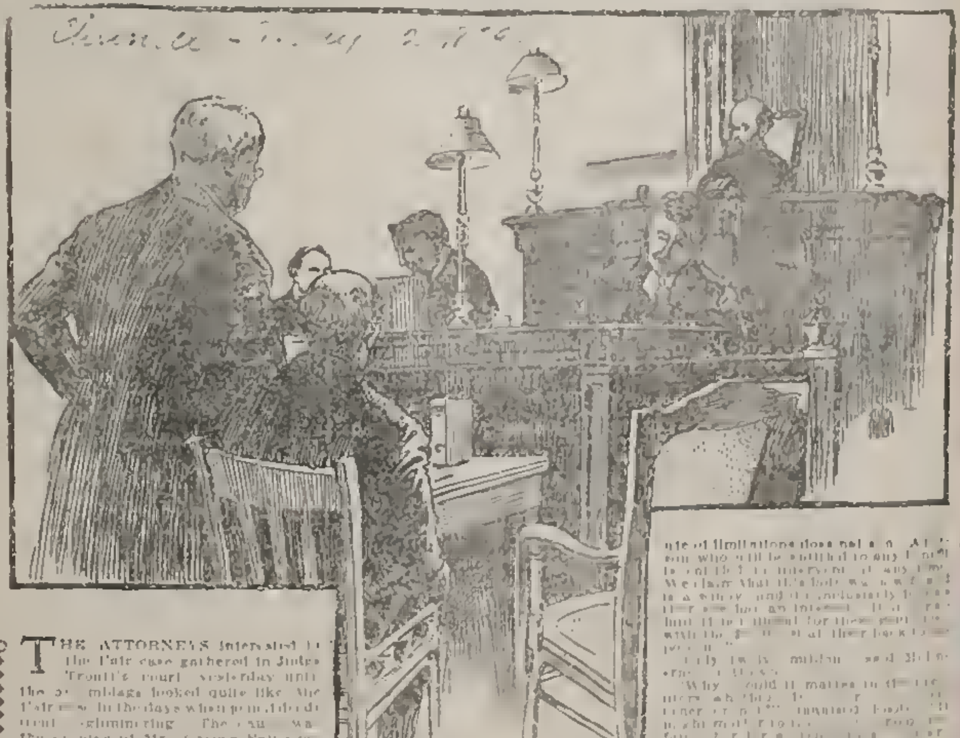
A Man Broad And Liberal In His Views And Of Wonderful Experience And Worth.

Theodore Kytka, the calligraphic expert in the great note case was interviewed last evening on the subjects of experts and handwriting by our reporter. Mr. Kytka is a gentleman worthy of respect of all and has made many friends during his short stay in Willows. He said in part, "I have much enjoyed myself while in Willows, and it has impressed upon my mind one of the most pleasant periods of my life. I feel that this will not be my last visit to your beautiful town, for I have contemplated a hunting trip. I have received a very cordial invitation from [illegible] brothers to visit them next [illegible]."

He was asked, what he thought of the testimony of Mr. Knock, and in his good-natured way, said, that his only regret was that he had been unable to hear and witness the fascinating testimony of Mr. Knock, and would gladly pay this gentleman if he would repeat the same. [illegible] the experts failed to [illegible] decided impression [illegible] and for [illegible] picturesque of [illegible] Had also heard that [illegible] Knock's friends [illegible] done him to declare [illegible] the photographic tracing and handwriting. [illegible] no doubt, Ames, [illegible] and Fair and his [illegible] who had been consulted [illegible] on such cases, would be [illegible] amazed when they read in the dailies" that a gentleman [illegible] in the great Murdock [illegible] expert whose youth and [illegible] manhood had been [illegible] of [illegible] in attending the [illegible] father, later mounted the [illegible] and rose [illegible] from there to a full fledged expert in handwriting.

He said he understood and [illegible] that his able contemporary, had [illegible] settled away and elated [illegible] and fame which he acquired on the stand, with the aid of a yard stick and tailor's tape, and would undoubtedly move his residence from the unpretentious little town of Willows to some great cosmopolitan metropolis, where prosperity and happiness come [illegible] who learns to labor and to wait.

MRS. CRAVEN SEEKS TO INTERVENE AS THE WIDOW OF THE LATE SENATOR JAMES G. FAIR.



THE ATTORNEYS interested in the Fair case gathered in Judge Troutt's court yesterday until the [illegible] looked quite like the Fair [illegible] in the days when [illegible] [illegible] glimmering. The cause was the [illegible] of Mrs. Craven-Fair's petition for leave to intervene in the contest filed by Charles L. Fair to the pencil will. This matter has gone over several times, but yesterday it came to a head and will be continued this morning. Mrs. Craven wishes to intervene in the probate proceedings of the court [illegible] that if the decision of Judge Slack, which invalidates the trust, is sustained by the Supreme Court [illegible] withdraw his [illegible] and [illegible] estate is settled amicably. To protect her interests [illegible] the alleged widow of the deceased Senator Mrs. Craven wishes to intervene. [illegible] Fair asked for [illegible] but this was [illegible] who was present [illegible] The arguments were [illegible] the room but [illegible] of Mrs. Craven [illegible] Fair [illegible] [illegible] that he was [illegible]

[illegible] not talking to a jury [illegible] to his client [illegible] claims [illegible] with which the trust will [illegible] [illegible] 24th [illegible] [illegible]

[illegible] ute of limitations does not [illegible] son who will be entitled to any [illegible] [illegible] interment [illegible] We claim that this [illegible] is a widow, and [illegible] there she has an interest. [illegible] with the [illegible] their back [illegible] [illegible] Why [illegible] would it matter [illegible] [illegible] Mrs. [illegible]

KELLY'S STRAW BONDS.

DAILY PROMO[illegible]

[illegible]

WILLOWS, CALIFORNIA, SATURDAY, MAY 1[illegible], 1899.

POLICE COURT CLERK KELLY.

The Grand Jury's investigation into the issuance of straw bonds promises to result in the indictment of a number of Police Court attorneys and clerks.

J. N. E. Wilson, who a few years ago was one of the most promising lawyers before the local bar, and Clerk Thomas Kelly are the [illegible]

[illegible]

ATTORNEY F. C. LUSK

He Makes A Strong And Able Argument For The Defense And Will Be Followed By Gen. Barnes.

At [illegible] this morning attorney Lusk [illegible] in [illegible], proceeded to argue the case for the defense.

He said he was not a brilliant speaker and would not give the jury any flights of oratory or any beautiful figures of speech but would talk to them as man to man and as friend to friend. Said many insinuating remarks had been thrown out by the attorneys for the plaintiff in regard to his practice in the Justice Courts of [illegible] but said we would consider them to be true but in those little justice courts presided over by honest justices, no flowery speeches have to be made; no sophistry has to be used but only straightforward, wholesome [illegible]. The attorney [illegible] to the passing of the jurymen and called the attention of the jury to the kind of men that the plaintiff's counsel [illegible] from the jury-box and the kind of men the defense [illegible]. Said the plaintiff did not want such men as H. [illegible] or Mr. Morehouse of [illegible] but wanted put in the jury-box such men as Mr. [illegible]. Said the defense were perfectly satisfied with the present jury and were perfectly willing to trust the case to them. After this, which he termed his "introduction" to the jury, he began to [illegible] the history of the family of William and Sam Murdock from the time they both came to California in the early "fifties" with just a small amount of property belonging to William and none to Samuel, through all the intervening years from that time until the present, and traced the fortunes of both and then spoke of the conditions in which their [illegible] are at the present time.

Mr. Lusk discussed the [illegible] and whims of Mrs. Murdock. Spoke of her desire to leave her beautiful home and fine ranch on the banks of Stony creek near Orland to purchase a lodging house on Kearney street in San Francisco and trotting horses to put upon the track. Contrasted her traits with the plain unpretentious manner and habits of the good farmers' wives of the Compton's and the Murdock's of the defense. He said this note is one of the biggest frauds ever perpetrated inside the State of California outside the city of San Francisco. Public opinion denounces such work. The people of this State are not watching this case to see if expert testimony will continue but to see whether or not the rights are going to be protected. In referring to the note he said there was a strange story told about its origin and the purpose for which it was given. Said, they say this note was given to Mrs. Murdock by William Murdock for the benefit of her children in consideration of large sums of money alleged to have been borrowed from the father-in-law of the plaintiff by the old man who had thousands of dollars buried and not out on interest and then they said that their father-in-law, Samuel Murdock [illegible] from his [illegible] Gawn [illegible], Mrs. Lusk said, the attorney for the [illegible] [illegible] the father's property for herding and caring [illegible] Attorney Lusk [illegible] Mr. [illegible] [illegible] the [illegible] [illegible] which belonged to his father, simply [illegible] [illegible]?

A recess of fifteen minutes was taken after which Mr. Lusk continued his remarks in regard to the [illegible] of [illegible] this note. He said [illegible] would [illegible] show what W[illegible] did with this money that it is said he borrowed from Samuel Murdock [illegible] let the defense prove that he did [illegible] receive the money.

Said in passing about the character of Gawn Murdock, that he did not doubt but Gawn always paid his bills and paid his hired men good wages but one thing he did know, and that was that in all his transactions with his father he cheated the old fellow at every turn and endeavored to "pull the wool" over his eyes in every transaction. Said that cheating a parent is one of the greatest crimes that can be committed and the most ungrateful thing a man can do. Wanted to know if the reputation of Gawn Murdock was any better than the reputation of Henry Compton. Asked the jury if they had to believe this "cock-and-bull" story just [illegible] Gawn [illegible]. Counsel went right to the details of every transaction between Gawn and his father. Brought before the jury the testimony of Gawn Murdock to show that this was true. The settlement of Gawn and his father, drawn up by Justice [illegible] of Chico, shows that Gawn had finally to pay his father $21,000 in settlement for all indebtedness. In this settlement this $21,000 is said to have been paid in notes while the witnesses for the plaintiff testified that this was paid in twenty dollar gold pieces. Attorney made prominent the fact that if there were a contradiction here there may be and naturally would be, contradictions elsewhere.

Asherst was then discussed. Lusk said, "Gentlemen of the jury, [illegible] look into his face and see that [illegible] you wonder that the Indian women and the colored women could not escape his wiles in Red Bluff." His testimony was taken up and [illegible] criticised and points wherein he was mistaken, according to the speaker's opinion, were shown to the jury. Mr. Asherst testified that he had borrowed several thousand dollars from the Assessor of Tehama county but brought it to the minds of the jury the testimony of Charles Mayhew of Red Bluff [illegible] by the tax-collector's books of [illegible] time that only a few hundred dollars were in the hands of the assessor at the time Asherst stated he had borrowed the county's money from him. At this point the Court said it was noon and would adjourn.

This afternoon, everybody was arranged or rather disarranged so that Expert [illegible]

[illegible]

Mr. Lusk [illegible] Wm. Murdock [illegible]

[illegible] were the [illegible]

[illegible] on the 2[illegible] of September, for [illegible] stated that she [illegible] Mr. William Murdock was going to be there on [illegible] [illegible] her testimony on the stand that she [illegible] to [illegible] to this business [illegible] who would be [illegible] and who would be done. Several other contradictions were pointed out in the [illegible] [illegible] Mrs. [illegible] statements.

Mr. Lusk expressed himself as being somewhat [illegible] that all [illegible] William [illegible] would just [illegible] to $150,000, said it was [illegible] worth [illegible] the case. The No. [illegible] referred to by Lusk. He said [illegible] peculiar that that [illegible] should appear on the [illegible] plaintiff's [illegible] that it was simply [illegible] right.

Mr. Lusk commented [illegible] upon Mrs. Asherst and said the only thing he would say about her was that she filled every opening. Said she first went on the stand and testified that Mrs. Murdock went to [illegible] on the 5th of September and then after Mrs. Henry had [illegible] stated positively that Mrs. Murdock did not leave Allen Springs, Mrs. Asherst was [illegible] that [illegible] at Mrs. Henry [illegible] also contradicted her in regard to [illegible] at Allen Springs and [illegible] denied that Mrs. Murdock had in her wardrobe a "daily [illegible]" dress.

Mr. Lusk will continue his argument Monday.

They make a specialty of [illegible] at [illegible] barber shop because they know how to care for them.

Say—Why pay $[illegible] or $[illegible] for a bicycle when you can buy a Hartford equipped with [illegible] tube or American Dunlop Chamber tire for $35. Again we have the Vedette at $25, another good wheel. Drop in and examine them at Freeman's.

OTHER SIDE.

Attorney Lusk Argues All Day For the Defense.

Some Bitter Things Said by Defendants' Attorney About Some of Plaintiff's Witnesses

When we went to press yesterday afternoon, Mr. Cannon was arguing as to the expert testimony, drawing streak-of-lightning "k's" and sarcastically referring to the alleged "repatching and retouching" of the note signature. The jury inspected many checks, using the dividers in one instance to show that the note signature was no shorter than that on some of the checks, as some of the experts claimed.

The testimony of surveyor Knock was spoken of as showing that the measurements of different angles as shown in degrees and minutes in the signatures to note and to deed proved that there could have been no tracing as alleged.

In closing, Mr. Cannon said that these experts would swear away the life of any person—one's reputation being all there was in life. That this was a crucial time in the history of expert testimony and that this verdict would be the life or death of such testimony.

He said that this money was intended for the grandsons of Samuel, Edmund and Stanley Murdock, and that plaintiff asked for the full amount of principal and interest to date of verdict.

MR. LUSK'S ARGUMENT.

Attorney F. C. Lusk commenced his argument for the defense at nine o'clock this morning. He commenced by saying that the arguments were quite as important as the evidence; that he would attempt no flight of oratory but would content himself with talking common sense to the jury in an easy, conversational way.

He referred to the offer of plaintiff's attorneys, made at the opening of the case, to waive a jury, saying that he demanded a jury and desired twelve honest men to pass upon the merits of the case. He said that reports had reached his ears as to reports made about himself, one of which was that he had said that no man should be on a jury who was not worth $10,000. He denounced this as a lie, and said that he didn't want any prejudice felt against him on account of such false reports.

Mr. Lusk commenced his argument proper by taking up the history of the Murdocks. Said that they came from the north of Ireland and were a shrewd, money-making people, then mentioned the different relations of Wm. Murdock—the Murdocks of Lake County and Wm. Murdock's favorite sister Mrs. Mary Compton, whom he thought so much of, and her sons.

He then spoke of another branch of the Murdocks—Samuel Murdock and his children Alexander, Gawn and Mary Ann. Spoke of the son Gawn W. who married the sister of Cam Ashurst. Attorney then contrasted the plaintiff, Mrs. Mary Helen Murdock, with the other women of the Murdock family, saying that she did not care to stay home, liked to dress well, travel, and had different aspirations than her quiet husband. Mr. Lusk took up the matter of the desire of plaintiff to purchase a "Kearney street lodging house" and trotting stock, saying that anyone acquainted in San Francisco knew that Kearney or Market street lodging houses were the scenes of nearly all the crimes committed in the metropolis. That a woman who had desires in such directions would be just the one to fall before the "wiles of adventurers and schemers.

Attorney then told the jury that they were not called upon to decide as to the reputations of any persons, but were to decide the case on the facts set before them, saying that he believed they were to "pass [illegible] the [illegible] from every [illegible] trated in California [illegible] San Francisco,' an that such a thing had never been attempted before outside of the metropolis. He said the question was not as to the merit of expert testimony, but as to whether the rights of people were to be maintained.

Attorney said that public opinion nearly hits things about right and that such men as Fred Preger and Sam Smith, who had done business with William Murdock for twenty years when they said no evidence would make them believe in a story, simply echoed this opinion. He said that fraud and perjury are creatures of secrecy and that the world was excluded from such doings and that the last twenty years had shown that the lust for money and greed for wealth had furnished just such cases and that one fraud furnished an example for another.

Mr. Lusk said that this was a "strange story," that it was bolstered up by "two fifth-rate lawyers, long played out in Sacramento, and one $10,000 Skiff."

The attorney referred at length to the alleged settlement of Gawn Murdock with his father, Samuel, claiming that Gawn's own testimony showed that he tried to swindle his father and that, only when his father threatened to sue him, did he give his father what was honestly due him.

The transactions between Gawn Murdock and his father were exhaustively gone into and extracts from the evidence given by Gawn Murdock were read to the jury in support of the attorney's assertions.

Attorney Lusk claimed that the affidavit made before "old Squire Halleck" of Chico, as to the settlement between Gawn Murdock and his father on September 5, 1877, was proof positive that no money had been given to Samuel Murdock at this settlement, but that the settlement was made in notes alone.

Mr. Lusk's principal scorching was reserved for witness Cam Ashurst—and it was a hot one. The attorney said that it had been demonstrated that Ashurst was a "cold-blooded, straight liar," and the jury were told of the "diabolical grin on the face of that scoundrel." Attorney said it must have raised a laugh in Red Bluff when people heard that Jim Matlock had been here to testify as to Ashurst's good character. He designated Ashurst as a "fraud from top to bottom," and delivered another roast in referring to Ashurst accusing Assessor Jackson Eby, now dead, of being guilty of a felony in loaning county funds. He said that the transcripts from the county records of Tehama county and the testimony of the once County Treasurer of that county proved that Eby had only a few hundred dollars in his hands and could not have loaned Ashurst any such sum as claimed in the year 1877.

AFTERNOON SESSION.

After Mr. Kytka had taken a photograph of the court room with the principal actors, at 1:30, Mr. Lusk resumed his argument, paying more attention to Mr. Ashurst and as to the conflict of testimony between Mrs. Eleanor Murdock and Ashurst, said that he believed the jury should listen to one who had never "pleaded the statute of limitation against an old widow 82 years of age."

Attorney then ridiculed the idea of a sane man giving his note for $100,000 at one per cent per month when he could have obtained the money at 5 or 6 per cent a year.

The events of September 5th, 1877 were referred to and Mr. Lusk said that no one was produced who saw Mrs. Murdock on the trip from Allen Springs to her home on that day. He said that Samuel Murdock trusted William implicitly and that there was no necessity to send for Mrs. Murdock to draw the note. Two stories were claimed to have been told as to where the $50,000 paid over to William on September 5th, 1877, come from: one that the money was from sale of stock, etc., and the other that it had been paid the day before.

The time of the note being put at twenty years from date was ridiculed by the attorney, saying that only a "driveling [illegible]" would execute such a paper, that to make it for twenty years or less would be different.

The "No. 95" in the lower left hand corner of the note was spoken of as going to prove that it was the work of a forger, the attorney saying that Wm. Murdock never gave but few notes in his life and that this number was inserted for the matter of giving the paper a genuine appearance.

Mr. Lusk's entire talk was a most careful presentation of his side of the case and was delivered in a very forceful manner. He was extremely earnest in his presentation of the facts appearing on the side of the defense, and his manner of delivery was such as to make a strong impression. He seemed to leave out no detail and was very careful to exhaust each branch of the case as it was taken up.

Mr. Lusk was still arguing when we went to press.

Dixon has a marriage boom.

PENSIVE IN THE OLD COURTROOM

Mrs. Nettie R. Craven-Fair Sadly Missed Her Daughter.

Argument Against Her Right to Intervene in the Fair Contest.

STATUTE OF LIMITATIONS INVOKED

Decisions Cited to Show That a Negligent Person Cannot Avail of Another's Industry.

Mrs. Nettie R. Craven-Fair seemed pensive as she sat in Judge Troutt's courtroom yesterday, accompanied by her attorneys, W. W. Foote and S. C. Denson. After the adjournment of court she explained that she greatly missed her daughter as soon as she entered the room where the great will contest was had.

"Ah, the dear girl," she exclaimed. "We sat together all through that long trial, and I could not help wishing for her presence today. It is probable that she will visit San Francisco this summer."

Argument was resumed in regard to the right of Mrs. Craven-Fair to intervene in the contest to the will of James G. Fair, which was filed by Charles L. Fair, a son of the decedent. Attorney Garret McEnerney read from a decision by the Kansas Supreme Court in a similar case, in which a petition for permission to intervene was denied. Mr. McEnerney remarked that this was based on the reasonable ground that the would-be intervenor there, like Mrs. Craven-Fair here, had failed to assert her claims within the time required by law, and that this is sufficient to bar her from participation in the contest begun by Charles L. Fair. If for any reason the contest should be dismissed or if Mr. Fair should abandon it, Mrs. Craven-Fair's legal standing would be wiped out. It is the settled law of California that a person against whom the statute of limitations has run cannot revive any rights by seeking to intervene in an action that was begun in time by another party, for the plaintiff cannot in this manner be deprived of the benefits of the statute of limitations as against the applicant for intervention.

Attorney C. J. Heggerty, representing Charles L. Fair, added his objection to permitting Mrs. Craven-Fair to file her complaint in intervention. Speaking to Mr. Foote, he said he presumed that Messrs. Foote and Denson would do all that the law required in regard to issuing citations to all who are interested in the litigation.

"Yes," said Mr. Foote, "we shall serve all who have not been bought off and who are entitled to be cited."

Mr. Denson, speaking for Mrs. Craven-Fair, said that because no such action as this was ever done before, it was no reason why it should not be done now if the law allows. He argued that when the will was produced for probate his client was not cited as a party in interest; that she was not bound to appear at that time to declare her rights, and that because she did not appear the statute of limitations did not run against her, that now, as the validity of the will has been questioned, she has the legal right to come into court, lay down her papers and demand the share to which she is entitled in justice and equity.

The matter was taken under advisement, and the application of Mrs. Craven-Fair for a family allowance from the Fair estate was postponed for two weeks.

THE VERDICT A SURPRISE.

Peter W. McGlade Found Not Guilty of Forgery.

THE JURY WAS OUT FOR ABOUT FOUR HOURS.

PROSECUTION NOT AT AN END, AS ANOTHER INDICTMENT REMAINS.

Assistant District Attorney Black Astounded at the Result, as the Evidence Was Plain and Sufficient.

"The acquittal of McGlade is an outrage on the citizens of San Francisco," said Assistant District Attorney A. P. Black, yesterday. "How twelve men, who swore that they would be guided solely by the law and the evidence, could have arrived at the conclusion that McGlade was not guilty is more than an honest man can understand. This acquittal, however, does not end the prosecution of McGlade. Another indictment against him for forgery remains, and this will be set for trial without delay. The prosecution will endeavor to get a reliable jury for the next one. If we secure twelve jurors who have the interests of the city at heart I have no doubt that there will be a conviction, for the evidence is convincing. After the jury in the case just ended had been accepted I was given some information about members of the jury which probably would have caused them to be challenged by the prosecution had I received the information at the commencement of the trial. One of the jurors, I was told, was concerned in a Custom-house scandal when he was United States Appraiser."

The jury that caused general surprise by finding Peter W. McGlade not guilty of the first charge of forgery for which he was indicted was made up of the following men:

Robert Haley, who gave his address as 1108 Market street, and who is not mentioned in the directory as having any occupation.

Edward F. Knight, 1131 Howard street, no occupation.

J. E. Healey, 503 Larkin street, butler.

Charles M. Leavy, 2727 Pacific avenue, ex-United States Appraiser and now a manufacturer's agent.

W. S. Page, 330 Market street, capitalist.

L. H. Hallee, 810 Page street, of the grocery firm of Hartter, Hayes & Co.

A. Berg, 732 Golden Gate avenue, not mentioned in the directory.

A. W. Eaton, 830 McAllister street, keeps a small stationery store.

Warren F. Mills, 2007 Fillmore street, of the stevedore firm of Herelman & Mills.

Louis Leslasky, 1122 O'Farrell street, of the firm of Coblau & Co., merchants.

Abraham Frohberg, 1525 Steiner street, auctioneer.

F. N. Martinelli, 807 Mason street, butcher.

The jury went out at 12 o'clock yesterday and, after being taken to luncheon, began deliberating at about 2 o'clock. At 4:20 o'clock the verdict was reached.

The particular warrant whereon the indictment for forgery on which McGlade was tried was based, was drawn in favor of H. J. Swords for $92 for twenty-three days' work underground in the Street Department in August, 1895, at $4 a day. The name of Thomas F. Clark, who had charge of the Street Department's underground work, was signed to the certificate that Swords had worked that many days. The demand stated on its face that Swords had appeared before T. B. McGinnis, a deputy clerk in the office of the Board of Supervisors and had made an affidavit that the demand was correct. Swords' name as well as that of McGinnis was on this affidavit.

Clark, Swords and McGinnis testified that their names were forged. Swords did not work in the Street Department and never appeared before McGinnis.

This demand and others that were forged in the same way were prepared with such completeness and skill that they were put in the box of the Street Committee of the Board of Supervisors to be signed by the members of that committee, passed by the Board and approved by the Auditor. When they were returned by the Auditor to the office of the Superintendent McGlade, as the Street Superintendent's bookkeeper, took them as well as other Street Department demands. He receipted for them there. Later the forged demands were cashed at the city treasury, [illegible]

[illegible]

MRS. CRAVEN'S APPLICATION.

Her Attorneys and the Fair Estate's Lawyers Conclude Arguments.

The argument over Mrs. Nettie R. Craven's petition for leave to intervene in the contest instituted by Charles L. Fair against the trust will of the late James G. Fair was continued yesterday before Judge Troutt and the matter was submitted. The hearing on Mrs. Craven's petition for an allowance of [illegible] a month as the widow of James G. Fair was referred [illegible] weeks. Charles Fair's contest is also on Judge Troutt's calendar for a week from next Friday.

In opposition to Mrs. Craven's proposed intervention Attorney Garret McEnerney argued yesterday that she applied [illegible] late. Section [illegible] of the Code of Civil Procedure provides that any contest of a will must be instituted within one year after it is admitted to probate. James G. Fair's will was admitted to probate [illegible] and Charles Fair's contest was filed on November [illegible]. McEnerney combated the idea that Charles Fair's contest preserved the rights of all other persons to contest after the year had expired, and that by intervening Mrs. Craven could become a contestant within the [illegible] allotted. He read a decision rendered by the Supreme Court of Illinois [illegible] November 9, [illegible] in which it was held [illegible] where persons intervene and become parties to a pending suit, as to them the suit is to be regarded as having been commenced at the time of their intervention."

Attorney Charles Heggerty made an argument on these lines. There is no [illegible] proceeding in California as intervention in a will contest, and if intervention were permissible Mrs. Craven is barred by the one-year limitation.

Attorney [illegible] Denson spoke for Mrs. Craven. He said that California and [illegible] were the only states whose Supreme Court decisions should be regarded as of weight in this matter. He slighted the decisions from other states cited by the opposing attorneys. Later he said that [illegible] was the only state in which such a question as that before the Court had been decided, and there the decision was in support of Mrs. Craven's contention.

EXPERT KYTKA CRITICISED.

McGlade's Attorney Assails His Testimony on Handwriting.

[illegible]

THE DAILY PROMO[illegible]

SPECIALLY ISSUED BY THE [illegible] ... KNOT- [illegible]

VOL. 3 WILLOWS, CALIFORNIA, MONDAY, MAY 15, 1890

MASTERLY ARGUMENT.

Attorney F. C. Lusk Continues His Argument For The Defense Until 4:30 P. M.

About half an hour before court convened this morning the crowd began to come in. All pressed forward and took all the vacant seats inside and around the railing that were available.

The jury looked very much refreshed by their short vacation and seemed to wear a smile upon their faces that plainly showed that they were pleased that all this discussion would soon be over.

Attorney Lusk who had not completed his argument last Saturday continued his remarks this morning by first speaking of the rest the jury and counsel had had and assuring them that the end was surely near. The testimony of E. A. Robinson was discussed by Lusk. Spoke about Robinson holding the note two days and a half and about him saying he saw Wm. Murdock and spoke to him about the note, or said something about it in his presence, and yet said Murdock had not said one word or expressed any surprise whatever, that he, Robinson, an entire stranger to him, should have anything to do with it. Another thing that surprised the attorney was that Robinson had seen this man against whom, he testified, there was a $100,000 note, and yet had not remembered how he looked or anything about him. Lusk then, in a very sarcastic manner, said: "My friend, Mr. Johnson, has always asked witnesses what official position they ever held and seemed to think that this had great weight, but I see he did not ask Mr. Robinson what position he ever had. Why did he not ask Ichabod Robinson if he had not run for Police Judge in the city of Sacramento in 1874, on the Republican ticket, and if he had not been defeated by 500 votes. Why did he not ask him if he had not been run by Dan Burns for the Legislature in the Mission last election, and if he had not been defeated, though running on the Republican ticket, while Gage carried the district by several hundred votes. Why did he not ask Robinson if he were not a close relation of Dan Burns, so that we could see what a distinguished man he was? No! No! He did not want to do this for Ichabod is true to his name; his glory has departed.

D. E. Alexander was next brought under the fire of the relentless attorney. He called the attention of the jury to the testimony wherein he said he had held the note in his hands only a few minutes and simply made a casual observation of it, but still he noticed a fly speck upon the note when it was shown him on the stand, twelve years after he had examined it for two or three minutes. Lusk was not sparing in his uncomplimentary remarks about this gentleman.

The testimony of the defense in which they endeavored to prove that Wm. Murdock was not at the fair in Sacramento in 1887 was taken up by the speaker and thoroughly reviewed. He said the attorneys for the plaintiff had asked why the defense had not put Nelly Compton on the stand to disprove this since she should know whether or not Wm. Murdock was at the fair, for she stayed at the same house he did in that year, but Lusk said they told the gentlemen they would have brought her here if the memoranda of hers had not been ruled out by the Court.

H. A. Skiff was criticised and his testimony torn to pieces by Lusk. He called the attention of the jury to the witnesses who testified that Skiff said he would get $10,000 if he would testify in this case and the plaintiff won. He ridiculed Skiff, for saying that he overheard a conversation between Mrs. Murdock and William, in which she asked him for interest money and he had turned to her and said, in a dramatic way, that she held his note for $100,000, drawn up for 20 years, bearing interest at 12 per cent per annum, and that was enough.

Mr. Lusk returned to the events that happened in the year 1893 at Sacramento. He said that it was not reasonable that Murdock, when he had about $50,000 out on interest at this time, would have answered Mrs. Murdock, when she had told him in the presence of Megginson and her husband that she wanted to borrow some money from Megginson and wanted him, Murdock, to say that the note was good, that it was a good note and would be paid when due. He said under those circumstances, he thinks he would have told Mrs. Murdock to borrow money on the note, as he could make her a payment on it.

He said that no matter if Mrs. Murdock and her son Edwin, did testify that Murdock was in Sacramento in 1890, still he would rather believe Podere, Mr. Hammerson and Mr. Stoneburger, three good, honest men, who were disinterested parties, than he would these interested parties.

A recess of ten minutes was taken, after which Mr. Lusk resumed his argument.

Lusk spoke about the plaintiff and her husband, saying at many different times, that Wm. Murdock owed no one a cent, but had plenty of money. He said opposing counsel at many different times said that they would contradict the testimony of these witnesses who told about these statements of Mr. and Mrs. Murdock, but they had totally failed. He read parts of the testimony of Henry Compton, Wm. S. Murdock and others to substantiate these statements. Finally he showed wherein many other people had stated that William was rich and had plenty of money. He said of course this conversation alleged to have taken place in Sacramento, between Mrs. Murdock and Wm. Murdock, was a lie and merely a scheme concocted to aid this case, for all these witnesses had testified that Mrs. Murdock had said, herself, that he was rich and never owed a cent. The counsel could not see why the plaintiff did not put Megginson on the stand to prove this story unless they were afraid to do so.

After freely discussing this Mr. Lusk said he would now come to the most extraordinary part of the whole thing, if any part can be more extraordinary than another part, and that was that Samuel had never talked to any one about this large note. Was surprised that Samuel had not spoken to his son, or to his grandchildren about it, and have told them how to use it. Said it seemed very improbable that this man would not have spoken something about a note that was accumulating at the rate of $100 per month.

Attorney Lusk again referred to the attempts of Mrs. Murdock to borrow money on the note and said, if she wanted to borrow money on this, why did she not go to the Bank of Willows, the Bank of Colusa, or the Bank of Butte county, anyone of which would have been perfectly willing to have loaned her money, for Bill Murdock's note was good for almost any amount? Why did she go to Toledo, Ohio, to get money on it, if it was a legitimate note? Such things are unable to be answered.

The absurdity of Samuel and Gwen loaning, or being able to loan any money, to Wm Murdock received the attention of the speaker. He said they never had it to loan, for every cent they made they invested it in property. Said it was an utter impossibility for a person to start in 1847 with a band of three or four hundred sheep and from them make $80,000 by 1875.

From this Mr. Lusk went to the testimony of Chas. A. Young, against whom, he said, the only fault the attorney for the plaintiff could find was that he had written some of his documents on some one's else desk. Said this man stated that he and Megginson had taken this note to lawyers to see if it was good and that these attorneys had told them that it was bad. This testimony was thrown out by the Court.

The depositions of the three lawyers, who were consulted by Young, namely, A. C. Ellis of Salt Lake City, Senator Stewart of Nevada and Senator Cross of San Francisco, which were all ruled out, were referred to by Lusk and commented upon.

Said if Megginson could have gone on the stand without the gates of San Quentin staring him in the face, and have denied these statements he would have been put on, but he never dared to do it, said the attorney.

An adjournment was then taken until 1:30.

This afternoon the courtroom was crowded and the hallway was also filled, when Mr. Lusk again turned to wonderful batteries of logic, before which nothing seems able to stand, upon the jury. He again took up the note, and said he was unable to understand why Mary Helen Murdock did not take this note to "Uncle Bill" and get such an acknowledgement from him in writing before some persons as witnesses, so that she would not have to go through all this litigation, and so as to avoid a[illegible] [illegible] of Megginson [illegible] ask why [illegible] interest at [illegible] Lee to [illegible] drawing [illegible] to pay [illegible] expenses. After this, [illegible] to T. J. Kilpatrick [illegible] another "dig" about [illegible] which he said he purchased from the Murdocks [illegible] and "lying testimony" being entirely disproved by the defense.

He then [illegible] the fact [illegible] [illegible] was that it is a [illegible] written [illegible], should drive hurriedly from Allen Springs to her home and write such a note with ink in a tin-head. Counsel then put a signature of Mrs. Murdock by the side of the name of Mrs. Murdock to the note and called the attention of the jury how different they were. Said he wanted them to do a little "experting" themselves. Said, "If there is anything that bolts this note in the seal of infamy it is that fact."

Counsel switched from this to expert testimony and said it was upon this that the people of the day were relying to detect forgeries and false papers. Said they got the best, and no wonder they had to pay them a large sum of money for their services. Said no doubt Johnson would denounce expert testimony, but nevertheless it has been accepted by the courts as good testimony. Said honesty is the best policy, and if these experts were not honest they soon would have been crushed, but instead of this they have risen into prominence.

Mr. Lusk then showed the jury, that notwithstanding the testimony of Edwin Murdock, Mrs. Murdock had plenty of time to have this signature of this note traced from the signature of the deed of 1893, for it was proven that the note was given to Mrs. Murdock in 1890 to take to Arizona, as she said, but, said Lusk, that deed never went to Arizona, she took that deed then to some place and had this note made and the signature traced from the signature of the deed. The different signatures of Murdock, which were photographed, were displayed to the jury but their impression, [illegible] compared with signature of the note.

Lusk's argument will be continued to [illegible]morrow's issue.

BARNES SPEAKS

A Big Crowd Listens to the Noted Lawyer.

Much Eloquence, Interrupted Frequently by Applause—Johnson Speaks Tomorrow.

After the recess yesterday afternoon attorney Lusk continued his argument in regard to Mrs. Murdock taking the 1893 deed to Arizona, as follows:

"Did she went to trade her beautiful home and orchard for a 'cattle' farm in Arizona? No, gentlemen; she took it to the office L. S. Megginson in San Francisco. Why did she not come on the stand and tell us what she took that deed with her, and show that the purpose was as innocent as, instead of the damnable [illegible] which [illegible] attached to it. If the purpose was an honest one she could have told us, but no, when we cross-examined her we asked this question 'How long did you remain in Arizona?' Right there the astute Mr. [illegible] jumped to his feet and objected that it was not cross-examination, so we were not permitted to go any further. They [illegible] the [illegible] they would get [illegible]. Why

[illegible] [illegible] the genuine signatures [illegible] the next [illegible] he claims [illegible] of the scroll, was [illegible] forger, after [illegible]. The attorney claimed that a [illegible] was easily detected of everything [illegible] that existed [illegible] forgery.

Mr. Lusk [illegible] he was not afraid of the merits of the case, but that he was afraid of the [illegible] eloquence of Grove L. Johnson. He said he had heard him, and that [illegible] wonderful powers of [illegible] He said he could [illegible] or laugh at will, and that he could have all the jury [illegible] crying with him.

He said, "Gentlemen, you will not laugh, when he comes before you, and you will not feel like laughing either." He said to them that he hoped they would enjoy Mr. Johnson, but that by the time they had examined the hundreds of exemplars, that their tears would be dried, and then he wanted them to not consider what Mr. Johnson had said, but to take the evidence and do their duties as they had sworn to do.

Thus ended the long but forceful argument which has added new laurels to the fame of attorney Lusk.

Long before the hour for calling court this morning at 9 o'clock, every available seat in our large court room, with [illegible] without the railing, was filled to hear General Barnes open his argument, in the case of all others, which is shaking society in this county to its very foundations. Society sits waiting to see whether there is or is not, right at their own doors away out here in what is ordinarily deemed to be an utterly innocent neighborhood, a forgery eclipsing in magnitude, anything ever undertaken in the large cities in the whole world.

The General was clean shaven, and wore a clean white tie, looked his very best, as he moved to a position in front of the jury. Another screen had been arranged, just in front of the jury, upon which were tongued three enlarged signatures of Wm. Murdock. One was [illegible] [illegible] "Amos" one, "[illegible]" and the other "Kyle's" [illegible] on it, [illegible] and green [illegible] [illegible] General [illegible].

The attorney began slowly, [illegible] increasing [illegible] He referred first to the [illegible] Devil's Island [illegible] committed by [illegible] two [illegible] by [illegible] case [illegible] [illegible] forged her husband's [illegible] to the amount of [illegible] pounds for [illegible] in stocks. [illegible] and other forgeries was made [illegible] by the [illegible].

He took up the case [illegible] who forged the name of [illegible] to Mrs. [illegible] Craven [illegible] for [illegible]

... is in San Fr... Neat ... the ... Crocker Bates ... with a fancy for ... and ... men." He next alluded to the wonderful ... of Becker and Creegan, ... forged ... of the ... banks of ... was ... a single ... "Cash is ... as well as they ... cannot detect the forgery ... detectives who ... only detect a ... little ... their ... did ... the discovery ... man sitting there, Kytka, by the aid of science."

He said there are ... people in the world and not two faces just alike. Out of all these no two write alike. That there is a ... quality in handwriting which cannot be disposed of, ... say.

"What matter if Mrs. Murdock did say ... to this wonderful piece of paper ... Here are ... to this ... and the note itself, which must convince any man, with sense enough to keep out of the asylum, that Wm. Murdock never signed that note."

General Barnes stopped short, and paid glowing tribute to the wisdom of Judge Parker's conduct of the case. He said that while the Court had found it necessary to differ with him several times, he never yet heard of a lawyer with whom an unbiased Judge would agree in all matters arising in the course of a long trial.

The noted lawyer said that out of over ... signatures of the "late lamented Murdock" that no two of them were alike, except the deed of 1890 and the note in question, which purported to have been made thirteen years apart.

He said if Wm. Murdock had written the two signatures, it would have been the "miracle of miracles"; that it was simply impossible for any person on the face of the earth, to have produced the two signatures just alike, without tracing one over the other.

In speaking of the work of experts, he paid the highest possible compliments to the gentlemen employed, for their ability and honesty. He had heard Mr. Kytka ... spoken of, but that he, himself, was proud of him; and that he is a resident of this State. He said he did not wonder that some people did not like him—people who wanted to live without work. Getting a little poetic, said:

"No rogue e'er felt the halter draw,
Who had a good opinion of the law."

As sure as that the sun will shine, that Mr. Kytka's fame had but just begun.

General Barnes asked the jury what this great audience meant? What it meant that the press of this State had a whole side given to the pictures of Mr. and Mrs. Murdock, in the muck of a stable digging a hole in which to bury this "monstrous" piece of paper.

He said that it was so that the million and a quarter of people in this State could watch and see if the jury would put their stamp of approval to "this wonderful piece of infamy, or whether they would say by their verdict that Glenn County is not a healthy place for these human hyenas, and if they were to be permitted to rob the grave and deprive the living of their property."

Frequent applause had to be stopped by the court, while the General proceeded.

When the hour for noon adjournment arrived the General had a pair of dividers demonstrating before the jury that there was not the one-hundredth part of an inch difference in the signatures to the note and the deed of 1890.

AFTERNOON SESSION.

At convening of court this afternoon, it seemed as everybody in the county, and more, were in the courtroom.

(Continued on page 3)

General Barnes, with pointer in hand, went to the screen and explained to the jury that the red and green lines showed where patching and piecing took place, and where stops and halts were made by the imitator of the handwriting of William Murdock when he or she made the forged signature. Said William Murdock stood before the jury in the hundreds of checks and said to them that never in his life, before December, 1879, had he made a "k" with the terminal stroke turned upward as in the note. Examine all my signatures up to that date and you will find I never made such a "k."

The attorney claimed that if the burden of proof rested upon them instead of plaintiff, that they had abundantly made out such a case.

He said it was a miserable, cowardly and shambling imitation—a falsification, pure and simple. "If it is, what shall we say? What shall we say in condemnation in the exposure of the author of this thing? Ah, gentlemen! my heart goes out in kindly feeling towards this mother and father in this awful predicament into which they have fallen. Cum Ashurst and old Mrs. Kirkpatrick came to their relief as well as they could. This sister of the plaintiff, old Mrs. Kirkpatrick, says she went then on the 6th day of September, 1877, for the purpose of picking the geese, supposing that Mrs. Murdock was away at Allen Springs, but was surprised to find her at home. She had drawn this wonderful note for $100,000 only the day before, mind you gentlemen, and she never said one single word about it to her dear sister, Mrs. Kirkpatrick."

As we go to press General Barnes is still speaking. Grove L. Johnson will commence his talk to the jury tomorrow morning at 9 o'clock.

ARE THE JURY HONEST IN THEIR CONVICTIONS.

The celebrated case is laid by for the time. The jury was evenly divided and both sides think there were six men incapable of judging right from wrong.

As usual, a gang of partisans are howling corruption, bribery, etc., as has been done here several times before, but save upon one occasion has there been any grounds whatever for such charges.

The report that the defense paid $10,000 for five jurymen is the rankest rot and an injustice to the six men who voted their honest convictions on the side of the defense. Knowing these men personally is all the evidence necessary to refute such reports; and further that the parties who conceived the lie would not face a single man and make such statements to his face. Lying never advanced any cause, but on the contrary boomerangs back to the originators with serious results or dire disaster.

The case would probably be in better shape for the defense had the jury decided against them, for a second trial would have been unnecessary and the end reached much earlier than it will be as it now stands, consequently the purchase of five jurors would have been foolish from any standpoint.

Such talk is reprehensible and unworthy of any intelligent man.

THE DAILY PR

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING ...

VOL. 3 WILLOWS, CALIFORNIA, TUESDAY,

GEN. W. H. L. BARNE

Explains To The Jury The Tracings Of

The Great Value Of Experts

Continued from Monday.

After a short recess, attorney Lusk directed his attention to expert testimony and referred to the evidence of Expert Knock. Said in reference to him: He has not the machine, nor the ability nor the brains to find these great differences that he mentioned in his testimony from the original signature. Said of course there were a few differences in the length of some of the lines and after they had been enlarged sixty times a person might find little one thousandth of an inch difference in length. Said Mr. Knock's testimony only strengthened the defense. A few exhibits were put under the microscope for inspection by the jury and differences noted.

The argument of Mr. Lusk was a very complete resume of the entire case. No point was omitted and nothing left untouched. The testimony of each witness was considered and a complete clean up made of each point before proceeding to discuss another. In only one instance did he go over any part of the testimony of any witness but once, and that was in reference to T. J. Kirkpatrick's evidence. The testimony referred to by him, was taken from and as written by the shorthand reporter, so that no mistake could be made as to the correctness of the evidence argued from. The points made were clear, clean cut, and resting solely upon the evidence as produced at the trial. And while from an oratorical standpoint it did not abound in flights of fancy words, pictures or touching pathos, it was said by all to be a very masterly effort, powerful in its simplicity, perfect in its arrangement and presentation and telling in its effect.

The evidence was reviewed very carefully, the contradictions laid bare and while the comment was sometime emphatic it was a dispassionate appeal to the common sense side of the case. No impassioned appeal was made to the jury. No attempt at rhetorical display. And although opportunity for both seemed present to the jury the plain unmistakable facts as they appeared to him from the evidence, in a well worded but plain, clear and concise manner.

It was plain that the speaker had thrown himself as it were into the case and felt, became a part of, and believed fully in the truth of the position contended for by the defence, and so strong were the facts and so convincing was his argument that there seems to be but little, if any doubt as to the result and the general impression of every one is; that the plaintiff cannot get a verdict.

In concluding his argument, Mr. Lusk said Mr. Johnson was going to close the case for the plaintiff and that he expected he would pray and cry and beg them to render a verdict in favor of the plaintiff as he did in the Martin will case in San Francisco. Mr. Lusk here held up a picture taken from the Examiner, of Mr. Johnson kneeling before the jury imploring them not to give him an adverse decision. Everybody laughed and some showed their appreciation of the joke by clapping their hands. Mr. Lusk said it seems funny now but when he comes to do this, you will all cry and I will cry with you for no one can cry before I do. Said Mr. Johnson cried the the celebrated Morehouse bill through the legislature, though it did no good and did not think it would do any good here.

Thanking the jury for their attention Mr. Lusk closed. After the adjournment crowds of people gathered around Mr. Lusk congratulating him upon his fine speech.

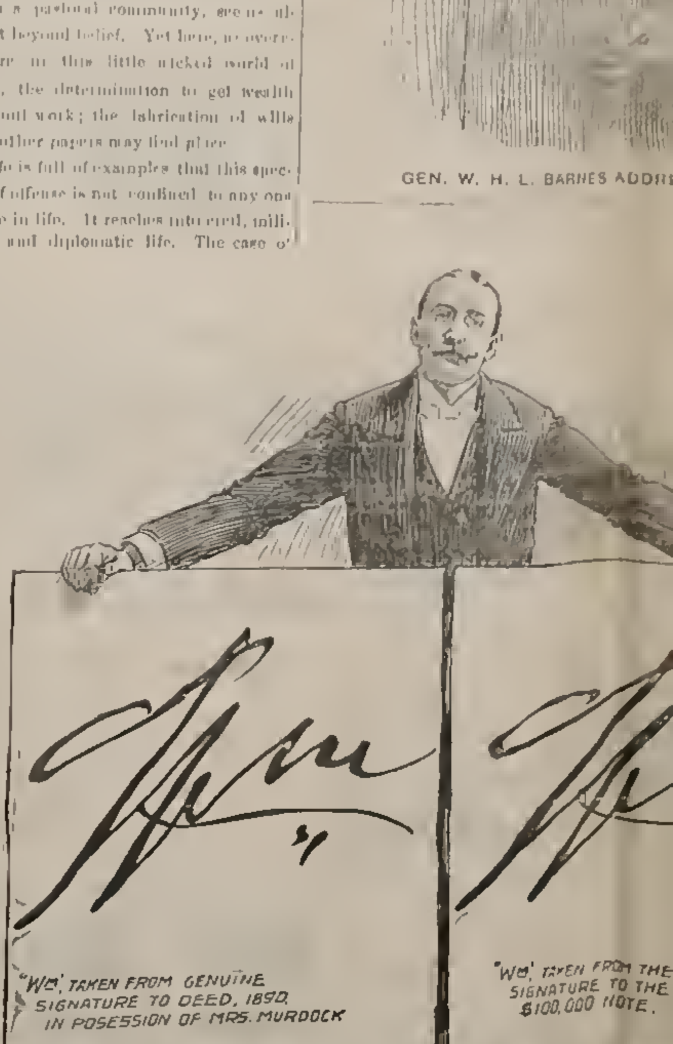
MORNING SESSION.

General W. H. L. Barnes opened his argument, by stating that his connection with this case, as associate counsel, commenced at a late date and that he had not had the opportunity to give the preliminary preparation necessary. He was called in almost as a 13th juror. The plaintiff and her husband, the principal witnesses and the attorneys, have been mere characters passing before him, as before the jury. He, as a juror, entered the case without prejudice. Whoever was to win or lose made no difference to the jury, nor to him. Without a word of abuse or an epithet, he would discuss the evidence.

That such an offense against the law of the land which was committed in such a pastoral community, seems almost beyond belief. Yet here, as everywhere in this little wicked world of ours, the determination to get wealth without work; the fabrication of wills and other papers may find place.

Life is full of examples that this species of offense is not confined to any one grade in life. It reaches into civil, military and diplomatic life. The case of

GEN. W. H. L. BARNES ADDR



EXPERT T. KYTKA, AND HIS TWO "WM S."

Expert Kytka Demonstrated By This Method That The W... Traced From The Wm. On The Deed March 12, 1890, Which D... Of Mrs. Murdock.

ROMOTER.

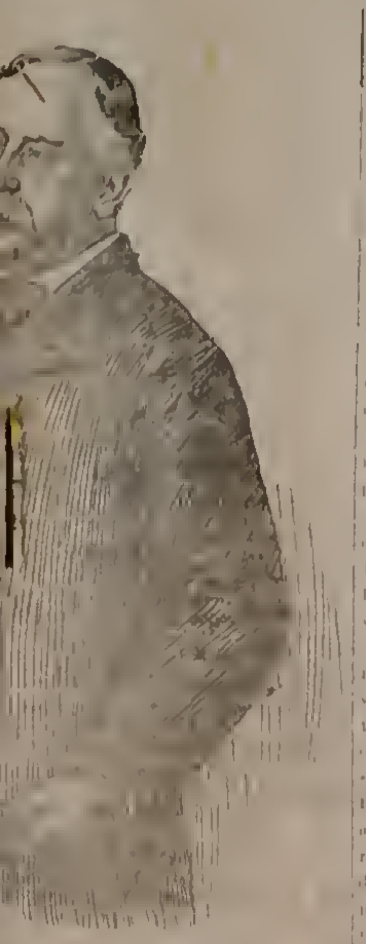
[illegible] OF THE [illegible]

AY, MAY 16, 1899. No. 63

IES SPEAKS.

Of The Two "Wm's." And

rts Testimony.



S ADDRESSING THE JURY.

WM S."

t The Wm. On The Note Was

Which Deed Was In Possession

Dreyfus, condemned to exile on [illegible] papers and later testimony, was ref[illegible] only the speaker. [illegible] Lady Sikes, who forged the name of [illegible] Sikes to checks for $70,000 [illegible] gambling on the [illegible] mentioned.

General Barnes then took [illegible] question of expert testimony and [illegible] of the application of the [illegible] and photography in detecting [illegible] These were used in the [illegible] case, in which over 200 [illegible] were attempted to be [illegible] and into effect, [illegible] matter from [illegible] These were all detected by the [illegible] testimony and use of the [illegible] photography. He showed that [illegible] [illegible] the principal [illegible] in the [illegible] him and the attorneys and [illegible] witnesses all went to [illegible].

The Craven [illegible] tion of the attorney. [illegible] whom [illegible] letter [illegible] tion of children, [illegible] others [illegible] suit was that this woman, [illegible] Craven, walked [illegible] as a forger. Mrs. [illegible] death of [illegible] part of [illegible] ciety of having [illegible] through expert testimony [illegible] class of criminals, [illegible] were mentioned, [illegible] $30,000. Who found them [illegible] the police? Was it the [illegible] could [illegible] No; [illegible] that man there, [illegible] microscope did it.

These fraudulent writings were [illegible] experts and judgment [illegible] Courts.

The counsel then spoke of the peculiarities of handwriting of individuals, and the changes that take place in characteristics from school days until it becomes established, and even then [illegible] individual's writing while having similar characteristics is not always exactly similar.

"There are twelve of you in the box," said the General, "and yet the character of the handwriting of each of you is entirely different." There are 14,0[illegible] of human beings, with nose, mouth, eyes, forehead, etc., no two exactly alike, and yet it would be very hard to ex[illegible] the exact difference. When Morgan & Co., bankers, write a draft in London it is examined and paid, if found by comparison to be correct. This is so the world over, and yet no two writings are exactly alike. A humorous description of how he learned to write at [illegible] The change in handwriting from that learned at school until a certain form of its character was mentioned. After a time each individual's writing becomes fixed. He mentioned as a fact, however, that no person could write just exactly alike every time, and exactly [illegible] twice.

There was no doubt in his mind as [illegible]

(Continued on page 3)

General Barnes' Speech.

Continued from page 1

[illegible] that [illegible] deed, and the signature to [illegible] are [illegible] than mere [illegible] of a crime. [illegible] in open Court, and in view of that [illegible] what difference did it make that Mrs. Murdock testified that she saw William Murdock sign this note, with [illegible] documents before the jury.

He wanted to use a word of Mr. Knock and with a single knock he would dispose of [illegible]. He then ridiculed the testimony of the witness being able to offset with his compass and protractor, the microscope lens. Mr Knock's evidence was as Mr. Luck said the best evidence for the defendant.

The speaker paid a compliment to the Court for his forbearance and uniform courtesy during the trial of this case.

Taking charts of the two Wms. in his hand he showed that they were just exactly alike, proclaiming that one was a tracing of the other. It is not necessary for any one to tell the jurors that the north wind was blowing over these plains, nor that the sun was shining, they knew it, and with the evidence in this case before it the jury will know this note is a forgery. The jury knows, and the experts could not tell it that there is not another signature, and there were 800 signatures before it, that there is not another like it among them. It is not a matter of opinion. There was only the identity between the signature to the deed made many years later and the alleged note. Why such identity exists has been revealed to the sight of the jurors. It had been revealed to them and in their sight by the experts. It had been detailed to the jury and detailed only to it because it must be to make the record complete.

He made an eloquent peroration as to what the microscope has been as a revealer of crime in writings, pointing to it as it stood on a table in front of the Judge.

Turning his attention again to the note and deed signatures, he claimed for the defence that no human being could produce such identical signatures as these was here without tracing. Here he called up William Murdock and made a mental picture of this honest hard-handed Scotch-Irish son of toil.

He has written for the benefit of this Jury over 800 signatures and not one of them are exactly alike, except these two so many years apart.

The speaker then drew a picture of William Murdock, in the twilight writing and signing this note for $100,000, that was very touching. He said what does that amount, the jury had before it 800 signatures. There were eccentricities in all these signatures, and yet all these were individual eccentricities. Like a man who has lost an arm. He is the same man. There are eccentricities in all these signatures, but the Jury know they are his signatures. They all have the same character.

When people come into Court they do not come into it for sympathy, but for the execution of the law. The jury knew that if a note signed in 1870 and another in 1890 and they had the same eccentricities, one would be a forgery.

Taking exhibit 877, a note dated at Colusa in October, 1878, General Barnes said Wm. Murdock took considerable pains to sign it. It was an important matter and Wm. Murdock recognized it. He showed another signature and said that is the way Wm. Murdock wrote when he meant business. Now, when he signed his name to small checks he did not take any special pains. Wrote some of them on his knees.

General Barnes then took a number of checks given to various banks and showed them to the jury, saying they were written with different kinds of pencils, with different kinds of pens and with different kinds of ink. He called the attention of the jury [illegible] they had [illegible] Murdock [illegible] two [illegible] were [illegible] to the signature to the deed [illegible] to the [illegible].

Mr. Barnes [illegible] a [illegible] checks written [illegible], he said, of Murdock's [illegible] of "his [illegible]," and [illegible] the jury. He said, "[illegible], they are no more alike than an elephant is like a [illegible] day." He [illegible] who could believe that they were, to a drivelling idiot in an insane asylum. Then he referred to the alleged incident of putting the note in a bottle, then in a powder can and burying it. Murdock never saw it again in 13 years, until it was resurrected and got into the Orland bank. He asked the jury that when they get to themselves to look at these papers as the twelve sensible men they were, to forget the talk of the lawyers, and to forget the people of the deceased. "Forget all these things," said he. He wanted them to take all these papers and examine them carefully. This signature of William Murdock was one which a skillful forger could successfully produce, or that if the grand old Scotch-Irishman would see it, he might look at it the second time, and call in his friend Jim Hord, and ask him where he, Murdock, wrote that.

Court then took a recess for 15 minutes.

On reconvening of the court General Barnes took the alleged note and said it is alleged that Wm. Murdock made the signature to this note. It was then buried for 13 years. There was not another signature made like it in all the checks he had made. But 10 years later he made the mortgage and then he wrote his name exactly like he did 10 years before.

Again, in referring to the expert testimony the General spoke of between 20 and 30 independent characteristics of these two signatures not found in the others.

It was unfortunate that Wm. Murdock did not write the entire note. It is much easier to forge a signature than it is a whole note.

Reference was made to the forged Garfield-Morey letters and its detection by the experts with the microscope.

"A man may not see anything, but no living man can dispute the facts as shown by this little instrument," he said laying his hand upon it. No one could deny the facts as shown, and he believed that no one could dispute the facts found by the experts in this case. In his mind there was no doubt that the alleged signature of William Murdock to the note was a tracing.

Counsel then spoke in high terms of Messrs. Ames, Eisenschimel and Kytka. Especially did he speak well of the photographic work of the latter. There are a class of criminals who do not like expert work like that of Mr. Kytka.

Reference was made to the efforts of the plaintiff's attorneys to break down the testimony of Eisenschimel, and the conferences between him and Mr. Meggine prior to his employment by the defense, and in that connection he said that modern experience is not so much a matter of opinion, [illegible] facts as shown by the microscope.

General Barnes asked why are so many people in this courtroom today? Why is it that the newspapers of this State from one end of it to the other have taken so much interest in this case. It is because 2,000,000 people in this State are watching to see if the jury of Glenn county are going to permit a forgery like this or are going to allow these people to go out of court with the wealth of William Murdock. An appeal was made to the jury to [illegible] man.

On the question of the paper used in the alleged note he said that until 1883 nearly all the paper used in writing was made [illegible]. The experts [illegible] the microscope [illegible] paper of the note [illegible] 1883. The [illegible] at [illegible] experts [illegible] The speaker said [illegible] was not used until 1878 [illegible] the paper [illegible] and it was claimed [illegible] 1873 [illegible] later.

The attorney [illegible] as shown on the [illegible] on the [illegible] and during this time the [illegible] was taken.

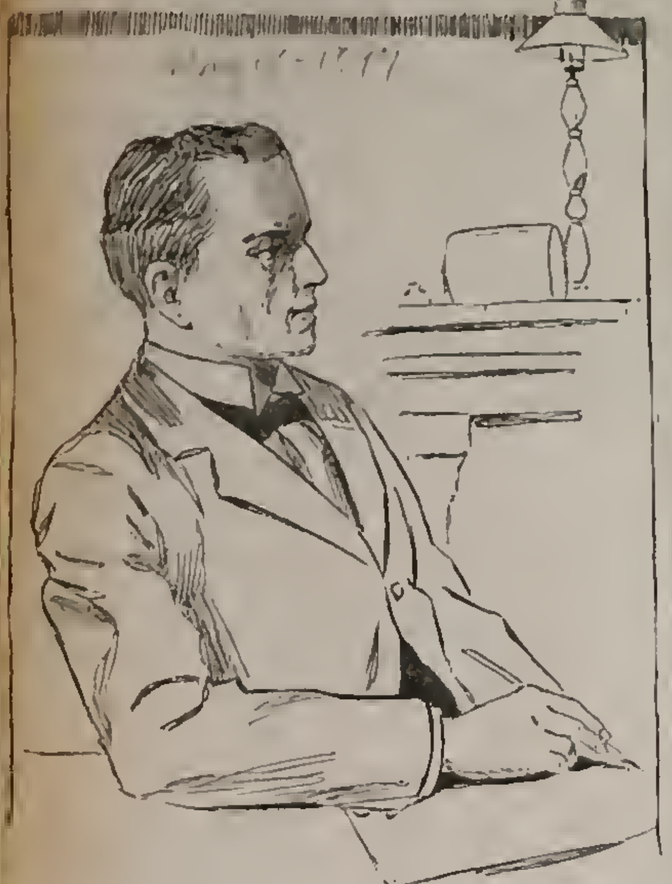
AFTERNOON SESSION.

On reconvening of the court at 1:30 p. m. General Barnes resumed his argument for the defense continuing his comparisons of the signatures to the alleged note and the deed where he left off at the noon recess. He called the attention of the jury to the difference in these two signatures, claiming that the signature to the note showed evidence of halting, painting and filling in as would be the case in a tracing. He claimed that the evidence of Mr. Ames on this matter must be correct, that the note signature was a tracing. He then called attention of the jury to the dash, or rubric, under the letter "m" in Wm. He said from 1871, until the making of the deed in 1890, none of the signatures of William Murdock bore the rubric in the manner found in deed and the alleged signature in the note, then pointed out reasons why the rubric on the note, in the opinion of the experts, was traced and made to appear like the signature of the deed.

Counsel asked the jury to try writing their own signature in the jury room, especially the abbreviations, and see if they could write them twice alike. They would find that they could not do it. In this connection he directed to mention Hetty Green and her alleged attempt to get her aunt's money, by forging codicils to the aunt's will, and tracing the aunt's signature to them, stating that notwithstanding her millions, the decision of the court was against her, and she did not get the estate of her aunt. He referred to her as the richest and meanest woman in the United States, living in a mean little room in Jersey City.

General Barnes' argument will be continued in tomorrow's issue.

HAND OF THE FORGER WROTE OUT THE BOND.



Clerk Thomas Kelly of Judge Graham's Court.

Grand Jury Subpoenas a Disreputable Crew of Men Interested in Crooked Bond Business.

WHO FILLED in the bogus bonds on which the negro, Harry Wilson, was released a fortnight ago?

Whoever did it committed forgery.

The Grand Jury, which has been considering the straw bond scandal for the last fortnight, believes that the person who wrote the body of the bonds forged the names of Thomas Cosgrove and E. Riley, the suppositilious signers whose identity has not been solved. Carl Eisenschimmel, the handwriting expert, appeared before the Grand Jury yesterday and testified that all the writing in the bonds was done by the same person.

Eisenschimmel was given the bonds to examine some days ago and was furnished also with specimens of the handwriting of ex-Deputy Sheriff Ed Reilly, whom Police Court Clerk Thomas Kelly accuses of signing the bonds. Eisenschimmel is convinced that only one person touched the bonds. His testimony was an eye-opener for the Grand Jury and it now remains to be proved who filled in the documents upon which the notorious negro was set free.

Clerk Kelly swore positively before the Grand Jury last week that Reilly put his name to the bonds in his presence and that he affirmed under oath his ownership of the property itemized in the bonds. Kelly was not called again yesterday, but Reilly had a new witness to certify to the impossibility of his having been at Grant avenue and Morton street at the time the bonds were signed. Reilly realizes that he is in a tight place, whether guilty or not, as Kelly had a dozen intimates before the Grand Jury yesterday to support his evidence.

Men who have been accused and convicted of many crimes and whose names are familiar as bondsmen in criminal cases were summoned yesterday. Among them were Billy Abbott, keeper of one of the worst dives in the city; Mike Flynn, who shot to death the brother of his partner, Billy Gallagher, and who, with Gallagher, runs the saloon at Grant avenue and Morton street, where Clerk Kelly loafs and where he tended bar until he was made Police Court clerk. Charles Lederer, a professional bondsman; T. D. Elliott, J. Edsell, E. L. Pelemond, John Breen, James Gattily, Agnes O'Reilly, J. T. Bailey, Clay Markle, Della Dunn, Rose Kenny, J. M. Evans, D. Becker, Abe Becket and others were also subpoenaed.

Lederer acknowledged that he had no real estate, though he has made a business of going on bonds. He was grilled by the members of the Grand Jury and when he retired told the gang waiting its turn to be called about his experience. Saloon-keeper Ostrander and Billy Abbott and Mike Flynn, who were Clerk Kelly's backers, would take care of the latter. Abbott, Sears, Gallagher and Flynn coached the dozen other witnesses and laughed at the idea of any of them being punished for their acts.

All the divekeepers conferred during the afternoon and agreed to stick together. Attorney J. N. E. Wilson, who is under fire for his part in a number of queer transactions on bonds, was about the Grand Jury chambers smiling and chatting familiarly with the gang from Grant avenue. Ex-Deputy Sheriff Reilly is the man who, in December, 1891, while conducting Burglar Riordan from jail to San Quentin was blinded by red pepper thrown by Convict Jack Hoey, now serving seven years in prison. Reilly shot Hoey before he could escape and held on to Riordan.

The Grand Jury, while determined to ferret out the guilt of the men who have prostituted justice in the release on worthless bonds of dozens of thieves, highwaymen, bawds, opium smokers and vagrants, finds it no easy task to procure the necessary evidence. The straw bondsmen are banded together to save themselves and perjury is their commonest defense. Thursday afternoon the matter will be taken up again and meanwhile detectives and experts will endeavor to probe deeper into it.

Kelley still continues as clerk in Judge Graham's court.

Mrs. Murdock and Her Witnesses Handled Mercilessly.

NOTE ASSAILED AS THE WORK OF CRIMINALS.

EVIDENCE ANALYZED FOR THE BENEFIT OF THE JURY.

Grove L. Johnson Begins the Final Appeal for the Plaintiff To-Day—Case Goes to the Jury Saturday.

[illegible]

WILLOWS, May 16.—Long before 9 o'clock this morning every conceivable inch of space inside and out the railing in the courtroom was occupied by prominent people from all parts of the county to hear General Barnes' argument for the defense in the Murdock note suit. He made a telling speech, in which he paid a glowing tribute to Judge Pirkey for his management of the case. General Barnes said the Judge had not always agreed with him, but he never saw a lawyer with whom a Judge would agree in all matters in a long trial. Out of nearly a thousand signatures of William Murdock no two of them were alike except on the deed of 1890 and the note of 1877. Any man with sense enough to keep out of an insane asylum could see William Murdock never signed the note. If Murdock could make two signatures thirteen years apart and be exactly alike it would be a miracle of miracles, but this is what these two signatures show.

The daily papers are publishing this trial," said Barnes, "so the million and a quarter of people in California can see whether a Glenn county jury will put the stamp of approval to this infamous piece of paper, whether these human hyenas could rob the graves of the dead, and deprive the living of their property."

Plaintiff sat by her husband and smiled pleasantly while General Barnes described how they had thrown Samuel Murdock in the ground like a dog without a slab or even a rotten board to mark his last resting place, after he died. Megginson showed not the least sign of any effect on him when he was pointed as the man who was the principal in a "damnable forgery." General Barnes demonstrated with a pair of dividers on the enlargements that there is not the one-hundredth part of an inch difference in the sizes of the signatures in the note and the deed of 1890, going to show that the signature on the note was traced from the signature to the deed of 1890.

General Barnes toasted Cain Ashurst to a good brown. He said that Ashurst filled his part in the great plot by saying he had paid Samuel Murdock $10,000 the day before the big note was made, which he borrowed of County Treasurer Eby, when in fact they could not have had more than $300 or $400, as shown by the records of the Treasurer's office in Tehama county. He said Mrs. Murdock hired a man at Lessville to drive her home on September 4, 1887, and was with the man all day till 11 o'clock at night, yet did not know his name. "What a story," said Barnes. "There is just one bright spot in all this sea of perjury and villainy and that is that Mrs. Murdock did not ask her sons to swear they ever saw or heard of the note that was theirs and made them worth $260,000 apiece. They would not do it, gentlemen of the jury."

Barnes said that young Murdock, who was on the stand, was the only one on plaintiff's side who looked like he was telling the truth. Barnes said he was hunting some excuse for Robinson and Alexander, the lawyers from Sacramento, who swore they saw the note in 1887. He did not want to think that men in his profession would willfully perjure themselves, but thought they were mistaken.

Barnes wanted to know where Gawn Murdock was all the time when his wife was hawking the big note around trying to trade it for "second-grade Kearny-street lodging-houses," or "old fly-blown trotting horses at Sacramento." "Gentlemen of the jury," said Barnes, "people who have honest claims against solvent creditors do not act that way." He said that Megginson was willing to make money any way he could, but he was too smart a man to get on the stand and swear to a lie about that note. Megginson never loaned Mrs. Murdock a dollar on the note. Everything was put off on "poor old Gawn." He was made to swear to everything and could not help himself.

Barnes, continuing called attention to the appearance of Mrs. Mary Helen Murdock on the stand. He said he actually felt sorry down deep in his heart for the "poor woman," who had held up bravely all through, but almost wilted the last time she went on the stand. Her face was livid, her lips were ashen, her bosom heaved and panted, and her eyes were half closed. Barnes declared that in this condition she had given the lie to every witness who had gone on the stand for the other side, including Mr. and Mrs. Henry. He said Thomas Kirkpatrick did not begin to learn his part in the drama until after 1890, when Mrs. Murdock learned that the note, if for "love and affection," was not good, and that then this "devilish old man" had manufactured that piece of paper, denominated an affidavit, signed by Samuel as a statement of the financial condition between himself and William Murdock. Barnes said he had torn it out of an old book and watered the ink to give it the appearance of age.

Grove Johnson, for plaintiff, has two days in which to close and will begin to-morrow at 9 o'clock.

MORE CITY MONEY STOLEN

Forgers Rob the Treasury With Small Chance of Being Caught.

Registrar Biggy's office has furnished another illustration of the ease with which the city treasury may be robbed and the person doing the stealing [illegible]. Seven forged warrants have passed through the usual channels [illegible] and paid. For a week the city detectives have been at work [illegible] report that they are unable to discover any clew [illegible] person directly with the steal. [illegible] ments of Auditor Wells and Treasurer Truman, that [illegible] robbing the city treasury through forgeries and [illegible] the thief after the robbery has been committed. These [illegible] would have been discovered even in the Registrar's office [illegible] warrants been stolen from a desk during the absence of the clerk who had charge of them.

FORGERS have made another raid on the City Treasury. This time the amount secured from the public sack was small, but it proves how easy it is to slip past the watchmen of the public funds and filch from the piles of gold in the treasurer's vault.

Seven demands on the treasury with the forged signatures of as many men who had claims against the city were cashed by the Treasurer. The demands were drawn by the Registrar's office and it is believed the forger was an employe of that office. It is thought a clerk of the Registrar forged the signatures and from the description given by the clerks of the Treasurer's office of the man who presented the forged warrants for payment it is believed he had a confederate.

Each of the seven forged warrants called for $10. They were drawn in favor of Charles [illegible]; P. Murphy, clerk precinct [illegible] District; A. [illegible], judge, Thirty-second district; W. [illegible], clerk precinct [illegible] Thirty [illegible] [illegible] Fifty-third district [illegible] [illegible] This warrant [illegible] Mc[illegible], a deputy of the Registrar, had charge

IT IS NO FELONY TO COUNTERFEIT NICKELS.

Judge Sweeney of Shasta County Declares the Law Covers Only the Imitation of Gold and Silver Coins.

REDDING, May 16.—Superior Judge Sweeny rendered a decision today which declares an important California statute to be deficient and to afford a loophole for grossest criminality. Judge Sweeny held that under the law it is not a felony to counterfeit nickels. W. Woods, who is employed at the Keswick smelter, was arrested at that place yesterday for playing bogus nickels into a slot machine. Woods' attorneys applied for a writ of habeas corpus and it was granted today, Judge Sweeny dismissing the charge on the ground that the law regarding counterfeiting specifies gold and silver coins, but says nothing of nickel currency. The District Attorney concurred.

A large quantity of bogus nickels have been made of Babbitt metal at Keswick lately, and now there is nothing to prevent the counterfeiters from putting them into circulation. Woods had a large number of the slugs in his possession when arrested.

TRUSTED HER WITH THE COIN

"Mammy" Got $94,000 From Bell Estate.

Mrs. Theresa Bell testified yesterday, in Judge Troutt's department of the Superior Court, that since the death of her late husband, Thomas F. Bell, Mrs. M. E. Pleasant, the old colored woman commonly known as "Mammy" Pleasant, has received from the Bell estate $94,000, and that she has nothing to show for this sum, except a few horses and wagons and other personal property on her ranch.

"I turned over to Mrs. Pleasant $30,000 that I got from my husband's life insurance, $30,000 from the sale of property and $34,000 granted by the court as family allowance," said Mrs. Bell. "I did this because I had implicit confidence in Mrs. Pleasant, and my confidence in her was not shaken until about three months ago."

Answering a question by Attorney [illegible], Mrs. Bell said that since she began to distrust Mrs. Pleasant [illegible]

[illegible]

At the former hearing of the case Mrs. Bell testified that [illegible] ranch at the [illegible] Mrs. Pleasant [illegible] always [illegible]. This fact [illegible] Mrs. Bell reiterated yesterday, with the additional statement that [illegible] was in Mrs. Pleasant's [illegible] the years in which [illegible] Mrs. Bell had always considered the Sonoma ranch to be her property.

"MAMMY" PLEASANT ADJUDGED INSOLVENT.

Judge Troutt Says the Aged Colored Woman Cannot Pay Her Debts.

Mrs. Mary E. Pleasant, who is known as "Mammy" Pleasant, [illegible] adjudged insolvent [illegible] Troutt said it was clear that Mrs. [illegible] committed acts of insolvency and that [illegible] creditors were entitled to the [illegible] in their petition. He ruled that [illegible]

[illegible]

After Bell's death the testimony of Mrs. Bell [illegible]

THE DAILY PROMOTER.

SPECIALLY ISSUED BY THE TRI-WEEKLY PROMOTER DURING THE HEARING OF THE MURDOCK NOTE SUIT.

VOL. 3 — WILLOWS, CALIFORNIA, THURSDAY, MAY 18, 1899. — No. 65

THE ARGUMENT CONCLUDED.

Judge Oval Pirkey In An Able Manner Gave His Instructions, And The Case Is Now In The Hands Of The Jury.

Continued from Wednesday

The testimony of H. A. Skiff was attacked. Mr. Johnson said because he said certain things on the outside differ ent from his testimony on the witness stand, but he said some people might say things on the street they would not swear to on the witness stand. He may have said the things on the outside as contended by the defense, but counsel said he did not believe it.

The testimony of Mrs. Kirkpatrick was next taken up and referred to at some length. Counsel said she was a sister of the plaintiff, it was true, but the jury could not believe that she would testify to any thing that was not true. He asked the jury to look at her and see if she looked like a woman who would not tell the truth.

The testimony of T. J. Kirkpatrick was declared to be true and honest by the counsel, and was analyzed. He declared that it was no evidence of dishonesty that a man went through insolvency when he could not pay his debts. He then read the alleged statement of Samuel Murdock, acknowledged before Kirkpatrick as Justice of the Peace. Great stress was put upon the testimony of Kirkpatrick and the paper by counsel, for if the testimony was true and the paper genuine they were as important as the note.

The testimony of the plaintiff, Mrs. Mary Helen Murdock, while it is important is not necessary for a verdict. There is sufficient evidence without her testimony for this jury to give a verdict in favor of the payment of this money. He grew eloquent as he quoted from Lord Macaulay Roman history and made a parody working the names of the defendants into it. Counsel went over the entire evidence of the plaintiff at great length, answering the argument of opposing counsel against her testimony. In many places his criticism of Mr. Lusk argument were very sarcastic.

Mr. Johnson then referred to the testimony of Mrs. Lizzie Smith, Mr. and Mrs. Billy Carroll, and Mr. and Mrs. Henry, comparing and showing to the jury, according to his understanding, conflicting statements in the testimony. He wanted to know where the Kerr family Bible was, and where is the Rev. John Black. Mrs. Smith says she told where the Rev. John Black was, and why was no the deposition of the Rev. John Black taken and brought into Court?

At 4:50 p. m. Court adjourned until 9 a. m. today.

MORNING SESSION.

At 9 a. m. Court convened and Attorney Grove L. Johnson resumed his argument for the plaintiff.

The attorney gave a resume of his argument of yesterday, after which he took up the testimony of Mr. and Mrs. Henry and called attention to what he called inconsistencies. Then Mr. and Mrs. Carroll's evidence was used to point out the alleged inconsistencies in the testimony of Mr. and Mrs. Henry.

Counsel asked who are Mr. and Mrs. Henry. He mentioned an Allen Henry that he had heard and read about. He did not know whether it was the same Allen Henry that testified in this case. He then spoke in eulogistic terms of Mr. and Mrs. William Carroll, and of Mrs. Glover, contrasting them with the Henry's, according to his side of the case.

The evidence of the plaintiff, with reference to the coming home from Allen Springs and the making of the note in question, was taken up and discussed. The testimony of William S. Murdock for the defense was attacked by counsel, and he compared it with the evidence of Eddie Murdock, Mrs. Graves and the plaintiff. Counsel quoted the little skit about the beetle gnawed on the wall while his soul blew out of the window. Mr. Johnson again paid some attention to James Boyd and his use of the electric franchise in 1877, as well as to his evidence about the one-horse buggy. Then the evidence of Hamblin was taken into account and commented upon to the disadvantage of the witness.

On the matter of public opinion, Attorney Johnson said that counsel for defense were in error when they stated that public opinion was with the defense. He contended that it was just the other way, and if left to a vote of the people it would be found to be with the plaintiff.

At this point counsel made an attack on the press, and especially on the PROMOTER, declaring it in contempt of Court, a statement which he knew was not true, and made only to influence the jury.

Mr. Johnson made a plea for justice under the law for the plaintiff and grew very eloquent over it. During his argument just after this he referred to what they could prove on a second trial of this case. How much better case they would make out.

The testimony of Chas. S. Young was referred to at some length and during the argument it was stated that if the testimony of this witness was true it was in favor of the plaintiff, and this he went on to prove to the jury. He admitted that Mrs. Murdock did borrow money and gave the note as collateral to L. S. Megginson, and that Mr. Young may have seen the note in the hands of Mrs. Murdock and Mr. Megginson, in July or August, 1890.

In telling why the plaintiff and Mr. Megginson were not called to the witness stand to contradict witness Young, the attorney made a scathing attack on the real estate dealers of San Francisco. He made an eloquent appeal on behalf of the plaintiff as against this so-called nest of real estate dealers in San Francisco, who, he claimed, had prepared a large number of depositions which would have been used in opposition to the testimony of the plaintiff and Mr. Megginson, had he called them to testify in opposition to C. S. Young, and would have covered them over with mud.

An impassioned plea was made for a verdict for the plaintiff, that she and her husband and the twelve witnesses who had testified for them might not be branded as liars, perjurers and villains.

Just before the noon adjournment counsel stated that he had now reached the expert testimony and would take it up after the afternoon session. A recess was then taken until 1:30 p. m.

AFTERNOON SESSION.

At 1:30 p. m., court re-convened and Attorney Johnson resumed his argument. He contended that expert testimony in such matters as these was only a matter of opinion. It had not yet become an exact science, as astronomy. In surveying it is an exact science. Civil engineering is an exact science. In all these expert testimony should be allowed. As to handwriting counsel contended that experts never agree, and quoted the Howland will case. He spoke at considerable length on the expert testimony in this case, to the difference of opinion between the experts. Then he went off on Prehistoric Columbus, Magellan, Guttenburg, Fulton, Morse, Edison; the running of street cars and lighting the city of Sacramento with electrical power from Folsom; Elias Howe and the sewing machine; the typewriter, and the type-setting machine. The discoveries of all these men, and the invention and operating of all these machines, now exist notwithstanding adverse opinion of experts.

The testimony of Mr. Eisenschimel, Mr. Hickok, Mr. Ames and Mr. Kytka was then gone over, critically, ending with an opinion that the case for the plaintiff would have been as well off without his having touched upon the expert testimony. If he had his way he would not have read anything about the expert testimony, but his colleagues thought he ought to say something on the subject and he agreed so to do.

Mr. Johnson claimed that the signature on the note was not a tracing and speaking of the photographic copies of the "Wm's" used to show that one was a tracing by super-imposing that of the note over that of the deed, he said that they were deceiving because they were both in black and could not be properly super-imposed. He produced the two "Wm's" on tracing cloth, that of the deed skeletonized in red ink, that of the note in full black. These he said would truly show the difference, and he said they could take these to the jury room with them along with the photographs. General Barnes objected to these tracings going to the jury as they had never been in evidence and the defense did not know whether they were correct.

The Court said he would determine at the proper time whether the tracings should go to the jury.

In connection with the testimony of the experts the counsel for the plaintiff contrasted the evidence of Thomas Kinsek and claimed that his testimony given was on scientific principles.

Then taking the note in his hand he claimed that the paper on which the note was printed and the writing on it were twenty-two years old. He demanded a verdict on the note for $360,433, that being the amount the plaintiff claimed to be due on principle and interest.

He asked a verdict that the reputation of twelve people may not be broken down. If the jury should give a verdict for the defense it meant that the reputation of these twelve men would be affected and destroyed. On the other hand he claimed that a verdict for the plaintiff would affect the reputation of no one. He made a special plea for the plaintiff as a mother. He closed his argument at 3:35 p. m.

The court immediately gave his instructions to the jury. The instructions requested by defendants were first read by the court.

JOHNSON NOW GRILLS LUSK.

MORE ARGUMENT IN THE MURDOCK SUIT.

SOME SHARP CRITICISM FOR THE METHODS OF THE CHICO ATTORNEY.

The San Francisco Lawyer Appeals to the Jurymen—The Case Now Drawing to Its Close.

Special Dispatch to the "Chronicle."

WILLOWS, May 11.—To-day is the fifth day of argument in the Murdock note case and the courtroom cannot accommodate the large crowd present. F. C. Lusk's argument for the defense was a record-breaker as a sample of bitter denunciation of witnesses, but Grove L. Johnson who is now talking, this morning delivered a roast on Lusk's method of conducting his end of the case which made that attorney's scathing words appear as pleasant compliments.

Johnson commenced with the usual congratulations to the jury that the case was drawing to a close and words of praise for the Judge's fairness. The jury was told that upon its verdict rested the reputation of twelve people, all well known in this community, that already these people had been excoriated and denounced as liars, forgers, perjurers and conspirators. "Mr Lusk loves you, however, gentlemen," said Johnson, "for hasn't he hired four detectives to look out for you and protect you from designing men and women? I notified Mr. Lusk to remain, as I disliked to speak of his conduct of the case while he was absent."

W. H. L. Barnes here interrupted with an explanation that urgent business matters took Mr. Lusk away, but he expected to return to-day. "I am not authorized to receive the drubbing," said Barnes.

"Let us dissect the case as conducted and argued by Mr. Lusk," continued Johnson. "This opening statement, made by Mr. Cannon, was plain and polite. Mr. Cannon's argument contained no reviling, no insinuations; Mr. Lusk's was one even unworthy of the Justice's Court of Chico. Mr. Lusk's wholesale abuse and billingsgate and his hiring of detectives to watch decent men has demonstrated that he has the attributes of a shyster and a pettifogger."

Attorney Johnson maintained that plaintiff had to prove three things—her ownership of the note, a consideration and the genuineness of the signature. These, he claimed, were all proven, unless the jury wished to say that each witness, some of whom had lived here for forty years, is a perjurer.

What Wm. Murdock Himself Said About the Note.

CHICO, Nov. 2, 1893.

MR. JAMES MOORE,

DEAR SIR:—Yours of the 26, ultimo is to hand and contents noticed this note business is something of a new feature and very unexpected affair, as I never gave a note for that amount in all my transactions of life Ellen Murdock had a son boy the name of Gawn Murdock of Stony Creek, his wife name is M. H. Murdock But who to accuse of this elove is hard to do, Mr Lusk will be going to the Bay in a few days and will find out more in regard, the mans name is White 519 Jones Street when I was asfixiated by gase. Mr. Compton & family are all well and send the Best Regards, I am in hopes to hear from you soon on this matter My health is not improving any I continue taking the powders that the doctor ordered but they dont seem take the proper efect with my Best regards your Truly

WM. MURDOCK.

State of California } ss.
County of Butte.

Mary Compton being first duly sworn deposed and says: I reside near Chico in said Butte County; I am a sister of said William Murdock, deceased. He came to my house about December 16, 1893, and remained there until he died, January 8, 1894, except that he went to Chico once or twice after he first came, to see F. C. Lusk, an Attorney there. During the time he was at my house, he talked a great deal about the alleged note of $100,000 which was said to be outstanding against him. He had then been informed, that it was claimed that the note payable to the plaintiff. He told me that he had never given her or anyone else any such note and that he had never given her any note, and that he had no occasion or reason to ever give her a note for any sum, and that he always disliked her, that said William Murdock at many times previously during the year past, has expressed to me his dislike for the plaintiff Mary Helen Murdock.

His principal cause of his dislike against her seemed to be on account of her mistreatment of her father-in-law, Samuel Murdock, deceased, who was a cousin of William Murdock; and various other misdeeds of the plaintiff in that action, of which he had been told by said Samuel Murdock, and particularly at a time about 1876, when Samuel Murdock came to the residence of William Murdock and remained there several months. And William informed me that Samuel had told him that he left the house of his son and the plaintiff on account of the mistreatment he had received from the plaintiff, and of certain misdeeds of the plaintiff. William Murdock told me when he was at my house during his last sickness, at the time of the first conversations above stated, that he had always had money on hand ever since the time that the note was said to have been given, and during all that time had neither owed, or had any reason to owe the plaintiff, or anybody else.

MARY COMPTON.

Subscribed and sworn to before me the 11th day of February, A. D. 1895.

JO. D. SPROUL, Notary Public, Butte Co. California.

MURDOCK NOTE CASE NOW RESTS WITH THE JURY

Belief That the Twelve Men Will Be Long in Deliberation.

EXHIBITS WILL DELAY

Attorney for the Plaintiff Grills Witnesses in His Closing Argument.

(Special Dispatch to "The Examiner.")

WILLOWS, May 18.—The Murdock note case rests with the jury, and the twelve men are now deliberating as to whether or not the note is genuine. The concluding argument was made by Attorney Grove L. Johnson this afternoon.

Judge Pirkey took forty minutes in delivering his charge, and then the jury retired. As there are over a thousand exhibits it is not believed that the jury will come to a ballot to-night, though hundreds of people were about town up to midnight awaiting a possible verdict, and there was all during the evening a stream of people going to and coming from the Courthouse.

Shortly after retiring for deliberation the jurymen asked for the date when Charles S. Young said in his deposition that he saw the big note. The date was given them and after this time it was evident that warm arguments were in order among the jury. They had the Sheriff busy bringing them ice-water and the members could be seen flushed of countenance in their shirt-sleeves and with every appearance of having a warm time of it. After a long period of loud talking the sound of which could be heard in the courtroom, a rap came from the jurymen's quarters at about 11 o'clock and there was intense excitement among the waiting people. The jurymen solemnly filed to their seats in the box and Foreman J. G. Carmichael arose and, addressing Judge Pirkey, said:

"Your Honor, I have to say that you might as well discharge us. We cannot agree and there is no use in trying further."

His Honor replied by reminding the 12 men of the great importance of the case, the immense amount of money expended in its trial as well as the great fortune involved, and told them that he would be obliged to send them back for further deliberation. The jurymen looked decidedly glum as they were marched back by the Sheriff. Beds were sent for and they will probably be kept locked up until Saturday unless they should come to an agreement. As it takes nine to reach a verdict, it is fair to presume from the foreman's words that the jury is about evenly split. It is generally conceded that this means no verdict in the big case.

Attorney Johnson, in his closing argument for plaintiff, severely grilled counsel [illegible] and also Attorney Lusk of the defense. He referred to Mrs. Mary Helen Murdock's visit to Allen's Springs and her [illegible] trip home on the day the $100,000 note is dated, September 5, 1877. The testimony of Mr. and Mrs. Carr [illegible] for plaintiff was contrasted with that of Mr. and Mrs. Allan Henry for the defense, the attorney claiming that the Carrs have good reasons for their knowledge of dates on account of their marriage date and subsequent events, while the Henrys were not at all clear.

Mrs. Glover, who was at Allen's Springs with Mrs. Murdock, was spoken of by the lawyer as an honest woman, who also said that Mr. Lusk was after her to testify on his side until he found she wanted to tell the truth. Johnson said that he tried to locate the stage-driver and stage way bills, but that twenty-two years was a long time ago and he could get no trace of them. W. H. Brenight, who swore that he never saw William Murdock at plaintiff's house, was accused of being bribed, and the jury were reminded of the testimony of several men as to his saying he was to receive money for his testimony. The attorney continued:

"The attorneys for the defense claim that public opinion is in their favor. How do they know that? We will admit that they have attempted to create public opinion here by purchasing a local newspaper, but I say that public opinion [illegible] [illegible] Mary Helen Murdock, who asks you for a verdict."

Johnson said that rumor had it that the whole fortune would be spent before the plaintiff ever received one cent, but he said that rich and poor stood alike "in this temple of justice."

The deposition of Charles S. Young of San Francisco, a witness for the defense, was taken up by Johnson, who went on to state that Young said he saw the note in August, 1890, and that the deed from which defense claim the signature to the note was forged, was in the Recorder's office at Colusa from July to October, 1890, and that Mrs. Murdock got it in November. The attorney claimed that this knocked the props from under the defense. He grilled Lusk "for abusing J. H. Megginson, who had not even testified." Megginson was an assignee on the note, said the attorney, and he asked Megginson to remain during the trial, in case "that pile of poisonous depositions, oozing and reeking with perjury" were allowed, so that he might then testify.

The experts came in for ridicule and sarcasm. The jury was told by Johnson that the expertising of handwriting was in no way an exact science and that all handwriting experts disagree if paid for it. The attorney claimed that many things go to make changes in a man's signature, such as nervousness, ill-health, pen, paper, and other things, and continued:

"If the signature to this note was traced from the [illegible] deed, why in God's name did not these people who [illegible] [illegible] [illegible] [illegible] deed instead of handing it over to the defense? It was tendered and could easily have been declined."

The attorney claimed that Surveyor Knox's comparison of the two "Wm.'s" made on angles by correct instruments, showed that handwriting experts' theories amounted to nothing. The attorney waxed eloquent when he spoke of what a verdict against plaintiff meant, saying it would damn their reputations forever. He asked for a verdict for the amount of principal and interest, $361,833.

When Johnson had concluded Judge Pirkey immediately delivered his charge to the jury, which occupied nearly forty minutes, and the twelve men retired to deliberate shortly after 4 o'clock. There are over a thousand exhibits, and many think that there will be no balloting by the jury until to-morrow.

MORNING, MAY 18, 1[illegible]

LAWYERS BANDY HARSH EPITHETS

Grove Johnson Calls F. C. Lusk a Coward and Shyster.

Adds That He Is a Pettifogger and the Missing Link of Humanity.

(Special Dispatch to "The Examiner.")

WILLOWS, May 17.—It was believed by the people in attendance on the Murdock trial that the height of bitter denunciation had been reached when Attorney Lusk finished with his two days' argument for the defense, in which he heaped all sorts of abuse on the opposing witnesses and lawyers, until Grove L. Johnson spoke to-day in behalf of the plaintiff. It was an eye for an eye and a roast for a roast with him.

Johnson let the witnesses alone to-day and delivered his broadsides—and they were hot ones—at Attorney Lusk. Replying to Lusk's phrase, "perjurers, liars, conspirators, hyenas and forgers," Johnson referred to Lusk to-day as a "shyster, pettifogger, coward and missing link of humanity."

The courtroom was packed and the jury had to have a way cleared in order to get out at recess time. Attorney Johnson began by saying that he had never heard such an excoriation of witnesses as that delivered by Mr. Lusk. "Yet, gentlemen, he loves you," for hasn't he employed four detectives to follow you around to protect you from designing men and women?" asked he.

The attorney contrasted the opening statements of the counsel for plaintiff and the defense, claiming that plaintiff told her case, concealing nothing, while the defense were secretive and then did not prove what they promised. He said that plaintiff was called upon to prove three things. First, the ownership of the note, second, a sufficient consideration for the same, and, third, that the signature was that of William Murdock. These three points were taken up in order, the attorney saying that each had been proven. The evidence of the experts came in for attention, the attorney taking each case cited by defense in argument, and saying that these cases all showed the unreliability of such testimony.

"Dreyfus was damned by expert testimony," said he. "I was an attorney in the Martin will case and two of the experts here testified as to the will being genuine. As to the Sarah Althea case, I am willing to believe that Judge Jeremiah Sullivan, an honest and upright judge, was right when he decided in her favor." He quoted several famous cases wherein experts had been mistaken, saying that they testified as to opinions from facts and not from facts themselves.

Johnson then expressed a regret that Attorney Lusk was not present, saying he had notified him to be on hand. General Barnes arose and said that Mr. Lusk had been called away, but added that he had "been authorized to receive the drubbing."

The abuse of plaintiff's witnesses was then taken up. The lawyer said:

"This is an unusual note. If this is a fraud, why didn't these people make it a smaller sum? Look at Mr. and Mrs. Gawn Murdock, look at old man Kirkpatrick, do they look like perjurers, liars or forgers? Mrs. Murdock, the plaintiff, was described as a farmer's daughter and a farmer's wife. As to the Kearny-street lodging-house, she said she desired to be near her young sons, who were attending school near the metropolis, and she thought this a good place.

"I can imagine the kind of Kearny-street lodging-house Mr. Lusk frequents," said the attorney, "from his description of them to the jury."

The desire of plaintiff to purchase trotting horses was spoken of as a most natural thing, and Mr. Lusk again came in for a scorching for not practicing what he preached, he being accused of being a horse fancier. Gawn Murdock, plaintiff's husband, and the alleged dishonest settlement the defense claims he made with his father, came in for a share of talk. The attorney contended that Gawn was a dutiful and an honest son, that, although he held a receipt of settlement with his father, he sent word to the old man, telling him to come home and he would arrange matters satisfactorily; that his father did come home and Gawn paid him $20,000 more. The testimony of T. J. Kirkpatrick, the old Justice of the Peace, and the affidavit he swore Samuel Murdock made before him, were spoken of at length. "This affidavit comes as a voice from the graves of both Samuel and William Murdock, saying to this jury that this note is a good one and testifies as to an honest debt between these two old men," said Johnson.

The lawyer said that this note was genuine and made by William Murdock unless some of the best-known people in Glenn county were perjurers and fit subjects for San Quentin. The two lawyers, E. I. Robinson and H. E. Alexander, who testified that they saw the note at Sacramento in 1881, were spoken of as honest, reputable men and one a friend of Murdock. The attorney said that, as the defense claimed this note was forged from a deed made in 1890, the testimony of these two lawyers knocked all props from under the defense.

"Would two such men perjure themselves?" asked he.

"We claim that Mrs. Mary Helen Murdock left Allen's Springs for her home in September, 1877, and that, on the 5th day of that month, William Murdock signed this note, which she had written at the request of Samuel Murdock; that 1,000 in twenty-dollar pieces and canceled notes were there handed over to William Murdock, and that, on the following morning, he took the coin away in a one-horse vehicle," was the statement of counsel.

The effort to impeach Cam Ashurst was denounced as a failure, and Mr. and Mrs. Allen Henry of Elkins were just coming in for some bitter sarcasm when court adjourned.

The case will go to the jury to-morrow night.

JURY COULD NOT AGREE.

The Murdock Note Trial at Willows Comes to an End.

TALESMEN EQUALLY DIVIDED IN OPINION.

ATTORNEYS FOR THE PLAINTIFF IMMEDIATELY ASK A RETRIAL.

Claim That the Defense Has Spent Fifty Thousand Dollars of the Estate Money in Fighting the Suit.

Special Dispatch to the "Chronicle."

WILLOWS, May 19.—After a trial lasting seven weeks the jury in the Murdock note case reported a disagreement at 5 o'clock this afternoon, and was discharged, ending one of the most remarkable trials in the legal history of California. Six of the jurors upheld the validity of the note and the other six were against it. The jurors evidently had fully made up their minds during the trial, for they announced their decisions when the jury left the courtroom at 4 o'clock yesterday afternoon, and the twenty-five hours of deliberation did not effect a change in their opinions. From beginning to end the jury stood six to six, as follows: For the note, Messrs. Herder, Drake, Vestner, Weight, Schorn and Noldeffer; for the defendants, Messrs. de Jarlais, Miller, Mayes, Emerald, Grinstead and Carmichael.

The disagreement means that six men of Glenn county believe that the great $100,000 note is a forgery and the other six put themselves on record as believing that William Murdock did sign and deliver the note to Mrs. Mary Helen Murdock for money loaned by Samuel Murdock, and that the amount, with interest at 1 per cent per month for twenty years, now amounting to $361,000, was to be for the benefit of the grandsons of Samuel Murdock, sons of the plaintiff.

The Judge had no sooner discharged the jury before Attorney Freeman arose and, on behalf of the plaintiff, asked that another trial be immediately set. The proposition surprised the attorneys for the defense. General Barnes said that as harvest time was approaching he thought that the case should go over for some time. Judge Pirkey announced that the calendar was crowded, and that he would decide as to resetting the case at a future time.

Rumor says that the defendants preferred that the plaintiff get a verdict here so that the defendants could have the matter appealed to the Supreme Court, rather than have a retrial here. It is charged by the plaintiff that the defendants have expended $50,000 fighting this case out of money belonging to the estate. Lusk, Johnson and Thompson left in the early part of the day, Freeman, Cannon and General Barnes remaining for the verdict of the jury.

SECRET SERVICE AGENT HAZEN COMING HERE.

The Terror of Southwestern Counterfeiters Transferred to the Head of the Office in this District.

SEATTLE (Wash.), May 20.—United States Secret Service Agent George W. Hazen, who for the past year has had charge of the district of Washington, Oregon and Idaho, with headquarters at Seattle, has been transferred to California and will be in full charge there. The news leaked out to-day through the arrival of his successor, Charles La Salle, from Washington city.

Agent Hazen has made a wonderful record here. A score of counterfeiters are serving terms in the United States penitentiary through his efforts. He has not lost a single case and in nearly every counterfeiting case secured convictions. John Williams and Charles H. Gray, two of the cleverest bad-money men that ever struck the coast, are doing eight years, with the prospect of another sentence on release. Hazen has had numerous convictions from other sections of his district. He will turn over the local office early in the week and go at once to San Francisco, which will be his headquarters.

HAVE NOT AGREED

Willows ... May 19. 1899

No Verdict Yet In the Note Case.

Many Wild Rumors As to How the Jury Stands—But Nobody Knows.

The jurymen in the Murdock note case are still deliberating as to whether or not the note is a forgery, and it is the opinion of every one that the jury is "hung."

People waited on the streets and in the courtroom up to twelve o'clock last night awaiting a possible verdict which never came.

It was evident the jurymen had a warm argument after retiring. They kept the Sheriff busy bringing in ice water and when the door was opened two of the jurymen could be seen in their shirt sleeves and there was evidence that a heated argument was in progress.

A loud rap came on the door of the jury room about 10:30 p.m., the first break in the monotony. This created intense excitement among the waiting people in the court room. The jury solemnly filed into the box and foreman J. G. Carmichael arose and said:

"Your Honor, I have to say that you might as well discharge us. We cannot agree and there is no use in trying further."

Judge Pirkey reminded the twelve men of the great importance of the case, of the great cost of the trial as well as the great fortune at stake, and sent them back for further deliberation. The jurymen looked as if they wished they could go home as they marched back into their room.

All day the principals in the case have remained in the court room, eagerly expectant that a verdict would be rendered.

The jurymen were taken to breakfast this morning and to dinner at 1 o'clock by the Sheriff.

There are many rumors afloat as to how the jury stand, but of course they cannot be verified.

Just as we go to press the jury filed into the box. The foreman announced again that they were unable to agree upon a verdict. The judge asked each juryman if he thought there was any chance of an agreement. Each answered "No!"

They will probably be discharged this evening if an agreement is not reached.

SIX JURORS BELIEVED THE NOTE FORGED

Disagreement in the Great Murdock Note Case.

INHERENTLY IMPROBABLE

On This Ground the Half-Dozen Talesmen Stood Out.

(Special Dispatch to "The Examiner.")

WILLOWS, May 19.—The great Murdock note case, which in many respects is the most remarkable case in the history of California's courts, came to an end at 5 o'clock to-day in a most unsatisfactory way—that of a disagreement. The jury was evenly divided from the first to the last ballot, standing six to six. Those who put themselves on record as being in favor of the plaintiff and believing in the validity of the note were Messrs. Herder, Drake, Vestner, Weight, Schorn and Nodleffer, while Jurymen De Jarlais, Miller, Mayes, Emerald, Grinstead and Carmichael were against the note and stood for the defense.

It is generally regretted that a verdict was not reached in this remarkable case, wherein over a quarter of a million dollars were involved, but as announced in to-day's "Examiner," any chance for a verdict was given up last night when the jury made its first report to the judge.

The disagreement means that six men of the jury believe that Mrs. Mary Helen Murdock is the principal in one of the most gigantic conspiracies ever known in the history of California, while the other six jurors believe that old William Murdock did on the 5th of September, 1877, sign and deliver to Mrs. Mary Helen Murdock the note for $100,000 payable twenty years after date, at one per cent per month.

The case, rumor says, has cost the defense over $50,000, and this can readily be believed by any person who has attended the trial.

Judge Pirkey asked each juryman as to whether his mind was thoroughly made up, and received an affirmative answer and formally discharged the jury. This had no sooner been done than attorney Frank Freeman, for the plaintiff, arose and asked the Judge at once to set a date for another trial.

General Barnes in reply stated that as harvest time was approaching he believed a retrial should be put off for some time.

Judge Pirkey stated that he had a full calendar and that he would not announce his decision in the matter until one week from Monday next.

Your correspondent has been told by a juryman that the "improbability" of the transaction alleged is what swayed the six jurors against the plaintiff's claim.

ONE BLANTHER WIDOW DIES FROM POISON

Suicide of Etta Crawford, Who Was the Wife of the Murderer.

CONFESSION FORGED

Before Her Death the Woman Declared That Her Husband Did Not Kill Minnie Williams.

Special Dispatch to The Call.

SAN ANTONIO, Tex., May 20.—Ellis Crawford, an inmate of a disreputable house, committed suicide here to-day by swallowing carbolic acid. This woman was the wife of Blanther, who, it was claimed by Theodore Durrant's attorneys, wrote a confession of the murder of Minnie Williams in San Francisco several years ago. Blanther committed suicide while in jail at Meridian, Tex., and a strong effort was made to save Durrant on the strength of his alleged confession. His wife finally drifted to this city. Before her death she declared with emphasis that the alleged confession of her husband was a forgery.

Blanther, when the story of his life comes to be written, had two wives, and which one this is is not made clear.

Blanther's career was a remarkable one. Born in 1859 at Radkersburg, in Styria, Lower Austria, he grew up an honored man and a soldier of distinction. In turn he served as an officer under Archduke Ludwig Victor and in the Thirty-second Austrian Infantry. He was decorated for gallant services with the war medal, Knight of the Italian Crown, order of the third class and order of the Iron crown. He deserted from the Eighty-fifth Hungarian Infantry in 1885 and went to Siam. He came to the United States in the same year and entered the employ of Rand, McNally & Co. of Chicago. At that time he passed as a married man. In 18[illegible], after failing in business, he went to Canada, and later was heard from in Arkansas, where he had married, under the name of Arthur Forbes, Miss Agnes Cameron. Under that name he started in business in Atlanta, Ga., where he deserted his wife in 1896, coming to San Francisco.

Blanther's murder of Mrs. Philopena Langfeldt in this city on May 6, 1896, his flight and subsequent arrest and suicide in Texas are well known. Before he took his life he was reported to have made a confession of the murder of Minnie Williams, for which crime Theodore Durrant paid the penalty on the gallows.

TELLING THE CHARACTER FROM HANDWRITING

By Blanche W. Fisher

IN ANALYZING handwriting it is of great importance that the specimens submitted be not of the "copy-book" kind. A page of a letter hastily written to a close friend is best. It should always be borne in mind that no sign can be depended on alone. One characteristic is either intensified or nullified by another. There is logic in conflicting traits of character: one may be selfishly inclined, and yet through principle may control the tendency and become truly generous. The tendency toward selfishness will be shown in the writing, but it will be overbalanced by the signs of generosity and self-control. Whenever the writing runs directly across the sheet in a straight line (of course it must be understood that one is reading from unruled paper) it indicates that the writer will be constant, enduring and persevering.

1. the winter was a very pleasant one

(1) If the writing ascend (as illustrated in the above specimen) the writer will be courageous; even rash if the slant is exaggerated.

2. I cannot keep up courage any longer

(2) If the lines slant toward the bottom of the page the writer will be desponding, cowardly, easily discouraged.

3. Last year we spent in Nice

(3) If there are few words on a page the sign denotes extravagance both in thought and estate, but does not unite with this characteristic that of generosity.

4. you will have to be more careful in the future

(4) If there are so many words on a page as to give a cramped appearance to the sheet the sign betrays a miserly nature, reserve and suspicion.

5. There is much to be said both for and against

(5) If there are neither so many words as to crowd each other nor so few as to make the eye leap from one to another the indications are those of prudence and sagacity.

6. not quite sure—but—we hope—

(6) Short dashes between words denote caution; if there are many on a page the sign is of a suspicious nature, one who trusts nobody, and who fears that advantage will be taken of him.

7. will you—let—me

(7) Long final strokes at the ends of words indicate generosity.

8. what's mine's mine

(8) Short strokes or words stopping abruptly with no final strokes at all denote selfishness.

9. we have finally decided that

(9) If the letters and words are all united, as if the pen had not been raised, giving the effect, at a little distance, of a continuous chain of letters, although the writing may not be very legible, the writer will plan carefully and well, will make a good student, but will be obliged to study and reason out everything he undertakes; he will be slow in grasping an idea, but will comprehend perfectly when once he has thought it out.

10. there is too much

(10) If the words and even the letters are separated, so that almost every letter stands out by itself, the sign is that of power of intuition, a quick brain, but utter lack of logic.

11. the session is so quiet

(11) If the letters are, in the main, united, and the words clearly spaced, the sign is of clear logic, a mind combining both the intuitive and deductive reasoning.

12. E. C. K. H. Gray

(12) Flourishes below words and all unnecessary loops and strokes denote vanity, affectation and egotism.

13. E. H. Johnson

(13) A single stroke under the signature simply shows a strong desire for praise and affection, not so intense as to be called vanity.

14. let me know as soon

(14) If the formation of the letters is straight up and down, with no slant in either direction, the sign indicates reserve, self-control, and a heart completely ruled by the head.

15. Items as kind

(15) If the letters slant very much the sign is of an impressionable, sensitive, emotional nature, easy to make friends with, easy to offend, and affectionate to the extreme of sentimentality if the slant is exaggerated.

16. the cause is worthy

(16) If some letters slant and the rest are vertical the writer's heart will often be touched against his will.

17. perhaps the question

(17) If the writing is full of sharp angles at the bases of letters and where the letters unite the indication is of sternness, severity.

18. Go if you wish

(18) Many curves and rounded letters show an indulgent disposition, incapable of great restraint or discipline, and lacking self-control.

19. The matter is

(19) When words terminate with a little hook, made by a return movement of the pen when a stroke is made, the sign denotes tenacity and perseverance.

20. that is—one—at

(20) Heavy cross-strokes indicate a strong will, and are the indications of a strong character. The sign is a very important one, as it intensifies every quality. In the term "cross-strokes" are included not only the crossing of the t's but the dashes between words and sentences, and the strokes at the end of words.

21. there will be trouble

(21) If these strokes, especially the crossing of t's, slant downward, the sign betrays an opinionated character, one that is imperious, and that will not be thwarted nor listen to reason. Should one possess the signs of logic he will be unable to reason justly, because he will constantly bend his logic to fit his prejudices.

22. there is great cause for anger

(22) Heavy thorn-strokes and heavy shading signify sensuality, and unmistakably bespeak strong passions. One whose handwriting is like the specimen here presented is possessed of passions that are ungovernable, passions that it is impossible to control or keep in subjection by either reason or the exercise of will power, however strong.

23. a good joke

(23) When the letters which go to form a word are all of the same size, or when they grow larger in size at the ending of the words, the sign is that of sincerity. One writing in such a manner will be fully worthy of trust and confidence.

24. a good joke

(24) If the letters decrease in size at the end of a word the sign is of deceitfulness and dishonesty. The writer will be thoroughly dishonorable, even in his strongest friendships, using everybody simply for his own ends.

25. as for her

(25) If the a's, o's and g's are open at the top, making the a's and o's appear like u's and the g's like y's, the sign denotes a candid nature, one with a high sense of honor, but who finds it extremely hard to keep a secret. With this sign are often found vertically formed letters—the sign of reserve. The combination signifies one naturally candid, but compelled to be reserved.

26. both for and against

(26) If the tops of the three letters a, o and g are carefully closed the sign indicates a secretive nature. When this sign is combined with letters decreasing in size at the end of words the signs of a most treacherous nature are presented.

27. is that the thing?

(27) Letters crossed and dotted with exactness, and punctuation marks exactly on the line, show a love of detail. The writer will often lose the best conceptions by this absorbing, haggling interest in the petty details.

28. Can't you arrange

(28) Letters curving below the line of writing indicate a vivid imagination, intense enthusiasm and excitability.

29. Can't you arrange

(29) Letters never curving below the line, but always occupying their proper places, show that the imagination is held strictly within the bounds of reason.

30. we were studying

(30) High writing shows nobility of character when combined with thin, curved lines and with no heavy strokes the signs indicate spirituality.

31. I leave Baltimore

(31) Capitals very tall, with the small letters not enlarged in proportion, show excessive pride; when this sign is found together with heavy cross-strokes the indication is of a strong will, and with the little hooks at the ends of the cross-strokes the writer will crave power, and will be likely to crush any one who comes between him and his goal.

THIS ILLUSTRATION PRACTICALLY REPRESENTS IDEAL WRITING

32. Thank you very much for sending me the magazine, which I received Monday

Although not "ideal" according to any school of penmanship, this is a most unusual combination of characteristics. The writing ascending across the page denotes courage, the words and lines clearly spaced denote carefulness, the long final strokes show generosity, the letters united, but words and lines clearly spaced, show a combination of intuition and logical powers, the letters neither vertically formed nor yet with an exaggerated slant show tenderness, the hooks at the ends of cross-strokes show tenacity, and the cross-strokes themselves show energy and force, the letters increasing in size toward the ends of words, and the open a's, o's and g's, show sincerity and trustfulness, the letters curving below the line (considered as combined with the cross-strokes) show a vivid imagination and enthusiasm, the high writing denotes nobility of character, while the absence of all unnecessary flourishes shows simplicity and self-forgetfulness. It is, of course, a most unusual specimen, as it is rarely, if ever, that one meets with such a decided character who is absolutely lacking in faults; but in this instance the closer the analysis the more good qualities are brought out.

Morning Press.

SANTA BARBARA CALIFORNIA, SATURDAY MORNING, JUNE 3, 1899. VOL. XXXVIII, NO. 412.

TRIAL OF YDA ADDIS BEGINS

Fail to Complete a Jury the First Day's Session.

EXPERT WITNESSES PRESENT

Kytka, the Handwriting Expert, and Detective Pourade in Court---A First Item of Cost.

The oft delayed trial of Yda Addis Storke, divorced wife of C. A. Storke, has at last been called in the superior court; the trial that it has been more than hinted would develop sensations without end and revelations that will make society in the several castes wince or smile, as the members of each particular caste are affected. The first day of the trial was without incident. All day was occupied in the attempt to secure a jury of twelve men who are sufficiently ignorant of the case to be competent to determine upon the merits as presented by attorneys for the sides. But this was only partly successful, for when court adjourned a few minutes before 4 o'clock, there were but 10 men in the jury box and the venire of 25 was exhausted. A new venire of 10 was ordered, to be ready for examination at 10 o'clock Wednesday morning.

There were but few spectators in the court room during the day. Two or three women occupied benches near the door and less than half a hundred men listened to the stereotyped round of questions that the attorneys put to the jurors. Mrs. Storke occupied the "defendant's chair" at the end of the long table at which the attorneys sit. In spite of the almost general discussion of the case during the several times that it has been before the public, there was very little interest shown, at least in the proceedings of the first day.

Something of a surprise was sprung when Senator John J. Boyce appeared as attorney for the defense, in addition to P. A. Carrier and H. P. Starbuck, who were appointed by the court to defend Mrs. Storke. District Attorney Squier is assisted in the prosecution by John H. Squier. Judge Ostner of the superior court of San Bernardino county occupied the bench in place of Judge Day. Among the witnesses present were Theodore Kytka, the famous handwriting expert, and Detective E. F. Pourade of the government secret service, who secured the evidence that led to Mrs. Storke's indictment by the grand jury last December on a charge of sending libelous matter through the mails.

Of the venire of 25 jurors drawn for the trial, two were excused by the court and 13 were excused from service after examination. The jurors were questioned to the closest detail, it being evident that the attorneys were not going to take the least chance of a prejudiced jury. They were asked to tell what knowledge they had of the case, whether they had discussed it or heard it discussed; if they had ever read about it; if they had received any of the anonymous letters that were so numerous here a few months ago and that the defendant is accused of having written; whether they had ever received an anonymous letter; if they ever acted as jurors in a libel case or in a case tried on circumstantial evidence; if they knew of the parties to the case. The defense never failing to ask if the juror was acquainted with Dr. Winchester or Grant Jackson. As most of the jurors were from the rural districts, they passed with but small objection, until those from near Lompoc were asked if they knew Grant Jackson, which they did, and were accordingly excused.

Joseph Walsh enlivened the monotonous proceedings when called for examination as to his qualifications as a member of the jury. Mr. Walsh had not only heard the case discussed, but he had discussed it himself, and more, he had been the recipient of an anonymous letter of the kind in question. Attorney Boyce closely questioned Walsh as to this letter, but got only small satisfaction. The attorney asked what was the nature of the letter, when Mr. Walsh, with that peculiar drawl that has added much to his success as a minstrel, replied:

"Well, it wasn't a letter that I wanted to frame and hang up in my home."

Walsh was excused.

The jury as far as completed includes the following: R. Davidson, H. W. Marcall, John Hartnett, M. P. Baker, T. J. Tunnell, C. E. Smith, John F. Mankins, A. W. Hill, Phillip Eddington and H. Logan.

The thirteen jurors who were discharged receive one day's pay and mileage to and from their homes. This single expense of the trial aggregates $99.65, that amount having been drawn in warrants by the county auditor and paid to them.

Today being a legal holiday, court adjourned until 10 o'clock Wednesday morning.

The following orders were made by the superior court yesterday:

Estate of Augustine Fuller. Order appointing administrator.

Estate of William F. Mills. Decree settling account and distribution.

Estate of Eliza Mallory. Decree of settlement.

In the matter of the naturalization of Alfred Lee. Full naturalization papers granted.

Romantic Life's Story of a Detective Told in Court

Concludes With the Hero Crawling Over the Transom to Yda Addis Storke's Room.

Tells How Evidence Was Collected in the Now Notorious Libel Case---More Anonymous Letters Presented---Editor Sands Has a Poor Memory.

Under cross-examination by Attorney J. J. Boyce for the defence in the Yda Addis Storke libel trial yesterday, Detective Pourade told a tale that reads not unlike a detective story in a yellow back novel. It is a story of the detective's life from the cradle to the time he crawled over the transom and into Mrs. Storke's room in the Erisman building, in search of evidence to present to a federal grand jury. It is an interesting story of the wanderings of an ambitious young man over two continents; he tells of his life in Paris and Rome, where he went to study art; of his return and his effort to learn sculpturing through the practical school of marble cutter. Then his life as a cowboy in Arizona; as a car and house decorator; his ludicrous attempt at engaging in business in San Diego and the disastrous result of another effort in Seattle. Then the detective relates how he came to drift into the business of running down criminals, and finally his assignment to handle the Storke case.

All this occupied a greater part of the court's time during the fourth day of the trial. The court room was again crowded with spectators from morning till evening, and all seemed satisfied that the day had been well spent. Though now four days have been occupied in the trial, it is still but fairly begun. The prosecution has a number of witnesses yet to be heard, the most important being, of course, Kytka, the handwriting expert, who it is thought, will not be reached until Monday or Tuesday of next week.

In addition to concluding the cross-questioning of Detective Pourade, Miss Nellie Maguire, Dr. G. W. Simpson, E. T. Tallant and Frank Sands were called to the stand. The first three were questioned only as to letters they had received that were of the same general character as those already presented to the jury, and were introduced merely to be identified, the letters not being read to the jury. Frank Sands was questioned closely as to his knowledge of the defendant's writing. The editor has a treacherous memory that gave the attorney for the defence no small annoyance. He was still undergoing cross-examination when court adjourned for the day.

MORNING OF THE FOURTH DAY.

Detective Pourade Tells the Story of His Life.

The Friday morning session opened with Detective Pourade again on the stand, under cross-examination by Attorney Boyce.

Mr. Boyce—How long have you had experience in gathering evidence as an officer?

Mr. Pourade—It may be six or seven years or more; I do not remember exactly.

"Do you remember when you did your first work as an officer?"

"I did some work in Arizona and California. I first had some experience as a deputy sheriff in San Bernardino; it was seven or eight years ago. I do not remember the time exactly."

When asked why he had come to California, Mr. Pourade explained that "the motives that move men to change their locations are different; with me it was the irrepressible desire to go west."

Asked as to the place and the year of his birth, he said he was born in Binghamton, N. Y., and added:

"I can not swear what year I was born in; I was young then."

"Do you mean to say you do not know when you were born?"

"I do not know the year."

"You have already said you were born in Binghamton, N. Y. Do you know that to be so?"

"No, sir; I do not know; my father and mother told me so. When I was young my father moved to Kansas City, with his family. Afterward we went to New Mexico."

"How did you happen to move to New Mexico?"

"My sister and myself were not well, and father had been told that in New Mexico people lived to be so old that it was necessary to put lead in their boots to keep them from flying away."

When asked if he had found it necessary to put lead in his boots to keep from flying away, he remarked that he had not, but expected to, if the California climate keeps getting dryer.

At this point the court cautioned the spectators against indulging in too much levity, and Attorney Boyce came back to the question of dates.

The detective explained that he could not remember dates, but some other things he could remember well, particularly some things that are strongly impressed upon his mind, and are recalled. He finally said that he went to Europe in 1876, the year of the Philadelphia exposition.

"Do you remember the month in which you were born?"

"Yes, sir. My sister kindly remembered the month for me. It was in February."

"Were you educated in Europe?"

"Partly. I attended lectures in Paris, afterward went to Rome, and returned to Paris. I was especially studying in art. I had a dream that I wanted to be a sculptor, but it did not turn out well. My father did not want to confine me to anything, but he thought the general knowledge I would acquire in traveling would help me in choosing a profession or trade. When I came back I wanted still to study modeling, and I went to a marble works in Kansas City. I was cutting marble, trying to do something with it; you have to have a practical knowledge before you can be a sculptor. I remained there a year or more, and then my father moved to Socorro, New Mexico. Shortly afterward I went out on a cow ranch in New Mexico."

"How did you come to leave New Mexico?"

"Well, I went over to Arizona on horseback."

"Did you have any special reason?"

"No. I went to St. John, Apache county. I again went on a cow ranch. I was what is generally called a cow boy or a cow servant."

"What age were you?"

"I do not know. I never kept track of my age."

"Can you tell the jury how long you remained in St. Johns, Arizona?"

"No, sir."

"Where did you go from there?"

"Well, it was some time before I got to San Bernardino, but I finally got there."

"Were you then a cowboy or a cow servant, or a sculptor?"

"After I left the cow ranch I did not consider that I was any longer a cowboy."

"What were you?"

"An individual; a citizen."

"You had no particular calling."

Continued to Second Page.

POLITICS AND MURDER MIXED

Political Phases of Fountain Case Begin to Show.

A NEW MEXICO SENSATION

Prominent Men in the Territory Implicated---Further Trouble May Arise from Trial.

By the Associated Press.

Hillsboro, N. M., June 2.—The political phases of the Fountain murder case developed with today's testimony. The court refused to entertain matters relating to political parties. The evidence introduced to-day has been fraught with political feeling against Lee and Gilliland rather than tending to show them guilty of the Fountain murder. Garrett was being cross-examined by Attorney Fall, when during an objection Mr. Fall said: "Garrett was ousted from the sheriff's office because he refused to murder Lee and Gilliland, and other murderers were put in. We will show that they refused Lee a hearing, waiting for the administration to change."

Garrett said: "The Masonic lodge was paying the expense of the investigation. You," addressing Attorney Fall, "and others have been shooting at each other a good deal. I believe it was called political feeling."

Here the witness startled the listeners by saying that Attorney Fall had gone with him to Santa Fe and they got two county commissioners removed so that he, Garrett, could be appointed sheriff. Garrett then recited how Kearney was killed and that Lee had the drop on the posse from his house, but agreed to desist on condition that Garrett should leave and tell the truth.

Anticipating an attempt of the defense to show that Colonel Fountain is still alive, the prosecution introduced Professor Francis Crosson, who was employed by Governor Thornton to examine the earth near the Fountain buckboard after the shooting. He testified that he found human blood in quantities to indicate a sudden wound. Professor Crosson on cross-examination said he did not know that the blood found was human—no man would tell that, but he thought it human blood. He could not determine whether it was from human or beast without a microscope, and he had used none. He broke down completely under the rapid fire of questions by Attorney Fall, who is posted in chemistry. When the killing of Kearney, a member of the sheriff's posse, was detailed today by witnesses, the court room was crowded and the talk of trouble was renewed among the Mexicans who congregated about the court house door.

BOTH BRUISERS ARE CONFIDENT.

Fitz Thinks He Has an Easy Mark in Jeffries.

By the Associated Press.

New York, June 2.—Fitzsimmons is in fine fettle and humor. He evidently believes he has a snap and Jeffries will be an "easy mark." An expert who saw the big fighter declares that he is 10 per cent better than he ever was before.

Martin Julian says: "Fitzsimmons has taken the scalps of all these, and now he will hang Jeffries' on the line

JUDGE G. K. NASH NOMINATED

REPUBLICANS YESTERDAY.

YDA ADDIS TRIAL

Continued from First Page

"No, sir. I went to San Diego first there was a boom in California then, and I saw tramboats and trainloads going to California, and I wanted to go too. At San Diego I bought out a transfer business. One night I drove a wagon from the wharf to the hotel, it was dark, and muddy, and an electric light was shining right in my face; a street car was coming down the street, and a man got between me and the car and the wagon ran over him. It did not kill him. I went to see him next day. I got disgusted with the transfer business, and sold my interest to my partner. Then I went to San Bernardino."

"There was no damage suit threatened?"

"No, sir, nothing of the kind."

"You left your address at San Diego?"

"Yes, sir."

The witness referred to the health officer at San Diego, who was an old family friend and knew all about the accident.

"What did you do in San Bernardino?"

"Painting."

"Do you mean painting as an artist or as a house painter?"

"As a painter or decorator of the interior of houses."

"Had you any training or preparation for that business?"

"You omitted to ask me about the time after I left Apache county until I got to San Bernardino." The witness stated that for over a year he had been in charge of some men who were decorating the interior of cars.

Then followed a series of questions as to dates, the occupation and travels of the witness. Mr. Pourade continued:

"I went to Seattle; it was in the year of the great fire in Seattle; I think it was in 1888. I was there but a few days before the fire; I lost all I had in the fire. I had invested all I had in the street paving business."

"Did you know that business?"

"No, but I learned it then."

"Did you carry on the business after the fire?"

"How could I, when I lost everything? My wife was so careful that I should not get robbed that she had me put our money in a trunk, and then we went out to see the fire. A few days later we went to Tacoma. I became manager for the Tacoma Wall Paper company. We remained there a year or two; we were very happy. I was doing well, and I did not want to go away, but my wife prevailed upon me to return to San Bernardino where her mother lived. I do not remember the year."

"What business did you follow then?"

"I did some interior decorating."

"How long did you remain there?"

"I do not remember, when Dr. Booth of The Needles was elected sheriff, I became a deputy. I transported prisoners to the penitentiary. I then served under Sheriff Holcomb, who went out of office at the last election. Then I received the appointment as the forest reserve agent."

"Does that constitute all of your experience in investigating crimes?"

"No, sir, you have overlooked the fact that I was a deputy United States marshal at the same time I was a deputy sheriff. I had cases to work up then."

"Were you ever engaged in any other case depending upon circumstantial evidence?"

"I think there were none other than circumstantial evidence cases. Sometimes I acted under the direction of the chief of the office, sometimes under my own. I never acted as a 'private detective.'"

The report written by Mr. Pourade to the sheriff was introduced in evidence by Attorney Boyce, and he then proceeded to question the witness on the contents.

"Had Mr. Hicks employed you to assist in the prosecution of this defendant?"

"No, sir."

"At this time you submitted the results of your investigation to Mr. Flint, and he had declined to bring it before the federal grand jury?"

"Yes, sir."

"After you had described in your letter that no case could be tried in the federal court, you added: 'But as to the federal court, you added: 'But as to the case against Mrs. S., there can be no question but that she can be successfully prosecuted in the state court'?"

"Yes, sir; when I was talking the matter over with United States Assistant Attorney Finlayson, he said: 'It is a pity that the United States statutes do not cover that kind of a case, but they should prosecute that woman for criminal libel.' I wrote that letter in response to a letter from the sheriff's office of this county."

"Have you that letter?"

"Yes, sir."

The letter was produced.

"Did this letter ask of you anything further than a report of what you had done?"

Mr. Squier—We object.

The Court—The letter will show for itself.

Mr. Boyce—I will ask the witness to read the letter.

Mr. Squier—We object, on the grounds that it is incompetent.

The Court—Sustained.

Mr. Boyce then asked the witness why he had recommended that Mrs. Starke be prosecuted for libel, and he said:

"I thought it was my duty as an officer to do so."

"Had you received any compensation for bringing about the prosecution?"

"No, sir."

"You stated yesterday that Dr. Winchester paid you $25 when you began the investigation, $25 later, and was to pay you another $50. Was it paid to you with the understanding that the action was to be brought in the federal court?"

"I had no idea it would be brought in the state court."

"How did you come to shift your ground."

"I did not shift ground. I took a step. I was called by Mr. Flint to appear before the grand jury of this county."

"Did he have anything to do with the grand jury of this county?"

"No, sir. He sent me word to go to Santa Barbara to appear before the grand jury."

Mr. Pourade produced the letter from Mr. Flint, which stated that he was wanted to appear before the Santa Barbara grand jury, and that "the district attorney there will see that you are reimbursed for your expenses."

Mr. Boyce—With whom did you confer when you arrived?

"I went to the postmaster's office, and then the district attorney sent for me to appear before the grand jury."

"Who was the district attorney?"

"Mr. Starke."

"C. A. Starke?"

"Yes, sir."

"Would you have come to Santa Barbara had not Mr. Flint said that 'the district attorney there' would see that you were reimbursed?"

"No, sir. I could not afford it."

The detective's bill to the county bearing the indorsement of C. A. Starke as district attorney was admitted over the objection of District Attorney Squier. It was for $32.71, for expenses and service before the grand jury.

Mr. Boyce—Do you know C. A. Starke?

The witness—Yes, sir.

"He was then the district attorney?"

"Yes, sir."

"Did you have any conference with Dr. Winchester at this time?"

"No, sir."

"Did you have any conference with any others?"

"I think with Mr. Hicks and Sturni."

"You did not confer with Mr. Stod..."

"Not very much. In fact, I ... plained that the district attorney..."

Continued to Third Page

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SUNDAY HOURS:

9 - 10:30 a.

4 - 6 p. m.

YDA ADDIS TRIAL

Continued from Second Page.

not in the jury room when I was giving my testimony. I thought the district attorney should be present when a witness was testifying."

The witness was asked to describe his visit to Mrs. Storke's room, at the time he found certain papers that had been introduced in evidence.

"Mr. Storni and I went together. We took the screen off the transom over the door. It was in the Ivison building, between the New Morris House and the Mascarel. Mr. Storni was underneath me, and I was on top of him; that's what I meant by saying 'we' lifted the screen. I opened the transome window, and went through, dropping down on to the floor inside."

"Was Mrs. Storke in there?"

"No, sir."

Questions as to the date and hour followed, but neither was exactly fixed, further than that it was "day time."

"How did you come to know that Mrs. Storke was not there?"

"She was out with Mr. Hicks."

"Was that at your instigation?"

"Yes, sir."

"When did you first learn that it was necessary to commit a crime in order to ferret out another crime?"

"I do not think it was a crime. It is necessary that the intent should be there before it is a crime."

"What did you do when you got in the room?"

"The first thing I did was to open the door."

"You stated a few minutes ago that you walked in; have you described to the jury the manner in which you walked in?"

"Yes, sir."

"What did you and Mr. Storni do when you went in?"

"We examined nearly everything in the room, trying to find writings and a piece of tracing paper."

"You opened trunks and drawers and boxes that were locked?"

"No, sir."

"What did you open?"

"We opened a trunk."

"Was it unlocked?"

"Yes, sir."

"What else did you open?"

"I think we opened a drawer."

"Was that unlocked?"

"Yes, sir."

"Did you open a box?"

"I do not think so."

"Who else was present when you were there, besides Mr. Storni?"

"No one."

"Who else knew that you were going into the room?"

"Mr. Hicks, Mr. Ivison and the postmaster, Mr. Maulsby."

"Don't you know that Grant Jackson knew that you were to open that room?"

"I am positive that he did not."

"Had you no keys to open that room?"

"No, sir."

"What did you take when you went into the room?"

"I took a piece of brown paper."

This was shown to the witness, who said he recognized it.

"What else did you take?"

"A piece of tracing paper."

"Where is that piece of tracing paper?"

"I do not know."

"What did you do with it?"

"I gave it to Mr. Flint."

"You know that the tracing paper is now in the possession of the district attorney, do you not?"

"I do not."

Mr. Squier—I haven't the paper. It cannot be found.

Mr. Boyce—Where was the evidence when you appeared before the grand jury?

The witness—It was in the possession of the grand jury.

"Did you see that piece of tracing paper then?"

"I think I did."

"Where were Mrs. Storke and Sheriff Hicks when you were in her room?"

"They went out to interview a witness in the Richardson murder case."

"The Richardson murder case was the thing you were working her on?"

"I do not understand you."

"This was the decoy by which you got Mrs. Storke out of town, for the purpose of entering her room?"

"Yes, sir."

An adjournment was then taken for the noon recess.

MORE ANONYMOUS LETTERS.

Editor Sands on the Stand—A Picturesque Paragraph.

The cross-examination of Pourade was resumed at 2 o'clock. The witness was asked as to indorsements on certain papers found in Mrs. Storke's room. He

other things that you took from the room?"

"Yes, I believe so."

"Did Mr. Storni leave your sight at any time?"

"I do not think so. I did not pay much attention to the movements of Mr. Storni."

"Did you notice a looking glass?"

"I don't remember it. I was not searching for looking glasses."

"Was it not your purpose to search in all places of that room?"

"Yes, sir."

"Who did the searching?"

"Both of us."

"Do you remember a crate under the looking glass, used as a receptacle for toilet articles?"

"No, sir."

"Do you remember the crate situated close to the trunk?"

"No; I do not."

"Do you remember looking into any boxes in that room?"

"No, sir."

"You are quite positive you did not look into a box such as typewriting paper comes in?"

"I did not."

"You didn't find 130 odd dollars in that box?"

"No, sir."

"Did you see anybody who did find it?"

"No, sir."

"Did you see any letters relative to an investigation in the postoffice department?"

"No, sir."

"Did you see anything connected with such an investigation?"

"No, sir."

"Did you see all that Mr. Storni took from those rooms?"

"I believe I did."

"Did you see him secrete anything about his person?"

"No, sir."

"Did you see any papers or letters he took from that room?"

"I don't think he took any."

"Did he take from that room any letters addressed to Mrs. Storke by Herbert P. Krall of the postoffice department?"

"Not that I know of."

"Just look at this box which I hold in my hand. I ask if you ever saw that or any similar box in the room of Mrs. Storke?"

"No, sir."

"Or a larger box, a tin cracker box?"

"No, sir."

"Then you didn't empty the papers in the larger box?"

"No, sir."

"And you did not open this box?"

"No, sir."

"That is all."

RE-DIRECT EXAMINATION.

Mr. Squier—Mr. Pourade, was the letter you received from Mr. Flint the only direction you received from Santa Barbara as to appearing before the grand jury?

Mr. Pourade—Yes, sir.

"State the conversation you had with the district attorney, C. A. Storke, in regard to compensation."

"He told me to make my bill, and I made it and he approved it."

"Did anyone suggest to you that the defendant was the guilty party when you arrived in Santa Barbara?"

"No, sir."

"You stated that you had a conference with Dr. Winchester regarding these letters. Was the defendant's name mentioned in that conference?"

"No, sir."

"What first directed your suspicions toward this defendant?"

Mr. Boyce—We object: this is not proper.

The Court—Objection sustained.

The witness was shown the envelope defendant's exhibit No. 7, and asked why he had written the word "paint" on it.

Mr. Pourade—The letter that was in this envelope appeared to me to have a stain of paint on one side.

Mr. Squier—Examine the letter and see if it's the same.

"It is."

"You stated that you made no notes on the articles you took from the room. Will you explain why these marks were made?"

"They were marks of identification, to keep the different papers from getting mixed."

Mr. Squier offered in evidence the letter written from the sheriff's office to Mr. Pourade. Mr. Boyce objected, and the objection was overruled. The letter was then read to the jury, and it inquired if anything had been done before the federal grand jury, and said that "Mrs. S." was bothering the life out of the sheriff's office and charging the sheriff with failure to protect a lone woman who was about to be murdered, and asked

in evidence.

L. C. Tallant also identified a similar letter which was admitted. He stated in reply to a question from Mr. Boyce, that he did not recollect ever talking with Grant Jackson about the letter.

Frank Sands, editor of the Daily News, testified that he was acquainted with Yda Addis Storke.

Mr. Squier—Do you know what her occupation was or has been?

"For about two weeks I knew."

"What was it?"

"She was an employe of mine."

"Did you ever see her write?"

"Yes; at my desk."

"From having seen her write, and seeing writing purporting to be hers, have you acquired a knowledge of her handwriting?"

"Somewhat."

"I will show you plaintiff's exhibit A (showing witness the Dr. Case letter, on which the action rests.) "Can you state whose handwriting that is?"

"In my opinion, Yda Addis Storke wrote that letter."

He also said the anonymous letter addressed to the Independent was, in his opinion, Mrs. Storke's writing. She had worked on his paper and he thought her an excellent reporter and litterateur. The prosecuting attorney asked a number of questions relating to the manner in which "copy" is prepared for a newspaper, all of which the defense objected to and was sustained. Witness said that he had a very slight conversation with the defendant in regard to the anonymous letters. He could not state when this conversation had taken place. The defense entered an objection that was overruled, to the question as to what was said. Mr. Sands then answered that Mrs. Storke asked him if his sympathies were with the people who were abused and persecuted. He said that he had replied that he had not attacked the matter of the anonymous letters because he thought it would but give publicity to them.

Attorney Boyce objected again. He did not care to have it stated upon what pedestal a newspaper man roosts in these matters. The objection was again overruled. Witness said that he had stated to Mrs. Storke that a gait or handwriting could not be disguised. Mrs. Storke replied that he was mistaken, for she wrote three distinct hands. The conversation took place in his room, or on the threshold that leads to it.

Witness said that Mrs. Storke is an extraordinary woman in a newspaper office. He said that she furnished copy such as not one in 10,000 could do. "Why I judged that this letter is written by Mrs. Storke," he said, "was because of the excellent manner in which it was prepared. There was nothing to be added or changed in it, not a punctuation mark. It sounds like Mrs. Storke."

Exhibit B, he said, was written in the same general style and probably by the same person. He expressed the same opinion of others.

CROSS-EXAMINATION.

After five minutes' recess Attorney Boyce began cross-examination of the witness.

"Mr. Sands, you have no feeling in this case, have you?"

"No, sir."

He testified that Mrs. Storke was one of the first employes of his paper. He was the sole proprietor and editor of the paper. Mrs. Storke worked for him two weeks. He had a payday, he said, whenever they succeeded in getting the money. Mrs. Storke sued him for her pay, he replied to a question, a year or more after she had left his employ. There was some bitterness on her part in the trial, he said, but only a "hurting" on his. He did not remember what amount she recovered from him, but she had not gotten a judgment. Witness was somewhat forgetful on the subject.

"Did it effect you in your feeling toward Mrs. Storke at the expiration of her suit against you?"

"Yes, sir, I felt hurt."

"How long did you feel hurt?"

"Until I had forgotten all about it."

"Do you remember a circumstance of being sued for criminal libel yourself?"

"Yes, sir."

"Do you remember that this defendant was a witness for the state in that trial?"

"I do not remember."

"Now, what is the matter with your memory?"

"I don't know. It depends on how the matter impressed me at the time."

Witness said that he had talked to a great many people about the present case, but he had never written a line about it so far as he could recall. He did not remember that he had ever talked to C. A. Storke or Grant Jackson about the case, but he had talked with Dr. Winchester. He didn't think that he had told anyone that he could ... Mrs. Storke

ing of Mrs. Storke. Now, you knew that you were called here to identify this handwriting?"

"No, I didn't."

Handing the exhibits for the defense, that are admitted to be in Mrs. Storke's writing, and the disputed manuscripts, Mr. Sands was asked to point out any similarity.

Prosecuting attorney objected and was sustained, the judge agreeing that witness was not called as an expert.

"You say that in your opinion the writer of these admitted letters and of those presented by the prosecution is the same person?"

Mr. Sands replied that he did, and that he arrived at the conclusion from his long practice of handling manuscripts; it was an intuitive process, that he could not explain.

Attorney Boyce endeavored to get from witness a statement that he recognized a similarity between the writings of the disputed and admitted letters. After a long argument by the attorneys over the admissability of this evidence, the witness was allowed to answer. He said that they were both written by Mrs. Storke. He found in reading a letter that was handed him that it was written in the style of Mrs. Storke.

"Is that exhibit 'A' written for the press?"

"Probably not. I would think not; but it was written by one who is in the habit of writing for the press. It contains characteristics of the newspaper habit. Now here, read this. That is what I call a picturesque paragraph," the witness pointing to the following, a paragraph in the Dr. Case letter, that is included in the indictment: "Rumors of your life in the north have reached parties here, also the statement that you are a perfect fra

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Publication Office, 26 West Ortega Street.

TELEPHONE - - MAIN 16.

Official Paper of the City of Santa Barbara, Cal.

SANTA BARBARA, CAL., JUNE 4, 1899

We are giving a very large share of our space to the Storke libel case. This we do not because we regard it as pleasant reading—for it is not. We do it simply because interest in the case is widespread and the public demand the proceedings.

Each day the courtroom is filled and it is nothing uncommon to see the same people occupying exactly the same seats session after session.

We do not purpose to discuss the merits of the case at all during progress of the trial. The reports are actually plain, unvarnished honest pictures of what the testimony actually is.

When the work of the expert Kilka is exhibited, we may expect the crush of people, eager to gain admission, to be more than the accommodations of the courtroom will bear. It will be very interesting and educational to witness the exhibition and hear the testimony of such a well known man and such an acknowledged expert in handwriting.

No one can guess as to the length of time the trial of this case will require. The side of the people will take some days yet and no person can say how long it will take to present the defendant's side.

...the floor inside."

"Was Mrs. Storke in there?"

"No, sir."

Questions as to the date and hour followed, but neither was exactly fixed, other than that it was "day time."

"How did you come to know that Mrs. Storke was not there?"

"She was out with Mr. Hicks."

"Was that at your instigation?"

"Yes, sir."

"When did you first learn that it was necessary to commit a crime in order to ferret out another crime?"

"I do not think it was a crime. It is necessary that the intent should be there before it is a crime."

"What did you do when you got in the room?"

"The first thing I did was to open the ...n."

"You stated a few minutes ago that you walked in; have you described to the jury the manner in which you walked in?"

"Yes, sir."

"What did you and Mr. Storni do when you went in?"

"We examined nearly everything in the room, trying to find writings and a piece of tracing paper."

"You opened trunks and drawers and boxes that were locked?"

"No, sir."

"What did you open?"

"We opened a trunk."

"Was it unlocked?"

"Yes, sir."

"What else did you open?"

"I think we opened a drawer."

"Was that unlocked?"

"Yes, sir."

"Did you open a box?"

"I do not think so."

"Who else was present when you were there, besides Mr. Storni?"

"No one."

"Who else knew that you were going into the room?"

"Mr. Hicks, Mr. Ivison and the postmaster, Mr. Moulsby."

"Don't you know that Grant Jackson knew that you were to open that room?"

"I am positive that he did not."

"Had you no key to open that room?"

"No, sir."

"What did you take when you went into the room?"

"I took a piece of brown paper."

This was shown to the witness, who said he recognized it.

"What else did you take?"

"A piece of tracing paper."

"Where is that piece of tracing paper?"

"I do not know."

"What did you do with it?"

"I gave it to Mr. Flint."

"You know that the tracing paper is now in the possession of the district attorney, do you not?"

"I do not."

Mr. Squier—I haven't the paper. It cannot be found.

Mr. Boyce—Where was the evidence when you appeared before the grand jury?

The witness—It was in the possession of the grand jury.

"Did you see that piece of tracing paper then?"

"I think I did."

"Where were Mrs. Storke and Sheriff Hicks when you were in her room?"

"They went out to interview a witness in the Richardson murder case."

"The Richardson murder case was the thing you were working her on?"

"I do not understand you."

"This was the decoy by which you got Mrs. Storke out of town, for the purpose of entering her room?"

"Yes, sir."

An adjournment was then taken for the noon recess.

MORE ANONYMOUS LETTERS.

Editor Sands on the Stand—A Picturesque Paragraph.

The cross-examination of Pourade was resumed at 2 o'clock. The witness was asked as to indorsements on certain papers found in Mrs. Storke's room. He did not remember when some of these indorsements were made. His attention was called to a card of "W. J. Hooley, candidate for justice of the peace," taken from an envelope. The card bore in pencil: "Out this morning— — Back in thirty minutes." He said that it had been found in the room.

Mr. Boyce—Then it was not true that all you took from the defendant's room were the piece of brown paper, the tissue paper and the tracing paper?

The Witness—It was true as far as I remembered.

"Is it true now that there are no ... close to the trunk?"

"No; I do not."

"Do you remember looking into any boxes in that room?"

"No, sir."

"You are quite positive you did not look into a box such as typewriting paper comes in?"

"I did not."

"You didn't find 130 odd dollars in that box?"

"No, sir."

"Did you see anybody who did find it?"

"No, sir."

"Did you see any letters relative to an investigation in the postoffice department?"

"No, sir."

"Did you see anything connected with such an investigation?"

"No, sir."

"Did you see all that Mr. Storni took from those rooms?"

"I believe I did."

"Did you see him secrete anything about his person?"

"No, sir."

"Did you see any papers or letters he took from that room?"

"I don't think he took any."

"Did he take from that room any letters addressed to Mrs. Storke by Herbert P. Krall of the postoffice department?"

"Not that I know of."

"Just look at this box which I hold in my hand. I ask if you ever saw that or any similar box in the room of Mrs. Storke?"

"No, sir."

"In a larger box, a tin cracker box?"

"No, sir."

"Then you didn't empty the papers in the larger box?"

"No, sir."

"And you did not open this box?"

"No, sir."

"That is all."

RE-DIRECT EXAMINATION.

Mr. Squier—Mr. Pourade, was the letter you received from Mr. Flint the only direction you received from Santa Barbara as to appearing before the grand jury?

Mr. Pourade—Yes, sir.

"State the conversation you had with the district attorney, C. A. Storke, in regard to compensation."

"He told me to make my bill, and I made it, and he approved it."

"Did anyone suggest to you that the defendant was the guilty party when you arrived in Santa Barbara?"

"No, sir."

"You stated that you had a conference with Dr. Winchester regarding these letters. Was the defendant's name mentioned in that conference?"

"No, sir."

"What first directed your suspicion toward the defendant?"

Mr. Boyce—We object; this is not proper.

The Court—Objection sustained.

The witness was shown the envelope, defendant's exhibit No. 7, and asked why he had written the word "paint" on it.

Mr. Pourade—The letter that was in this envelope appeared to me to have a stain of paint on one side.

Mr. Squier—Examine the letter and see if it is the same.

"It is."

"You stated that you made no notations on the articles you took from the room. Will you explain why these marks were made?"

"They were marks of identification, to keep the different papers from getting mixed."

Mr. Squier offered in evidence the letters written from the sheriff's office to Mr. Pourade. Mr. Boyce objected, and the objection was overruled. The letter was then read to the jury, and in it was inquired if anything had been done before the federal grand jury, and said that the "Mrs. S." was badgering the life out of the sheriff's office and charging the sheriff with failure to protect a lone woman who was about to be murdered, and acting as though she were insane.

Judge Fisher, upon hearing the contents of the letter, said he would sustain the defendant's objection, and rule the letter out; but Mr. Boyce withdrew the objection.

Miss Nellie Maguire was called to identify two letters she had received, but the defendant's counsel waived formal identification, and the witness was excused.

Dr. G. W. Simpson identified a letter he had received on March 28 or 29, 1898. He said the letter was delivered to his office door. The letter was placed ...

"I will show you plaintiff's exhibit 5 (showing witness the Dr. Case letter, on which the actual tests.) Can you state whose handwriting that is?"

"In my opinion, Ada Addis Storke wrote that letter."

He also said the anonymous letter addressed to the Independent was, in his opinion, Mrs. Storke's writing. She had worked on his paper and he thought her an excellent reporter and litterateur. The prosecuting attorney asked a number of questions relating to the manner in which "copy" is prepared for a newspaper, all of which the defense objected to and was sustained. Witness said that he had a very slight conversation with the defendant in regard to the anonymous letters. He could not state when this conversation had taken place. The defense entered an objection that was overruled, to the question as to what was said. Mr. Sands then answered that Mrs. Storke asked him if his sympathies were with the people who were abused and persecuted. He said that he had replied that he had not attacked the matter of the anonymous letters because he thought it would but give publicity to them.

Attorney Boyce objected again. He did not care to have it stated upon what pedestal a newspaper man counts in these matters. The objection was again overruled. Witness said that he had stated to Mrs. Storke that a good ... handwriting could not be disguised. Mrs. Storke replied that he was mistaken, for she wrote three distinct hands. The conversation took place in his room, or on the threshold that leads to it.

Witness said that Mrs. Storke is an extraordinary woman in a newspaper office. He said that she furnished copy such as not one in 10,000 could do.

"Why I judged that this letter is written by Mrs. Storke," he said, "was because of the excellent manner in which it was prepared. There was nothing to be added or changed in it, not a punctuation mark. It sounds like Mrs. Storke."

Exhibit B, he said, was written in the same general style and probably by the same person. He expressed the same opinion of others.

CROSS EXAMINATION.

After five minutes' recess Attorney Boyce began cross-examination of the witness.

"Mr. Sands, you have no feeling in this case, have you?"

"No, sir."

He testified that Mrs. Storke was one of the best employes of his paper. He was the sole proprietor and editor of the paper. Mrs. Storke worked for him two weeks. He had a payday, he said, whenever they succeeded in getting the money. Mrs. Storke sued him for her pay, he replied to a question, a year or more after she had left his employ. There was some bitterness on her part in the trial, he said, but only a "feeling" on his. He did not remember what amount she recovered from him, but she had not gotten a judgment. Witness was somewhat forgetful on the subject.

"Did it affect you in your feeling toward Mrs. Storke at the expiration of her suit against you?"

"Yes, sir, I felt hurt."

"How long did you feel hurt?"

"Until I had forgotten all about it."

"Do you remember a circumstance of being sued for criminal libel yourself?"

"Yes, sir."

"Do you remember that this defendant was a witness for the state in that trial?"

"I do not remember."

"Now, what is the matter with your memory?"

"I don't know. It depends on how the matter impressed me at the time."

Witness said that he had talked to a great many people about the present case, but he had never written a line about it so far as he could recall. He did not remember that he had ever talked to C. A. Storke or Grant Jackson about the case, but he had talked with Dr. Winchester. He didn't think that he had told anyone that he would go into court and swear that Mrs. Storke wrote the letters in question.

Attorney Boyce—I will now show you exhibits Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and also Nos. 3, 4 and 5, and ask you if you recognize the handwriting of these exhibits.

Witness glanced at the manuscripts and replied that they were in Mrs. Storke's writing.

"Now that reminds me of the speed in which you answered to exhibit C, the Independent letter. You answered immediately that it was in the handwriting ...

... that he could not explain.

Attorney Boyce endeavored to get from witness a statement that he recognized a similarity between the writings of the disputed and admitted letters. After a long argument by the attorneys over the admissibility of this evidence, the witness was allowed to answer. He said that they were both written by Mrs. Storke. He found in reading a letter that was handed him that it was written in the style of Mrs. Storke.

"Is that exhibit 'A' written by the press?"

"Probably not. I would think not; but it was written by one who is in the habit of writing for the press. It contains characteristics of the newspaper habit. Now here, read this. That is what I call a picturesque paragraph," the witness pointing to the following, a paragraph in the Dr. Case letter, that is included in the indictment: "Rumors of your life in the north have reached parties here, also the statement that you are a perfect bru… you have been a … had to come back to … on his shoulders."

"If this letter had … person with the inte… style of the defendant, …" asked Mr. Boyce.

"I don't know."

Witness said he saw … him once before, when … the grand jury. He … could remember, … swear that the letter … Mrs. Storke.

The remainder of the … consist in a discussion … as to what constitutes … brought about by the … of the attorney for the … witness to compare the … been offered in evidence … what he bases his belief … ones are in the writ… Attorney Boyce made … support of his position … ing Attorney Squier re… court decided against … the testimony by … ention's objection. … that it seemed a great … being wasted in this … torneys. For the … disputed writing, the … are two kinds of testi… be called expert. One … life because he has … writer. The other, one … more strictly expert, … parisons of writing … entire principles, and … and photographic comp… … of the writing.

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"SHE WROTE THAT LETTER"

A Positive Witness in the Yda Addis Case.

MORE ANONYMOUS LITERATURE

Frank Sands, Postmaster Maulsby and C. L. Lloyd Witnesses for the Fifth Day of the Trial.

Judge Oster in the superior court yesterday gave but one short session to the Yda Addis trial. There were three witnesses, Frank Sands, D. W. Maulsby and C. L. Lloyd. The testimony of Editor Sands as given on the previous day was not shaken, and he left the stand declaring that, in his opinion, Yda Addis Storke was the author of the defamatory letter received by Dr. Martha Case. Postmaster Maulsby was called to identify letters that had passed through the postoffice, and he was not submitted to cross-examination. Mr. Lloyd told of another conversation he had with the defendant, in which she displayed animosity for Dr. Winchester.

The trial is likely to occupy all of this week. Two important witnesses are still to be heard for the prosecution—Dr. Winchester and Expert Kytka. It is generally accepted that the defense will have considerable evidence to put in, as a number of witnesses have been subpoenaed. Sensational testimony is expected should the defendant herself go upon the stand.

MORNING SESSION.

Editor Frank Sands was the first witness of Saturday morning, and he continued his testimony, under cross-examination, as to the handwriting of the different letters in evidence, and as to conversations he had with the defendant. Telling of a conversation that occurred at about the time of the Sears trouble, he said she came to his room in the Frame building. She was outside the door, and sat down on the threshold.

Mr. Boyce—She was sitting on the floor?

The Witness—Yes, sir.

"Were you sitting on the floor also?"

"Part of the time. She was sitting on the threshold of the door, and I was sitting some distance from her. The threshold was about half an inch higher than the floor. She opened the conversation by asking if Grant Jackson was there. I don't remember just what she said. I told her he was not there."

"What was then done?"

"She still stood there."

"What did she say, what explanation did she give?"

"She gave no explanation; just kept talking. I did not ask her to come in. I did not see that I had any reason to. One thing she spoke of was the Richardson matter, about this time she sat down on the floor; the door was about one-third open. She told a very dramatic story about the Richardson case. I do not remember all of the subjects she discussed. She spoke of the Sears trouble, and wanted to know if my sympathies were not with the woman. I agreed with her, and I wrote an article that appeared a day or two later, protesting against the Sears matter. She also spoke of the case of these anonymous letters."

"How did that subject come up?"

"I cannot tell you exactly. She asked me if I knew anything about it. I told her I knew a little about it."

"She asked you why you did not get in and 'roast' that proposition?"

"Yes, sir. The reason I gave for not doing so, was that I did not think it advisable at that time, and also that it would intensify the feelings of those who had received the letters. She said further that I ought to get in first, as we understood The Press had prepared an article on the subject."

"You remember that she insisted that it was the duty of a newspaper to stop a thing of that kind?"

"Yes, sir."

"Did you do anything to stop it?"

"Not at that time."

"Are you familiar with the editorials in the News?"

"Not particularly."

"Do you remember an editorial appearing in the News headed 'A Horil Incarnate'?"

"No, I do not. I might have written it and suppose I did if it appeared in that column."

"Can you give the words she said?"

"No, sir."

"At the time of the conversation on the doorstep did you give her a book?"

"I do not remember; I may have."

"When did you first see the letters exhibits A, B and C?"

"I think it was before the grand jury."

"Did you see any other letters then?"

"I saw a mass of letters; I cannot recall them all."

"You were a witness before the grand jury. You say you saw a mass of letters. Did you select any out?"

"I think several were placed before me, and I was asked if I could identify the writing. I can not recall any particular letter."

The witness then reiterated his direct testimony, when he said that Mrs. Storke told him she could write three different hands, and no one could distinguish.

"What did you understand her to mean when she said that?"

"I understood that she meant she could write three distinct styles of handwriting."

He examined the manuscripts of the articles written on school subjects, and concluded that the handwriting was about the same as her writing as seen in the News office. The Martha Case letter, he said, was in about the same style, but was little more studied.

The attorney then went into a slightly technical examination of the witness on certain parts of the disputed letters, and the style of composition employed.

In one of them the word "mattheres" was erased and correctly spelled "matters." He was asked if he considered that a woman of the defendant's ability would make the first mistake.

He thought that it might be done for effect.

"You know that that letter does not represent the habitual naturalness of the defendant?"

"I know that that letter in my opinion was written by Mrs. Storke."

"Is that letter in the ordinary method of the defendant's handwriting?"

"It is a more studied effort. I think the effort was made to have that writing appear to be the writing of someone other than Mrs. Storke."

RE-DIRECT EXAMINATION.

In response to questions from Mr. Squier, the witness stated that the jury acquitted him of the charge of libel in the case referred to on the previous day, that he had no ill will nor malice toward the defendant.

He was asked to point out in The Press letter the features that he said marked it as being on the newspaper style. The defense objected, but the objection was overruled.

In the first place, he said that the paragraphing, capitalization, etc., indicated the style of one familiar with preparation of copy for the newspaper.

He characterized the Case letter as "the work of a devil," as the letter could not possibly do any good, and was certain to do much harm.

Mr. Boyce—And in your opinion it was the work of the defendant?

The Witness—It was the work of the defendant, all right.

Postmaster D. W. Maulsby was called. Mr. Squier showed the witness a letter addressed to Dr. Case and asked if he had ever seen it. Mr. Maulsby replied that he had, that it had been handed to him by one of his clerks, who had been instructed to be on the lookout for such letters. That it was mailed in the Santa Barbara postoffice. Also he did not open it at that time, but sent it to Inspector Flint. He had seen the letter afterward, when it was in the possession of Mr. Pomade.

Another letter addressed to "Honored Mrs." and signed "Pat O'Flanagan," with the envelope postmarked May 17, '98, was identified by the postmaster.

The witness was also shown exhibit A letter, the one addressed to Dr. Martha Case and stated that it was posted in the Santa Barbara office. Plaintiff's exhibits 1, 6, M, L, ..., defendant's exhibits ..., and plaintiff's exhibits 10, 11, 12 and 13, were shown witness and he stated that they were mailed in the Santa Barbara postoffice.

Letters addressed to L. G. Dreyfus and Dr. H. F. Winchester were recognized by witness as having been posted in the Santa Barbara postoffice.

Attorney Boyce agreed to admit the Dreyfus letter without calling for its identification by Mr. Dreyfus but would not allow the same privilege for the Winchester letter, as "we will not admit that Dr. Winchester will testify to anything."

C. L. Lloyd was recalled to the stand by Mr. Squier, and questioned as to a conversation he had with the defendant ... would follow him to the end. She said there was some truth in the stories about Dr. Winchester and Dr. Case, and I replied that I knew there was not, as I had known Dr. Case for ten years, and knew that she was an exemplary young woman."

CROSS-EXAMINATION.

Mr. Boyce—When did you first have a conversation with the district attorney about the fact that you could testify as to the animus of the defendant?

"I did not tell him; I told others."

"You became very indignant when she referred to the relations of Dr. Winchester and Dr. Case?"

"Yes, sir."

"And you did not lay aside your prejudice when you came upon the witness stand?"

Questioned as to his second conversation with the defendant in detail the witness said that she complained that Dr. Winchester did not come as he had said he would, and she added that she "had it in for Dr. Winchester, and had for two or three years, and he knows it."

The witness explained that he had "no feeling in the matter against this defendant, unless she is guilty."

"Did you ever have any conversation with Grant Jackson about these letters?"

"No conversation. One day when I was walking down the street, Grant came along and said: 'I hear that you have received one of these letters?' I said 'Yes,' and that was all that was said."

The defense then undertook to establish a prejudice on the part of the witness against the defendant because of a rhyme that had appeared in the News on "The Passing of the 'Pendent.'" Mr. Lloyd declared that he had not known before who was the author of that effusion, and was glad to find out.

He added that there was no feeling on his part against the defendant, but that until a week or two before the letter scandal she had not spoken to him for four or five years; the ill feeling was all on her part.

The court adjourned at noon until 10 o'clock Monday morning.

CLOSING IN ON MRS. STORKE

June 6

Positive Statements That She Wrote the Incriminating Letters.

SANTA BARBARA WORKED UP

The Townspeople Take an Absorbing Interest in the Trial.

[Special Dispatch to "The Examiner."]

SANTA BARBARA, June 5.—The evidence, as each day goes by, seems to go harder against Mrs. Storke. The whole town has taken up the matter, and standing room is at a premium in the courtroom.

The prosecution still continues to bring up witnesses who claim to be familiar with the defendant's handwriting, and who testify with one accord that the libelous letters are the work of the newspaper woman.

The first witness to-day was an old farmer named Francis H. Harene, who has known Mrs. Storke on friendly terms for nine years. He testified that he had seen Mrs. Storke write and that members of his family had received many letters from her. When he went to the postoffice and got a letter from Mrs. Storke, he knew at once from the writing of the superscription from whose hand it came. The witness was shown all of the admitted writings of the defendant before he was presented with the anonymous letter in which she is accused of libeling Dr. Winchester of this city. This, he said, was in the handwriting of the accused, and that he knew it was hers, as he knew the writing on the envelopes of his letters. He thought, however, that the writing in the libelous letter was a studied effort. It looked as if the writer had been very careful in writing it.

The old gentleman was nearly seventy years of age, yet he was at least good enough for the attorneys of the defense, who gave him a most rigid cross-examination.

Mrs. Anna H. West was a most reliable witness. She talked right past the objections of attorneys and the rulings of the court. She wanted to tell all she knew.

This woman was at one time the confidential friend of the defendant, and appeared before the Grand Jury when the indictment against Mrs. Storke was found. She then swore that she believed her friend innocent. But later, after seeing some of the anonymous letters, she changed her mind. She was shown a number of letters and notes which the defendant had sent to her and identified them, together with a Justice Court complaint sworn out by Mrs. Storke against the witness, as being in the defendant's handwriting.

This Justice Court case is an interesting one. About the time suspicion first pointed toward Mrs. Storke as the author of the anonymous letters, that lady, with Mrs. West's assistance, made a quick retreat to Mexico. She then stored certain chattels with Mrs. West, who also claims, refuses to give them up. A damage suit was therefore commenced but a few days ago.

Mrs. West testified before the Grand Jury that she had seen the disputed letters, but at that time she did not think that Mrs. Storke could be guilty. When she went home, however, she got out some of the old letters she had received, and at once the similarity of the two hands struck her.

When shown the letters to-day she swore absolutely that Mrs. Storke wrote them.

On cross-examination a number of mysterious questions were asked that in a way suggested the conspiracy that every one is waiting to have the defense show up. The general idea is that the defense will try to show that an interested party wrote the letters in order to throw the blame upon Mrs. Storke, with the idea of getting rid of her either to scare her out of town or to send her to prison, where she would be discredited if by ill luck she told any of the innumerable deadly secrets of which she claims to be in possession, and which, she says, will upset the social structure of this community.

Just before the hour of adjournment Handwriting Expert Theodore Kytka was put on the stand. When he entered the court-room the audience was in the frame of mind that makes people applaud when they are in a theatre. The testimony of the expert has been awaited as a settling matter in the case. His reputation includes services in the Durrant case and in the Fair will case, and he is the handwriting expert of the San Francisco Police Department. The jurymen leaned forward to hear his testimony.

Kytka was first shown the admitted writings, which he said he had carefully studied. Then came three of the disputed writings, and as the expert pronounced the words, "The same hand that wrote the exemplars wrote that letter," every man in the box settled back in his chair as if a weight had been lifted off his mind.

The adjournment of court stopped this interesting testimony, but it is understood that to-morrow the expert will fetch on his photographs and other evidence, and the interest is intense.

SANTA BARBARA COUNTY.

Prosecuting Witness Recalled in the Storke Case.

SANTA BARBARA, June 5.—[Regular Correspondence.] Dr. H. F. Winchester, prosecuting witness in the Yda Addis Storke libel suit, was recalled to the stand today, but was allowed only to identify a letter to Dr. Martha Case, relative to him. Mrs. Storke is bearing well the strain of the long trial. Attorneys Starbuck and Currier have dropped out of the case, leaving Senator Boyce to conduct the defense. The defendant is constantly at a table in court, arranging papers, and making notes for the guidance of her attorney. Theodore Kytka, handwriting expert, was called to the stand a few minutes before adjournment for the day. The State depends mainly on him to prove the authorship of the libelous letters. It is understood that Kytka is employed to go to Paris in the Dreyfus case, and will leave directly the Storke case is through.

INFALLIBLE KYTKA SWEARS AND SWEARS

The Penman Fastens the Guilt on Mrs. Storke.

INCRIMINATING LETTERS

The Expert Certain the Accused Woman Wrote Them.

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SANTA BARBARA, June 6.—The Storke libel case reached its climax this morning, so far as the work of the prosecution is concerned, when Expert Kytka, following up yesterday's preliminary testimony explained why he considered the writing of the disputed letters in the case to have been done by the same hand that wrote certain other writings admittedly those of Mrs. Storke.

Before the witness came to the technical part of his testimony, it became necessary for the prosecution to introduce in evidence the great body of anonymous correspondence that flooded this city at the time Mrs. Storke's crime is alleged to have been committed. Whispers of the character of these letters had gone the rounds among a few of those who had been connected with the case, but the general public had never known what they were. They were simply execrable in their vulgar simplicity. They were of three kinds. Some of them urged young men to visit a certain house, the respectability of which has never been questioned. When the letters were written, it was occupied by three respectable women, one of whom, a lady physician, was professionally connected with Winchester. Other letters were to neighbors concerning the house, and the worst were in the form of invitations to decent young girls to go to the same house for ignoble purposes.

The reading of these letters aroused the wrath of all who heard them.

Through the means of these and other writings, Mr. Kytka made out his case. His chief exhibit was an immense photograph, several feet square, of the word "acknowledged," as found in certain admitted writings and in the letter upon which Mrs. Storke was indicted. The general appearance of the words, enlarged as they were 11 times, was almost identical, and the expert pointed out the many exact resemblances. The letters throughout were shown to have been made by the same strokes and the witness laid great stress upon the fact that in writing the word the pen had been taken up from the paper in six places, the places being the same in each example. This removal of the pen caused several letters to be separated, and these small points, Mr. Kytka said, were conclusive in his mind. They were points that no forger could, by any possibility, imitate. It was beyond the human power of imitation. Some of the strokes might have been made by a forger, but the perfect agreement of all was something conclusive.

Several capital letters, found in both the Winchester letter and in a copy of a Justice Court complaint written recently by the defendant, were illustrated by blackboard drawings. The capital H, found frequently in the specimens, was drawn rather than written, and the capitals D and R were peculiarly and distinctly made. The expert simply piled example upon example and the jury examined the original documents. Several jurymen found and called attention to letters made as the witness had indicated. During the whole of this testimony the defendant continually called the attention of her counsel to certain peculiarities in the exhibits. The defence will undoubtedly endeavor to show that the letters were written and the blame thrown upon Yda Addis by those who wish to see the last of her here.

One other link of evidence was brought out through Kytka's testimony. ... clippings were introduced, pasted upon tissue paper. A like piece of tissue found in Mrs. Storke's room was exhibited. These, the expert swore, were of the same quality, composition and texture. A paint stain on the back of one of the anonymous letters was also identified as a stain of yellow ochre paint, which, as Mrs. Storke has done considerable painting, was used by her.

The defence will probably get to the cross-examination of the witness some time tomorrow afternoon, although it is likely that there will be no cross-examination.

Kytka says he will go from here to Paris, leaving just as soon as the Storke case is over. He will be employed there by M. Zola, and will work as an expert upon the disputed writings of the Dreyfus case.

SANTA BARBARA COUNTY

HANDWRITING EXPERT AT WORK IN STORKE CASE.

Big Oil Company Formed to Drill in the Ocean—Complaints About Ioleons—Will Contest Probably Over a Small Bequest.

SANTA BARBARA, June 7.—[Regular Correspondence.] In the Storke case, Expert Adolph Kitka spent the entire forenoon today in developing the details of his proof that Mrs. Storke wrote the letters upon which she is indicted. He made studies of a number of letters showing the agreement of details in the various writings. His study of the letter "w" as it is found in the beginning of words will serve to show how carefully his work has been done. There are three ways in which the letter is made. In the disputed writings there are six cases where there is a slight upstroke caused by a striking of the pen before the first downward stroke was made. Four of these letters are found in the admitted writings of Mrs. Storke. In them the up-stroke was to the right of the first stroke of the letter. The letter was found eleven times in admitted writings and twenty-two times in disputed, where there was this accidental stroke made to the left. The normal "w" was without this up-stroke, the first stroke going straight down. In admitted writings 117 of these were found and forty-six were found in the disputed letters. The shape of this letter, Kitka said, showed that the person who wrote it was a ready writer, one who wrote a good deal.

The jurymen took great interest in examining the specimens of writing showed them and found the expert several examples of the peculiarities he illustrated on the blackboard. Mrs. Storke showed a great deal of satisfaction at the testimony, nodding her head in assent to everything, and appearing to be overjoyed at what was said. She kept copies of the letters constantly before her to find the letters and words referred to by the expert.

DAMAGING TO YDA ADDIS.

Expert Kytka Testifies Against the Accused.

SANTA BARBARA, June 6.—The most damaging testimony in the Yda Addis Storke criminal libel suit yet presented was given to-day by Theodore Kytka, the handwriting expert. Illustrations were given to show that the writer of the anonymous letters copied them in an unnatural hand, but characteristics of the acknowledged writing of the defendant were shown by enlarged photographic copies of the words in the Martha Case letter. The expert will be on the stand three or four days.

SANTA BARBARA.

Damaging Testimony in the Storke Case—Anti-Gold Story.

SANTA BARBARA, June 6.—[Regular Correspondence.] Messrs. H. E. Huntington and William Hood of the Southern Pacific are at Ellwood today, inspecting the work of construction going on there. Both say that the right-of-way matters are being satisfactorily settled, and the company is now actively exchanging its contracts for right-of-way deeds. The work of construction is to be pushed as rapidly as possible, but the road will not be finished by May 1900, as was expected.

Theodore Kitka, the handwriting expert and document photographer, is now on the stand in the Storke libel case, and this morning he displayed before the jury and a packed courtroom the photographs of words, etc., which have been so anxiously awaited. The first step with the expert was to have him identify a number of the letters in the case, both admitted and disputed. The disputed writings, Kitka said, were in the hand of the acknowledged ones. The letters were then read to the jury. This included all of the anonymous letters that have been collected in the case, and this reading of them gave the public the first real idea of their nature. After the reading, Kitka was told to explain the method by which he arrived at his conclusions. He showed a photograph of the word acknowledged as found in both the disputed and the admitted writings. These words were enlarged 110 times and their appearance was said by the expert to be exactly the same. The separation of letters in both specimens was identical, and many of the strokes were peculiarly alike. The disputed specimen, like all the disputed letters, was in what the expert called a clumsily disguised hand. After going very carefully over the fine points of the word acknowledged, which points he said no forger could imitate, the expert took the capital letter "R" from two of the writings for the purpose of showing their identity. A piece of tissue paper upon which some clippings were pasted was shown, with a piece taken by E. M. Pomade from from Mrs. Storke's rooms. Kitka swore that he had examined both and that they were the same in quality and texture. A paint stain on the back of one of the letters was also identified as being a stain of yellow ochre paint such as is used by artists.

famatory letter received by Dr. Martha Case. Postmaster Moulsby was called to identify letters that had passed through the postoffice, and he was not submitted to cross-examination. Mr. Lloyd told of another conversation he had with the defendant, in which she displayed animosity for Dr. Winchester.

The trial is likely to occupy all of this week. Two important witnesses are still to be heard for the prosecution—Dr. Winchester and Expert Kytka. It is generally accepted that the defense will have considerable evidence to put in, as a number of witnesses have been subpenaed. Sensational testimony is expected should the defendant herself go upon the stand.

MORNING SESSION.

Elisha Frank Sands was the first witness of Saturday morning, and he continued his testimony, under cross-examination as to the handwriting of the different letters in evidence, and as to conversations he had with the defendant. Telling of a conversation that occurred at about the time of the Sears trouble, he said she came to his room in the Crane building. She was outside the door, and sat down on the threshold.

Mr. Boyce—She was sitting on the floor?

The Witness—Yes, sir.

"Were you sitting on the floor also?"

"Part of the time. She was sitting on the threshold of the door, and I was sitting some distance from her. The threshold was about half an inch higher than the floor. She opened the conversation by asking if Grant Jackson was there. I don't remember just what she said. I told her he was not there."

"What was then done?"

"She still stood there."

"What did she say; what explanation did she give?"

"She gave no explanation; just kept talking. I did not ask her to come in. I did not see that I had any reason to. One thing she spoke of was the Richardson matter; about this time she sat down on the floor; the door was about one third open. She told a very dramatic story about the Richardson case. I do not remember all of the subjects she discussed. She spoke of the Sears trouble, and wanted to know if my sympathies were not with the woman. I agreed with her, and I wrote an article that appeared a day or two later, protesting against the Sears matter. She also spoke of the case of these anonymous letters."

"How did that subject come up?"

"I cannot tell you exactly. She asked me if I knew anything about it. I told her I knew a little about it."

"She asked you why you did not get in and 'roast' that proposition?"

"Yes, sir. The reason I gave for not doing so, was that I did not think it advisable at that time, and also that it would not satisfy the feelings of those who had received the letters. She said further that I ought to get in first, as she understood The Press had prepared an article on the subject."

"You remember that she insisted that it was the duty of a newspaper to stop a thing of that kind?"

"Yes, sir."

"Did you do anything to stop it?"

"Not at that time."

"Are you familiar with the editorials in the News?"

"Not particularly."

"Do you remember an editorial appearing in the News headed 'A Devil Incarnate'?"

"No, I do not. I might have written it, and suppose I did if it appeared in that column."

"... this conversation all you had with the defendant regarding the anonymous letters?"

"No, sir."

"Can you tell of another?"

"Yes, sir. One evening I was walking up the street with Mr. Storke, and we stopped in front of the Crane building, to talk a few minutes. Mrs. Storke passed two or three times, and finally came up and said she wanted to speak to me. Mr. Storke then said he was through and walked away. Mrs. Storke stood there talking awhile. I think she mentioned the anonymous letters. A man passed, and she asked, 'Did you notice that gentleman passing?' I said 'no.' He passed again, and she said she thought he was a detective."

writing."

He examined the manuscripts of the articles written on school subjects, and concluded that the handwriting was about the same as her writing as seen in the News office. The Martha Case letter, he said, was in about the same style, but was little more studied.

The attorney then went into a slightly technical examination of the witness on certain parts of the disputed letters, and the style of composition employed.

In one of them the word "matteres" was erased and correctly spelled "matters." He was asked if he considered that a woman of the defendant's ability would make the first mistake.

He thought that it might be done for effect.

"You know that that letter does not represent the habitual naturalness of the defendant?"

"I know that that letter in my opinion was written by Mrs. Storke."

"Is that letter in the ordinary method of the defendant's handwriting?"

"It is a more studied effort. I think the effort was made to have that writing appear to be the writing of someone other than Mrs. Storke."

REDIRECT EXAMINATION.

In response to questions from Mr. Squier, the witness stated that the jury acquitted him of the charge of libel in the case referred to on the previous day, that he had no ill will nor malice toward the defendant.

He was asked to point out in The Press letter the features that he said marked it as being in the newspaper style. The defense objected, but the objection was overruled.

In the first place, he said that the paragraphing, capitalization, etc., indicated the style of one familiar with preparation of copy for the newspaper.

He characterized the Case letter as "the work of a devil," as the letter could not possibly do any good, and was certain to do much harm.

Mr. Boyce—And in your opinion it was the work of the defendant?

The witness—It was the work of the defendant, all right.

Postmaster D. W. Moulsby was called. Mr. Squier showed the witness a letter addressed to Dr. Case and asked if he had ever seen it. Mr. Moulsby replied that he had, that it had been handed to him by one of his clerks, who had been instructed to be on the lookout for such letters. That it was mailed in the Santa Barbara postoffice, that he did not open it at that time, but sent it to Inspector Flint. He had seen the letter afterward, when it was in the possession of Mr. Pomeroy.

Another letter addressed to "Honored Mrs." and signed "Pat O'Flanigan," with the envelope postmarked May 17, '98, was identified by the postmaster.

The witness was also shown exhibit A letter, the one addressed to Dr. Martha Case, and stated that it was posted in the Santa Barbara office. Plaintiff's exhibits 1, to 30, 1, 8, defendant's exhibits a, and plaintiff's exhibits G, H, P, and S, were shown witness and he stated that they were mailed in the Santa Barbara postoffice.

Letters addressed to J. G. Dreyfus and Dr. R. F. Winchester were recognized by witness as having been posted in the Santa Barbara postoffice.

Attorney Boyce agreed to admit the Dreyfus letter without calling for its identification by Mr. Dreyfus but would not allow the same privilege for the Winchester letter, as "we will not admit that Dr. Winchester will testify to anything."

F. L. Lloyd was recalled to the stand by Mr. Squier, and questioned as to a conversation he had with the defendant regarding these anonymous letters. He stated that he had had a great many conversations with the defendant on this subject.

"When was the next conversation?"

"The next evening after the first."

"State what was said."

"I cannot tell you everything, as she was in The Press office an hour or two, and talking constantly. She came into the office about 11 o'clock at night and said she was angry with Dr. Winchester, who had agreed to come and see her in answer to a telephone message. She said there was some truth in these things that were said in the letters, that she was angry with Dr. Winchester ...

"no feeling in the matter against the defendant, unless she is guilty."

"Did you ever have any conversation with Grant Jackson about these letters?"

"No conversation. One day when I was walking down the street, Grant came along and said: 'I hear that you have received one of these letters?' I said 'Yes,' and that was all that was said."

The defense then undertook to establish a prejudice on the part of the witness against the defendant because of a rhyme that had appeared in the News on "The Passing of the 'President.'" Mr. Lloyd declared that he had not known before who was the author of that effusion, and was glad to find out.

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Scientific Analysis of Yda Addis' Writing

Alter Volumes of Other Evidedce to Prove Her Authorship of Libelous Letters State Calls Expert Kytka.

Second Week of Trial Begins and Prosecution Still Presenting Evidence---Mrs. West Tells How She was Convinced Defendant Wrote the Letters.

Nearly a score of witnesses have been examined in the six days of the Yda Addis Storke trial, each to prove by his knowledge of the defendant or experience with her writing that she is the author of a batch of letters that a witness yesterday aptly described as dirty, and now Theodore Kytka, a documentary photographer and handwriting expert of world fame, is called to prove the writing by scientific analysis. Kytka's appearance has been impatiently awaited by the large crowd that daily attends the trial, and when shortly before adjournment last evening he was called to the stand there was manifested more interest than any incident of the trial has aroused.

Dr. Winchester, the prosecuting witness, and at whom was directed the malice contained in the anonymous letters that are the cause of the trial, was on the stand yesterday, but only to identify the letter that has come to be designated the Martha Case letter. He was not cross-examined. Another important witness of the state yesterday was Mrs. Anna E. West, whose volubility of speech almost distracted the defendant's attorney and more than once set the court and spectators laughing.

Judge Oster is proving himself one of the best natured of judges, and though the insists on order in the court and keeps the trial moving at as quick a pace as the wheels of justice will move, he enjoys a bit of diversion as well as anyone. He had a good laugh yesterday afternoon at Senator Boyce's expense, when the sheriff had to be called to help the attorney open a chatelaine bag for the defendant, who was outside and called for some article it contained. But between the attorney and sheriff they failed to get the bag open and had to send it out whole. All proceedings stopped during the performance.

SECOND WEEK OF TRIAL.

More Writing Placed in Evidence by Prosecution.

Dr. R. F. Winchester, the prosecuting witness, was called to the stand at 10 o'clock Monday morning. Following the usual questions as to occupation, residence, etc., the direct examination of the witness proceeded as follows.

Mr. Squier—During the past three years has there been any other person living in this city named R. F. Winchester, or Dr. R. F. Winchester?

The Witness—Not to my knowledge.

"Will you look at this letter (showing witness the Dr. Martha Case letter). Did you ever see that before?"

"Yes, sir; in May last year."

The witness also recognized a letter that had been addressed to him, and an envelope containing clippings from a newspaper, likewise received by him.

FRANCIS D. HAVENS.

Francis D. Havens, the next witness, testified that he lived about ten miles west of town, had lived in the county about thirty-two years, and was a farmer by occupation.

Mr. Squier—Are you acquainted with the defendant?

"Yes, sir; for over nine years."

"Are you familiar with her writing?"

"Yes."

"Have you ever received letters from the defendant?"

"Yes, sir."

"Have any members of your family received letters from her?"

"Yes, sir."

"Were you acquainted with Mrs. Storke at that time?"

"Yes, sir."

"How many letters written by the defendant have you seen?"

Mr. Boyce—We object.

The Court—Objection sustained. Have you ever seen Mrs. Storke write?

The Witness—Yes, sir.

The Court—How many times?

"I could not swear to more than two or three."

Mr. Squier—From seeing the defendant write, did you acquire a knowledge of her handwriting?"

"Yes, I can tell her handwriting now, or could; when I took letters from the postoffice I could tell from the superscription if they were from her."

"Will you look at this letter (handing witness the Dr. Case letter) and tell who in your opinion wrote that letter?"

"I think that is in the handwriting of Mrs. Storke."

"Will you look at this letter, and the accompanying note, addressed to "Editor Press," (exhibit B) and say whose writing that is?"

"It is the same writing."

Exhibit C was shown witness, and was also declared to be in the same writing.

CROSS-EXAMINATION.

Mr. Boyce—Mr. Havens, do you claim to be an expert in handwriting?

The Witness—No, sir.

"Did you ever have any experience as a witness in a court room in identifying handwriting?"

"No, sir."

"How did you come to be a witness in this case?"

"The sheriff summoned me."

"Is that all you can tell about it?"

"No, sir."

"I thought not."

"I met the district attorney on the street about a week ago and he asked me if I knew Mrs. Storke. I said that I did; he asked me if I had ever received letters from her; I told him that I had."

"Have you any of this writing?"

"No, sir."

"What has become of the letters?"

"I destroyed them."

"Explain why you destroyed them."

"About the time Mrs. Storke was seeking separation from her husband, C. A. Storke wanted these letters, and I objected; I didn't want to get mixed up with the suit; he threatened to get an officer and bring me and my family into court; I was friendly to Mrs. Storke and am yet; I did not like the idea of having my family dragged into court, particularly in a suit of that kind, and I went home and had my family go through the house and get every scrap of writing received from Mrs. Storke and I burned them up."

"You have seen her write since the divorce proceedings?"

"I have not."

"Have you ever been to her rooms since that time?"

"Yes, I think I have."

"When?"

"Some time prior to her going to Los Angeles."

"You remember the time that the Richardson murder took place, don't you?"

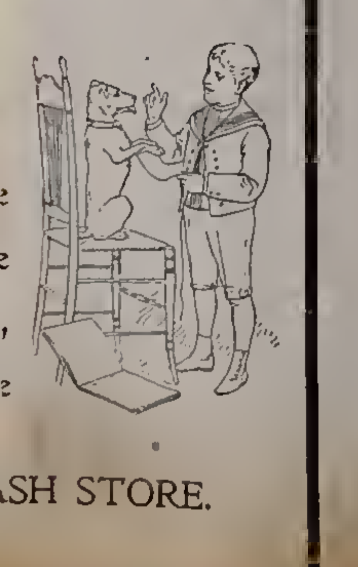
"Yes, I know about the time."

"Do you remember the last time you were at Mrs. Storke's room."

"No, I don't think I can fix the date."

"If you can't place the date can you remember the circumstances?"

"I went there. I don't think I had any



ASH STORE.

YDA ADDIS TRIAL

Continued from First Page

business, only just to call on her."

"Was any one with you?"

"I think not."

"You never went there with your daughter?"

"I may have been with my daughter, but I think not."

"Do you remember that Mrs. Storke took exception to the vulgar language that you used and forbade you coming again?"

"Such a thing never occurred."

"You are sure?"

"Positive."

"You have always been on friendly terms with the defendant?"

"Up to the present moment. Since her return from Los Angeles I have not spoken to her."

"Do you remember in the fall of 1898 meeting the defendant, when the defendant declined to speak to you?"

"No, sir."

"She never declined to recognize you?"

"Never until this indictment was brought."

"Did you ever meet her in the presence of any other person during the past two and one-half years?"

"No, sir. Not that I remember."

The witness was questioned as to whom he had talked regarding his testimony in this case, and he said he had talked with no one but the district attorney; that he came here at the request of the district attorney, and had gone on the stand much against his will.

He was shown some of the school article manuscripts, and said that he had seen some of them before, in the law library, just before court convened, that the district attorney had shown him some of the writings that had been introduced in evidence.

"In your opinion, exhibit A you recognize from the similarity to No. 5?"

"From the similarity of those two; I don't know their numbers."

"And you also recognize this, exhibit B, through the same reason?"

"Yes, sir."

"Are you a free writer with the pen?"

"Yes, sir."

"Are you accustomed to use the pen?"

"I have been accustomed to use the pen all my life."

"You don't farm with the pen?"

"Some times; yes, sir."

MRS. ANNA E. WEST.

Mrs. Anna E. West testified that she had lived in Santa Barbara about eleven years.

Mr. Squier—Are you acquainted with Yda Addis Storke?

The Witness—Yes, sir.

"How long?"

"Since she was first married to Mr. Storke. I first saw her at that time. I next saw her in October, 1890."

"Have you ever seen Mrs. Storke write?"

"Yes, sir."

"When?"

"Last July, I think."

"How many times?"

"Once I know, twice I think."

"Have you ever received letters from her?"

"Yes."

"Have you thus acquired a knowledge of her handwriting?"

"Yes."

"Will you look at this letter, the Dr. Martha Case letter. Will you state whose handwriting that is, in your opinion?"

"In my opinion it is in the handwriting of Mrs. Yda Addis Storke."

When shown The Press letter she said "That is Mrs. Storke's also."

Other of the letters were examined by the witness with the same result.

Two notes not previously introduced were shown witness, and she said:

"She wrote these to me; they were left at the woman's parliament, in Los Angeles, and were handed to me from the desk."

They were introduced as evidence.

The witness identified a long letter addressed to J. W. Taggart, dated October 11, 1898, and signed Yda Addis Storke. Mrs. West said:

"She put that letter in my satchel in Los Angeles, at the time I was visiting the woman's parliament, and she called me out of the parliament; she put this in my satchel at the Arcade depot. She told me to give it to Mr. Taggart, and to read the contents."

"Did you read it?"

"I did."

A letter addressed "My dear friend," and signed "Y. H. A. S.," and dated "Oct. 13, 1898," was shown. The witness said it was handed to her by Mrs. Scutti.

Mr. Squier—We offer this letter in evidence as containing an admission from

... The letter was examined by Mr. ... who said:

"We have no objections, but we like to know what admission is cl...

Mr. Squier—The first page is w... would like to introduce.

Mr. Boyce—We object to the ... duction of part of the letter, we object to the introduction of the ...

Mr. Squier—Very well.

A copy of the complaint in an ... in the justice court, township 2, e... "Yda Addis Storke vs. Anna E. ..." was identified as the writing of ... Storke, and was admitted as a ... of her handwriting.

CROSS-EXAMINATION.

The witness was questioned b... Boyce as to her acquaintance with ... Storke, and she stated that sh... called upon him in the office ... district attorney to consult wi... as to proper steps to take in con... with some depredations on her pr...

Mr. Boyce—What are your fe... toward the defendant?

"They are friendly."

"And always have been friendly..."

"Yes, sir, and always have ... friendly."

"You have always endeavored to ... your friendliness?"

"I have never done anything to ... her."

The attorney then read the com... in the action brought by Mrs. S... against Mrs. West in the justice ... for the recovery of certain goods, ... at $150, and for $150 damages for ... retention. Her attention was di... to some pencil markings on the m... of the document.

Mr. Boyce—Were these pencil ... randa made by you?

The Witness—When that case ... up in the other court the truth w... told.

The original question was rep... and Mrs. West declared that it w... matter that had no connection wi... case on trial; that she was ready ... anxious to have the suit in the j... court tried that the truth migh... known.

In the midst of the discussion ar... on this point the court announce... adjournment until 2 o'clock.

A TALKATIVE WITNESS.

Mrs. West Answers In Her Own W... The Expert.

Mrs. West, the one-time friend ... protector of Yda Addis Storke, re... the stand at 2 o'clock, and Att... Boyce continued his questions as t... pencil marks on the copy of the j... court complaint. Mrs. West in... that she did not claim that the p... writing was the work of the defen... "I say that that ink writing is ... Storke's handwriting."

"There is a figure '25' in penci... the body of the page; is that ... Storke's writing?"

"No, sir."

"What did you mean by saying: ... are not putting that as part of the ... dence.' Of whom were you spea... when you said 'we'?"

"I was speaking of myself. I do ... give that pencil writing as a spec... of Mrs. Storke's writing."

In regard to her case in the lowe... court she said:

"I am quite ready to have it tried ... wanted it tried at once."

She stated that "There is no le... in my mind concerning the case; I ... tried to help Mrs. Storke."

"Did you think that by giving ... specimens of the writing you woul... helping her?"

"I thought that if she did not ... these anonymous letters the specim... I had would clear her. At that ti... thought she was innocent. I told ev... body at the time that I thought she ... innocent. I was called before the gr... jury not knowing what case it was ... did all I could to prove her innoc... asked several people to help prove ... innocent. I did so because I beli... her innocent, and because she had c... into my store and asked me to help, ... saying that she was suspected, but ... innocent. But I did not know the ... was before the grand jury. I beli... her innocent until I had seen the ano... mous letters."

"I will call your attention to exhi... 1 and 2 of plaintiff and to exhibits ... and 25, and ask you what are the ... tive dates when you first saw these w... ings."

"These (exhibits 1 and 2) were h... ed to me sometime in October, at ... woman's parliament, the letter to ... Taggart (exhibit 21) was put in ... satchel at Los Angeles; the other ... hibit 25) was delivered to Mrs. Sc... in October."

"How did this ... to Mrs. Scutti?"

"Because Mrs. Storke had said she could not trust her letters to me to the mail."

Mr. Boyce then introduced the two notes, exhibits 1 and 2, and was about to read them, when the district attorney objected, as they had been introduced simply as specimens of the defendant's handwriting, and on the further ground that it was not proper cross-examination, being a part of the defendant's direct case. The court examined the notes, and sustained the objection.

"What were your relations with Mrs. Storke?"

"Friendly. I wished to clear her of the imputation that she had written those letters."

"At the time of her arrest the first time, did you act as bondsman for this defendant?"

"No, sir."

"Did you offer to do so?"

"I would have done so, but my husband objected very strongly."

"Did she apply to you to go on her bond?"

"Judge Crane asked me if I would go on the bond. I was told that she might have to go to jail that night, and I said that I would do what I could to save her from that. My husband objected to my going on the bond, and made it so warm for me at home that I could not do so."

"You had conversations with Mr. Storke at this time?"

"What conversations?"

"You went as the representative of this defendant to C. A. Storke at this time?"

Objections to this line of questioning were sustained, although Mr. Boyce explained that he wanted to show that the witness had carried to the defendant from C. A. Storke threats of a suit of criminal nature; that Mrs. Storke had been driven out of town, and that the witness had been hostile to the defendant from that time on.

"You stated that Mrs. Storke told you something of charges made against her; that she was accused of being the author of these letters?"

"Yes, sir."

"When did she say so?"

"She came to my store and said that she was greatly frightened. I believed her innocent. It was some time in August shortly before she left for Mexico."

Witness had never talked with C. A. Storke about the case, but with Grant Jackson she had talked about it, and they had agreed that they would like to clear her. Witness helped pack Mrs. Storke's effects after Mrs. Storke had left. Questions as to giving Mrs. Storke financial aid and a great many others of the cross-examination were objected to and the objections sustained.

Witness stated that she had carried on a correspondence with defendant during her absence. A part of this correspondence was introduced as evidence.

Attorney Boyce read one of the letters, in which Mrs. Storke directed the witness to collect evidence to be used for Mrs. Storke. Mrs. West retired during reading of the letter.

"You remember, in that letter to you, she conferred with you in regard to employing Mr. Taggart?"

"Yes, but he wouldn't take the case." Witness made efforts to secure the evidence that Mrs. Storke wanted.

"When did you change your mind as to Mrs. Storke's innocence?"

"After returning from the grand jury, where I was shown the letters."

Witness identified letters that were shown her before the grand jury.

"I saw none other," said the witness. "I wanted to believe her innocent, but when I returned home I saw a card that she had written, and the writing was so much alike I could not help believing. I wanted to prove her innocent."

The card referred to was not in court.

"You remember that in the letter defendant refers to an agreement that they tried to compel her to sign. Didn't you try to persuade her to sign it?"

Prosecuting attorney objected. Overruled.

Witness denied that she had ever tried to get the defendant to sign the agreement. Witness was profuse in her protestations that she had not attempted to force signing of the agreement, until Judge Oster called her to order, gently reminding the witness that there were so many men in court who wanted to talk that she must give them a chance.

"You remember asking her if ... write an anonymous letter to ... home?"

"No, sir. I did not ask her. It was she who told me about the letter. She persisted in talking about the anonymous letters. I wanted nothing to do with it. I tried to keep out of the matter. I heard the letters were dirty. I have that."

Witness said again that she did not believe the defendant guilty until after she had seen the letters before the grand jury and upon returning home was struck with the similarity of the writing when compared with other specimens. In reply to each question Mrs. West persisted in telling the whole story and all leading up to it. Her earnest manner and volubility excited more amusement than any incident of the trial has done. She would answer the questions in her own way, and tell all or nothing.

Witness said that she has seen a great many specimens of writing of Mrs. Storke, in different kinds of writing. Her explanations of the kinds was rather long, and when she had concluded the court ordered a recess.

After recess Mrs. West was asked by Attorney Boyce:

"Can you tell now what you saw before the grand jury; any one single letter?"

Witness pointed to the Case letter, [of] that she was positive. She had no specimens of defendant's writing other than those she had presented to the deputy sheriff. She did not remember whether she had given the deputy more specimens of Mrs. Storke's writing than those in court. She did not give the specimens with any thought of prosecuting the defendant, but to clear S[...]. The deputy promised to defend her, said the witness. Later she said that a great many specimens of writing that she had seen determined her belief that defendant was the author of the anonymous letters, but she had none of those specimens in her possession and could not procure them.

When asked to identify a manuscript as the agreement which defendant had been asked to sign, she said that it was the paper that Attorney Boyce had been asking questions about, and that he would learn all about in good time. "All of these things will out," she said. "Right always prevails and the truth will be known of this matter." She would answer nothing more as to the agreement.

Mrs. West was excused and Postmaster Maulsby recalled to identify a letter that had been mailed at the postoffice June 9, 1898.

Mrs. E. J. Thompson was recalled to identify other specimens of Yda Addis' writing.

To a question from the attorney for the defense, Mrs. Thompson answered that one of the letters presented was that to the Woman's Relief corps that she had referred to when on the stand before. The signature of Yda Addis Storke in the roll book of the Relief corps and an application for membership in the corps were presented in evidence by the defense.

"You were asked to make comparisons of the phraseology of these letters that are indications to convince you that defendant is the author of exhibits A, B and C. Have you done so?"

"Only as a whole. The manner in which the letters are worded convinces me."

There was a movement throughout the court room as the next witness entered, and from mouth to mouth word was whispered that it was Kytka, the expert. The spectators' interest in the defendant has already palled, and the witnesses for the prosecution have told the same story over until it no longer is new, but in the expert there was a promise of something out of the usual.

To the usual preliminary questions in direct examination by Prosecuting Attorney Squier, witness answered that his name was Theodore Kytka; his residence is San Francisco, where he has lived six or seven years; he is a documentary photographer and expert in handwriting, in which calling he has been engaged since the trial of the Chicago anarchists. He has been engaged as expert in a number of criminal trials of national importance, naming, after the defense had objected and been overruled, the Cordelia Botkin case, in which he was called to identify the writing of the defendant to John P. Dunning; the Fair will case, the Quackenbush will case, the Becker and Creegan case, for the United States secret service in connection with anonymous letters sent to President Cleveland, also in forged bank note case for the secret service, and a many others for the police of San Francisco.

Prosecuting Attorney Squier:—Mr. Kytka, have you had any experience in examining writing as to the character of ink used?

"Yes, sir."

"You stated you were a documentary photographer?

"Yes, sir."

"Have you had experience in making large photographic copies?"

"Yes, sir."

"And have you done that in connection with your work as a handwriting expert?"

"Yes, sir."

Plaintiff's exhibits 1 to 20 were handed witness by the prosecuting attorney. He replied that he had seen them before. Also several other exhibits were handed him. "Have you examined those writings?"

"I have."

"From the examinations you have made have you familiarized yourself with the writing?"

"I have."

"From the examination, who in your opinion wrote these exhibits?"

"In this writing there is some writing that was not done by the same hand."

"After a careful examination of these 'exemplars,' I find that the person who wrote them wrote the Martha Case letter."

The Judge—What do you mean by the "exemplars?"

"It is the term meaning the specimens."

He identified specimens handed him, saying they were written by the same person. Other specimens, including many of the letters that have already been submitted, were presented. The witness had examined them, he said, and identified them as the writing of the author of the Martha Case letter.

A letter addressed to Louis G. Dreyfus was presented and declared in the same handwriting. It was then offered in evidence, the defense objecting.

Court adjourned till 10 o'clock this morning, when Attorney Boyce will state the objections of the defense to evidence of the expert on lines begun at the afternoon session.

YDA ADDIS STORKE.

Daily — Indp't

The District Attorney Reads Several Letters

June 6 -

Very Interesting to Those Who Like Amative Literature.

In the Absence of a Boyce's Loud-Voiced, If Not Boisterous Cross-examination, the Afternoon Proceedings were Painfully Decorous.

Expert Kytka is an Austrian American, and has made calligraphy his study in a professional sense. Let us concede that any pursuit requiring artificial instruments to demonstrate, prove or convince with, the pursuit is a scientific one. Herr Kytka being a scientist, understands the instruments needed in his research, and as in the Storke case, absolutely something is necessary to establish the identity of the handwriting, he does not trust to his natural eyes, but makes use of optics correct past peradventure.

The camera lucida, an instrument which by means of a prism or an arrangement of mirrors, causes an apparent image of an external object to appear as if projected upon a plane surface, as paper or canvas, so that the outlines may be conveniently traced. It is generally used with the microscope.

The camera obscura is an apparatus in which the external objects formed by a convex lens or convex mirror, are thrown on a paper or other white surface placed in the focus of the lens or mirror within a darkened chamber, so that the outlines may be traced. The instruments that the expert Kytka has are no doubt modern, or of the latest improvement, and since he is an *fait* in their manipulation, and the theory is accepted, viz: "There are no two things alike," and "the instrument can not lie," the evidence that the scientist will be able to demonstrate is *the fact*. Such is the aspect of the Storke case just now, and can not one deem it a pity that time—which is money—has been wasted in this trial to establish the identity of Yda Addis Storke's handwriting with innumerable witnesses more or less confusing, when the expert very briefly could have saved all the pro and con in the case?

THIS MORNING'S PROCEEDINGS.

Plaintiff exhibits from 1 and 2 shown to the expert are examined. Other exhibits likewise examined. Defendant's exhibits shown and declared examined. Two letters were declared to be an attempt of disguise; pressure on the lower portion of each letter confirms the disguise.

L. Dreyfus, Wm. LaVies, Miss H. S. Knibloe, E. C. Tallant, Mrs Martha Case, Mrs. Case Winchester, Miss M. Gilbiven, Clio Lloyd, Dr. R. F. Winchester (the pied piper of Hamlin pipes alluring pipes in a newspaper clipping. "Alas, Berlioz." The underlining tells the tale.)

Nelly Maguire, Dr. Nelly Maguire, R. F. Winchester and Dr. Simpson were honored (?) with amative letters. The Press remarkable exhibit regretting badness based on report of an anonymous writer, is produced.

Herr Kytka having made so analysis of the letter, places the above to the same hand. An enlarged writing is placed on view producing the word "acknowledged" (There can not be distortion) Stricken out. Witness says the pen was taken up six times in writing "acknowledged," explaining the pressure of the pen. The pencil word differs materially from the word in ink. Expression of opinion by the expert sustained. Witness illustrates upon the blackboard correct curves and curves distorted; angles and connections are illustrated. "The word "acknowledged", as illustrated, shows six connections. The word "knowledge" is in connections dissimilar from "acknowledged."

In speaking of exemplar specimens, Herr Kytka uses the German word "exemplar."

Letter B illustrated with fine points and loops.

The expert illustrates an "eccentricity" an eccentric M.

The jury examines the originals to compare with the illustrated M on the blackboard.

Letter G next appears on the blackboard, deemed an artist's drawing; witness mentions an artist in San Francisco by the name of Eaves be consulted; has consulted in this case.

Jury examines original.

H connected to the first stroke u in Hundred and i in Hiram appears on the board; attention is drawn to the shading in the cross stroke.

Jury examines the original.

"lie" from public next appears on the board; l and e touch the base and i appears in suspense.

THE STORKE TRIAL.

The Expert Illustrates, Enlightens the Jury.

Daily — Ind'p't

The Court Room is not Attractive To-day on Account of the Scientific Demonstration—A Criticism on Reporters.

June 7 -

Alas to our cost we know him well. The meek eyed Press reporter sits too far away from the place of action to hear or see with any accuracy. The goody goody boy knows of no immorality outside of prostitution and the liquor traffic. To violate a sacred trust is with him a virtue, to injure a man who has befriended him is the little thing's prayer. To omit purposely main features of the Storke trial is to him obedience. He purposely mentions but two out of the many that received the amative letters, *und horror inhult*, "if those letters were published." "Take away the vile things" that the innocent may not be contaminated and depraved forever. A moral District Attorney finds it his painful duty to read aloud all those poisonous epistles, and strange to say the women in attendance all survive the ordeal. "Too vile to be published" is sufficient to make a demand for the wording of the letters, and if the puny scribe did hear, he will take the trouble to satisfy all questioners.

That same virtuous writer did, upon receipt of an anonymous letter, publish a warning and suggestive article, denouncing a bad house on De la Vina street, threw thereby a stigma on the neighborhood, recommended that the bad women should be moved lower down, and be attached to the trafficking women in a quarter evidently set apart for the traffic. How did the innocent boy know that there were any bad women in any part of the city?

The writer in the INDEPENDENT took the scribe to task, speaking from the card because, passing *the house* at least twice a day, and being gifted by nature with more observative powers than the notorious Pourade, knew that said house and inmates had been grossly slandered; not by a letter but by the scribe of the Press. The writer has been on the witness stand and stated that he received a letter for publication, and one of a business kind, but never publishing the anonymous, and, having no taste for *the* business, merely looked over, but did not read the letters, could not even positively identify them.

Another reporter says, "When the cross-examination commences there will be fun for everybody." Indeed, then the court-room is to be degraded into a boisterous burnt cork institution, with middleman and the bones and tambourine represented by the contending lawyers. Upon that principle there would be fun for a congregation if the pastor would turn hand-springs in the pulpit.

A woman is indicted for a grave offense against the laws of society, bringing in its train a costly trial. Where is the fun for the tax-payers coming in?

Mrs. Storke at one time in her tribulation (the Storkes have had abundance of litigation), had many women friends, and Mr. Storke had none, and but few of the sterner sex. The writer is well posted on the past and must say, if any body was persecuted in those trials it was not Yda Addis Storke. The women flocked to her support, stuck to her. She was a shining light in all measures pertaining to reform, where, as a rule, virtue is admired in others.

The Yda's name is enrolled on the Woman's Relief Corps, may be on the Women's Home. She has been *very* active in the Woman's Reform, participated at least on the Woman's Parliament reform, and during all that time she had women friends. She had friends when she was arrested in the Tommy Storke affair, that wanted to keep her from prison; and now, all at once the friends have deserted her. Is Yda Addis any worse now than she has been for many years, and why then?

She is accused of having written and passed through the mails vile literature, and still the postal department leaves her in the hands of the civil courts.

There was a time that the very best Man was accused of law-breaking. He had many, many friends, and all deserted Him in the hour of need but a bald-headed Peter who then and there defended his Master by cutting off one Malchus' ear. The writer is not profane, hence draws no comparison, but upon the general supposition that no one is so utterly lost but has at least one friend, who, of all the women reformers whereof she was even a leader, is the friend now.

The woman gets a fair trial, and a jury will pass upon the case. Herr Kytka the scientist seeks to instruct the jury by illustration. Will it understand the confusing illustrations and be able to judge intelligently in the premises?

THE STORKE CASE.

June 7 -

Expert Kitka Testifies On The Letters.

Says They Were All Written By The Same Hand.

Those who have never had any experience in listening to the testimony of experts in handwriting had their eyes pretty widely opened yesterday when Mr. Kitka began his testimony in the libel case. The expert was most explicit in his explanations and his testimony seemed to be of great weight.

At first he was shown a large number of the letters in the case and these he said he had examined carefully. The Martha Case letter and others were introduced and all were said by the expert to have been written by the same hand as the one that wrote the acknowledged writings. At least twenty of the anonymous letters were examined and each of them Mr. Kitka said, the same hand that wrote the exemplars wrote that letter. There is a clumsy attempt to disguise the hand. I see from an examination of the exhibits that the pressure in the disputed writings is on the lower part of the letters. That is due to a peculiar way of holding the pen which I will illustrate later on.

The whole body of the anonymous letters was then read. Each one was worse than the one read before and as the district attorney went from one to another the awful significance of the crime that has been committed here dawned upon the crowded courtroom. The faces of the women present showed the horror they felt at hearing such things and the men seemed hardly to believe their own ears.

Mrs. West said she had heard bad things from Mrs. Storke about the character of the letters. There was much she probably didn't hear. These letters are too vulgar to have been written in the lowest brothel or any other place indeed outside of Hell itself. The person who wrote them was a "devil" indeed and if that person is the woman now accused of having written them how terrible must have been her feelings as she heard them thus publicly read in her presence and in the presence of the people of Santa Barbara.

All of the letters Kitka looked over and as each one was read he said: "That was written by the same hand that wrote the exemplars, (admitted writings.) There is a clumsy effort to disguise the hand." The Martha Case letter with those to the Press and Independent when shown brought out the same answers as the others.

The witness was shown some newspaper clippings and a piece of tissue paper attached. The piece of paper taken from the defendant's room by Pourade was also shown and the witness asked if he had compared the two.

Mr. Kitka answered: The papers are of the same quality. They are of the same composition, I might say they are of the same texture. The newspaper clipping was from the Press and deplored the fact that a house of ill-fame had been started in a hitherto respectable quarter and that under the laws it was impossible to continue such houses

in a particular part of the city.

The letter on the back of which appears a strain of yellow paint was exhibited.

Q. What is that?

A. That is a stain of yellow ochre used by artists. It is also mixed with a fatty or oily substance.

The witness was then asked to explain to the jury his reasons for thinking the exemplars and the disputed writings to be in the same hand.

A. I have made photographic reproductions of the ten letters.

Q. Are those reproductions true reproductions of the words represented?

A. Yes sir.

Mr. Kitka then showed a large card fully four feet wide by three long upon which appeared photographic reproductions of the word "acknowledged" taken in one case from one of the admitted writings and in the other from the Martha Case letter. The photograph showed an enlargement of 110 times and both words were photographed at the same time. The excitement to get a glimpse of this novel piece of evidence was intense. Everyone stood up and as the witness placed the picture before the jury, the defendant, her attorneys and almost everyone else in the room walked over to see what it looked like. Some faces showed satisfaction upon seeing the resemblance between the two; some showed doubt. The defendant after a careful look nodded her head in a way that seemed to say "Just what we wanted." This is a way of hers and as the expert spoke of certain letters being in a crudely disguised hand the nod of the head was incessant.

Kitka said: I find in the pencil word that the writing is free and quite rapid, and that the pen was taken up six times before the word was completed. The letters a and c are disconnected. The same is true of the same letters in the Martha Case letters. The c in the pencil letter begins with a pressure downward in the pencil letters and the c begins with a pressure downward in the disputed word. The letters c and k of the pencil letters are connected and the same is true in the ink exhibit (Case letter.)

The pencil k connects its second stroke with the n. and o. This is also true of the ink exhibit.

The microscope will show very distinctly where the pen was lifted up. The o and the w, the l and the r are in both instances connected. E and d in both writings are disconnected. The g and d are disconnected in the pencil exhibit and also in the ink exhibit. The g and e are connected in bot' d the final letter d is disconnected.

I consider the stops in the movement in this word to be the strongest point in my studies of these writings. That word alone would be enough to satisfy me in making a judgment.

As Mr. Kitka spoke he drew in chalk on the blackboard an imitation of the word he was analyzing, marking the places where the pen had been lifted, the disconnections with red chalk. The excitement in the audience was intense and the jury kept a close eye upon all that was done.

The expert continued

The letter a begins in the same way in both cases. There is a compound curve. It is not clear cut. By a compound curve I mean a curve made of two movements a curve made of two curves. You will find this curve in both letters. It is those little tiny points that a forger cannot imitate. It is beyond the human power.

Witness drew on the blackboard a curve of one single clear cut line and another made of two curves of about the same radius but making a slight angle with each other. These he said showed what was meant by a compound curve.

The letter c in both words begins with a downward stroke. There are, as you see, six disconnections in the word acknoledged. I found the word knowledge in the justice court complaint and this showed the same separations. I also found the word acknowledged in another of the writings but this I did not use.

Mr. Boyce asked why and asked which exhibit contained the word. It could not be found then but was produced later.

The jury meanwhile examined with magnifying glass the originals from which the photographs were made.

The capital b found in the case line in the word Barbara, upon the Case envelope, same word, and in the word But in one of the admitted writings was next examined. They were constructed as shown on the blackboard in the same way. Both began with broad straight down strokes which turned and looped at the bottom, the up stroke being light and fine. The curve at the top was even at the center there was another loop and the final down stroke was heavy and turned up at the bottom. In both cases the capital was separated from the following letters.

AFTERNOON SESSION.

In the afternoon the court room was more crowded than in the morning and some twenty-five ladies, were present. But there were no letters read.

Kitka produced the word acknowledged that had been missing in the morning, and showed that the separations were the same as formerly shown.

To show what in the language of an expert was termed an eccentricity, A capital was drawn showing a peculiar curved stroke, a sort of curl put upon the front stroke after the letter was practically complete. These letters were found in a "McC," in the Woman's Parliament letter and in the word madam in the Case letter.

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Here are many examples said Mr. Kitka. Here is one and here another (a jury man hands) and here another.

Mr. Boyce. How many have you there? You say another.

A. Here is another sir. The juryman found that one. The capital H in the word "hundred" in the justice court complaint admittedly written by the defendant was compared with that in the word "Hiram" in the Case letter.

Both were formed by two straight down strokes with a strong cross stroke. The letter was drawn, not written. Where the horizontal line crossed the two perpendiculars the ink had in both cases slightly run. The line did not therefore cross at these points making an angle but the blot made the corner curve.

The general construction of the letters "lic" in such words as frantic (in an admitted writing,) and public found in Case and other letters. The i is very high from a base line. That is it is higher than the other letters. This is shown in many places. The dot in all cases was directly in line above the letter i.

Juror Baker who carefully examined all letters presented to him called attention to the fact that the letter i in the word publicly in one of the writings was not the same. The witness explained that the position was different in longer words than when short ones were being written.

The capital R was next shown from different letters. It began just in the same way the capital B began. Relative to this letter Mr. Kitka said:

I will admit that some strokes may be made alike by other persons but never all. Some strokes may be similar but the strokes will not all be alike.

The letter f shown in the word "fun" in the complaint and in the word "wife" in the Case letter seemed similar. Juror Baker however pointed out an f of a different character. This the expert explained by saying that it was also a characteristic to be found in all of the writings. There were so many of these letters that the expert had not taken the time nor trouble to count them. They were too numerous he said.

The word "of," found in several writings showed similar connections between the o and f. The witness probably inadvertently used the words "she" and "her" in speaking of the writer of the various letters.

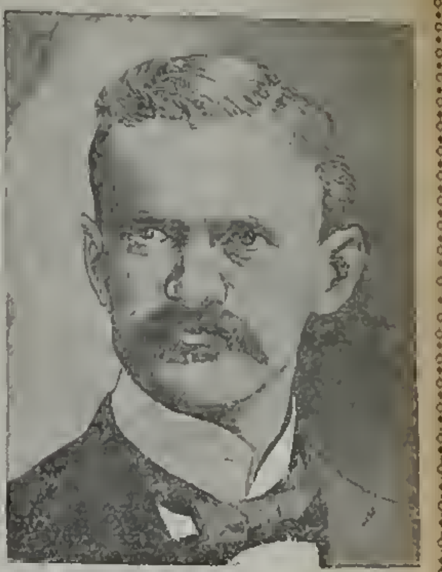
Those pretty letter a's were the subject of much discussion. There were two ways of making the capital A. Some were of the round kind and others, the pretty ones, were made of two slanting lines with a cross line. At the top these lines met in an acute angle and this characteristic pleased the expert greatly. Juror Baker found one of these letters which Kitka said was a fine example.

The court adjourned with Kitka's direct examination not yet ended. It will be taken up this morning and it may be a day or so before the cross examination takes place. The work of the expert is indeed clever and his quickly drawn blackboard examples of the specimens he wished to show were really interesting as showing to what point the science of the handwriting expert has been carried. Today's work will be equally interesting and when the cross examination commences there will be fun for everybody.

Expert Kytka, when his presence at the Storke trial is no longer required, will go to Santa Maria to spend a few days on the ranch of his uncle, [illegible]. He will leave soon after for Paris, France, having been engaged by Emile Zola to expert writings in connection with the Dreyfus case.

EXPERT KYTKA EXPLAINS THE REASONS THAT CONVINCE HIM BEYOND DOUBT OF THE GUILT OF MRS. YDA ADDIS STORKE

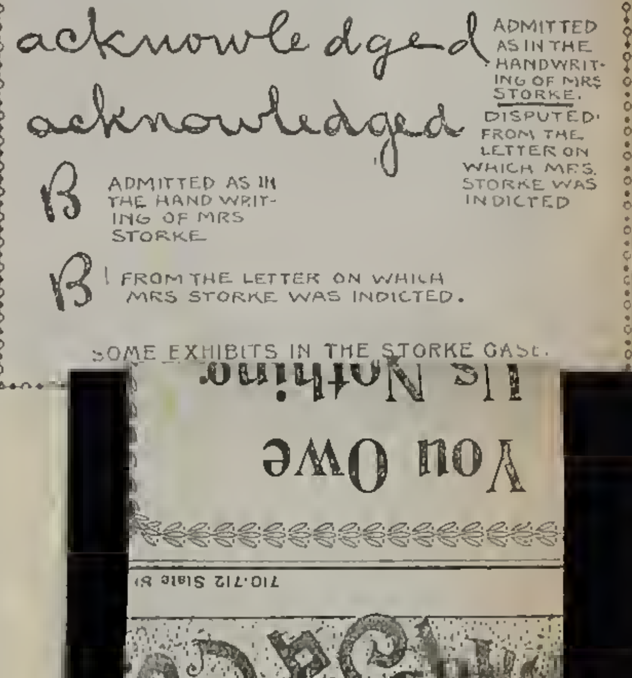
SANTA BARBARA, June 7.—Mrs. Storke, the defendant in the notorious Santa Barbara libel suit, does not seem to be worrying over the testimony of Expert Kytka in showing the similarity between her acknowledged writing and the many anonymous letters she is alleged to have written. Indeed, it seemed to appeal particularly to her good nature.



DISTRICT ATTORNEY EUGENE W. SQUIER.

Kytka's testimony to-day was a continuation of his testimony of yesterday, but his examination of the written documents was much more exact than before, and consequently it was stronger. At first he showed general similarity between the writings, but to-day he spent both the morning and afternoon looking into particular letters and endeavoring to show how things seen in the admitted writings were evident in the disputed ones. He began by taking the beginnings and endings of words. The suffix "tion" in one corresponded with the "tion" in the other, and the characteristics of the formation of many small letters and combinations of small letters were shown to be the same. At least two hours were devoted to the small letter "w" as it was used at the beginnings of words. Kytka paid particular attention to this letter. In the admitted writings there were 117 instances where the "w" was made with the first stroke a direct down stroke. In the disputed writings forty-six examples were found. Another peculiarity of the formation of this letter was that in many cases there was an accidental up stroke, made by the striking of the pen before the down stroke was made.

All of these things were very convincing to the mind of the expert that Mrs. Storke was the writer of the anonymous letters. But as each point was made the defendant, referring to certain writings held in her hand, would find things that made her smile. It is thought that this must have been the writing of some one upon whom she purposes to throw the charge of writing the letters.



SOME EXHIBITS IN THE STORKE CASE.

You Owe
Us Nothing
710-712 State St
...ARDS & Co
...oney's Worth Every Time"
...heaper sorts but do not recommend the

in a particular part of the city.

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A. That is a stain of yellow ochre used by artists. It is also mixed with a fatty or oily substance.

The witness was then asked to explain to the jury his reasons for thinking the exemplars and the disputed writings to be in the same hand.

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All communications relating to subscriptions and advertising should be addressed to the DAILY NEWS, Santa Barbara, California.

Publication Office, 26 West Ortega Street.

TELEPHONE - - MAIN 18.

Official Paper of the City of Santa Barbara, Cal.

SANTA BARBARA, CAL., JUNE 9, 1899

We are informed that a dozen or more members of our High School absented themselves from their classroom last Tuesday without permission and went to the court room and listened to Mr. Kitka's testimony relative to certain manuscripts. The school authorities suspended the wrongdoers during the balance of the week presumably as a punishment.

Now we have no word to offer against some penance being imposed on the youngsters for their acts, but we question the justice of the act of suspension. We are somewhat acquainted with average boys and are of the opinion that this penalty was hardly a punishment. Then we doubt if sending the boys from school was not a deep injustice to them and their future.

We all know this; a day gone is gone forever. It is never to be replaced. Boys are sent to school for a definite purpose—to be educated, and not to be sent out on a prolonged vacation. Then, too, we are at the close of the school year when the loose ends of the work are being gathered up; when everybody is preparing for the examinations and, in a sense, clinching the nails of knowledge already driven.

We honestly doubt the wisdom of suspending these pupils from their work as we doubt whether the "punishment" was a reality or a pleasure.

Now in all things we believe in law and order; in penalties for offenses; in reparation being made for all infractions of the strict line of duty. The question, then, would be what punishment should be dealt out to boys who care so little for their future, so little for their duty as to turn from their work and allotted tasks? Something, certainly. But what?

In general, we do not believe in the efficacy of the rod. Boys may be handled ordinarily in other ways. Extra work, deprivation of privileges, loss of rank, isolation and various other methods of meting out penalties may be resorted to. Some boys must be whipped—no other punishment will avail one iota.

It is not punishment to turn a boy towards the exact occupation he desires. "Playing hookey" shows that the boy had no compunction in being out of school—and in school was exactly where he ought to be. In school with additional tasks would have been, to our mind, a better punishment than suspension from school.

CHARACTERISTICS OF CHIROGRAPH

Expert Kytka Endeavors to Explain Them to Jury.

END OF TRIAL NOT NEAR

Will Require Three or Four Days More to Illustrate Exhibits in Yda Addis Case.

The greater part of the second week of the Yda Addis Storke trial is liable to be occupied by Theodore Kytka, the handwriting expert. Mr. Kytka was on the witness stand all day yesterday and had hardly made a fair beginning in the presentation of his testimony in the way of "exemplars," or illustrated specimens of the writing in the anonymous letters, and those that are acknowledged to be in the hand of the defendant. It will probably occupy three or four days more to complete his testimony. That is the estimate of the expert. Yesterday he got through with but nine exhibits, while there are nearly a hundred to be amplified in chalk upon the blackboard that is set up beside the judge's bench for the purpose.

The purpose of the expert is to illustrate in magnified form the writing of the libelous letters and that of the defendant, to show a characteristic similarity. The most damaging part of his testimony yesterday was the effort to show that the writing of the disputed letters was rather a drawing than writing; that it was an affected hand, and showed characteristics of the acknowledged writing of Mrs. Storke.

The process by which the expert works is interesting as a study, but is not sufficiently spectacular to please a merely-loving crowd. The spectators that crowded the superior court room in the morning began to fall away during the afternoon session, until before adjournment there was a smaller crowd than has attended since the trial began.

MORNING SESSION.

The known fact that Expert Kytka would be on the stand Tuesday morning attracted an unusually large crowd, and the court room seats were all filled several minutes before the time appointed for the opening. As on previous days, there were a number of ladies present. At 10 o'clock the direct examination of Kytka was resumed.

The witness was shown plaintiff's exhibits 1 to 21, 24, 26 and 27, and asked if these were exhibits that had been examined by him.

The Witness—Yes, sir.

Mr. Squier—I will also show you plaintiff's exhibit 25. Have you examined it?

"Yes, sir."

"I will also show you defendant's exhibits 1, 2, 3 and 4. Have you examined them?"

"Yes, sir. The envelope exhibit 3, is in a different handwriting. The others are in the handwriting of the person who wrote the standards."

"Will you state whether B 1, B 2, and B 3, are in the natural handwriting of the person who wrote the standards?"

"It is only an attempt to disguise. The pressure is on the lower portion of each letter; it is done by a peculiar way of holding the pen."

"Will you look at plaintiff's exhibit 1, 2, 3 and 4. You stated yesterday that these are in the handwriting of the same person who wrote the 'exemplars' or standards. Is that also in a disguised hand?"

"It is only an attempt to disguise."

Mr. Squier offered in evidence plaintiff's exhibits D, the Dreyfus letter, and E, a letter to William LaVries, purporting to come from the occupants of the El dred cottage, the contents of these and some fifteen other letters that were also declared to be the handwriting of the person who wrote the standards, were read to the jury. They are of such a vile nature that they cannot be published. The reading and identification of them occupied over an hour.

In an envelope, addressed to Dr. R. F. Winchester, was a clipping from a newspaper relating to the assassination of the president of a Central American republic; on a piece of tissue paper, accompanying the clipping was written "ditto," and on another piece of paper was written the word "beware." The tissue paper was identified by Kytka as being of the exhibit 16, line 23, and the other from the Dr. Martha Case letter."

The photograph, on a large cardboard, three feet or more wide, was exhibited.

Mr. Squier—Is that a correct reproduction of the disputed writing as shown in the exemplar?

"Yes, sir. The upper is an enlargement about 110 times the size of the word 'acknowledged' as in plaintiff's exhibit 16; the lower one is an enlargement, on the same scale, of the word 'acknowledged' as found in the Dr. Martha Case letter. These two were made at the same time by the same lens. I find that in the pencil word 'acknowledged,' the pencil was taken up six times; in the ink exhibit the pen was lifted six times. The letters 'a' and 'c' are disconnected in the pencil letter; the same is true of the word in the Dr. Martha Case letter. The 'c' begins with a pressure downward in the ink exemplar. The letters 'c' and 'k' in the pencil exhibit are connected; the same is true in the pen exhibit. Then I find that letter 'k' begins with the up stroke, and connects with the letter 'n.' The letters 'n' and 'o' are not connected in the pen exhibit; they are also disconnected in the pencil exhibit. 'o,' 'w,' 'l' and 'e' are connected in the pencil exhibit; and in the ink exhibit also. The 'd' is disconnected in the pencil exhibit, as well as in the ink exhibit; 'g' and 'd' are disconnected in both; 'g' and 'e' connected in the pencil and in the ink exhibit; the letter 'd' is disconnected in both. I consider this point, the stops and movements in this word, one of the strongest. There is also a compound curve, a strong characteristic of the writer; these are points that a forger cannot imitate and a person cannot disguise."

Mr. Boyce—I move to strike out the last statement of the witness.

The Court—The motion is denied.

Kytka then proceeded to make an even more detailed explanation of the similarity of the writing of the word in the two letters, using the blackboard and colored chalk freely to illustrate his meaning of the different terms as applied to curves, down strokes, etc.

The witness stated that he had not been able to find the word 'acknowledged' in any of the other exemplars, but he had been able to find the word "knowledge" in the justice court complaint, which had been written by the defendant in ink, and he had found the word "acknowledge" in an ink exemplar, but it was disconnected and he could not use it.

Mr. Boyce demanded that the witness produce the word, and Kytka began the search of the mass of writing before him, finally suggesting that he could save time by looking it up during the noon hour. This was agreed upon, and the expert then referred to the word "acknowledge," appearing in the copy of the justice court complaint. He said: "I find the letters of the word disconnected as in the two other instances." The document was passed to the jury, and the individual members examined the word in question, aided by the glass, comparing it with the large photographic exhibit displayed before them.

The witness then noted the comparison between the capital "H" in "Harbor" on the the envelope of the Dr. Case letter, and the capital "H" in the word "But," in the copy of the justice court complaint. "The letters are made in the identical manner," he stated. "There is a bold, heavy, decided down stroke, then the two loops," pointing to the letters as drawn by him on the blackboard, "with a light up stroke, comes down, loops again, a heavy down stroke and turns upward."

An adjournment was here taken until 2 o'clock.

AFTERNOON SESSION.

"Mr. Boyce, I found the word 'acknowledge,'" explained Expert Kytka upon taking the stand again at 2 o'clock, "in plaintiff's exhibit 13, line 1 and 2. The word is separated, as I said; 'ac' being on one line and 'knowledge' on another, thus changing the movement of the hand. This is the reason I could not use it."

He said that the word was divided between the letters as in the case of the words as photographed. This sheet was also handed to the jury for individual examination through the magnifying glass.

"I will show you now what we term an 'eccentricity' in a stroke." This he did by writing the capital letter "M" on the blackboard, making a short stroke at the top of and connecting with the first down stroke of the letter. This short stroke he said had been "patched on," and was a rare 'eccentricity,' as he had found it but twice in the entire

Another letter "G" was pointed out in another exhibit, and then a juryman called the attention of the witness to another.

"Yes, here is another one," said Kytka.

"Is that the one you just referred to?" asked Mr. Boyce.

"No, sir; a juryman found this one."

Witness next made a sketch of the capital letter "H" and the letter "i" in Hiram, in the Martha Case letter. He explained the peculiar strokes that formed the connections in the letters, saying it was due to the writer's manner of holding the pen. He could form the letters like those of the example, but the eccentricity of the curves at the connections he could not execute in rapid writing. The next sketch was of the letters "lic" in the word public in the Martha Case letter, and of "frantic" in plaintiff's exhibit 3, and "public" in plaintiff's exhibit B. He explained the relative position of the letter "i," above the line, while "t" and "c" are on a line. In longer words, he explained to a juror's question, the position of the pen is changed, while in all words of about the same length the characteristic he had shown was true. He pointed also to the relative size of the letters, the "c" being larger in comparison with the "i" in each case, and the lower stroke was heavy shaded.

Another sketch was of the capital letter "B," occurring in several of the exhibits, calling attention to the construction of the letter. Witness said that the letters are never made twice exactly alike, but the general construction of letters by any person is always the same. He said that he would admit that some person in the world might make the letters the same, but no person living would make all of the strokes in the same manner in the same place. He may do some of them in the same manner, but could not possibly do all.

What he explained as a characteristic of the writing was the letter "I," an example of which was shown on the board. It was a sharp down stroke to begin, then a direct angle and up to the center of the down stroke, when a heavy loop is made.

Defendant's exhibit 4 contained another character of "I," to which the expert's attention was called by juror Baker. The difference was that the writer began with an up stroke, forming a loop, and the lower up stroke not meeting at the center the staff of the letter, but instead standing away. The witness pointed out others of the same general character in exhibits of both the state and the defense.

Several more examples were illustrated on the board, Kytka remarking in one instance that he must hurry as he reached only exhibit 9 and there are 100 to be shown. The jurors examined through the microscope or with a magnifying glass the originals in the letters as they were illustrated.

Court adjourned at 5 o'clock until 10 this morning, when Expert Kytka will again take the stand.

YDA ADDIS STORKE CASE.

A sensation was sprung by the prosecution in the Yda Addis Storke case. Mrs. Martha Hoes, an old friend of the defendant, testified that Mrs. Storke asked her to copy anonymous letters, saying that she could not disguise her hand but an expert could detect it, also that the defendant declared to the witness that she intended giving several people a bad scare, and hoped to live long enough to accomplish the ruin of Dr. Winchester and drive him from town. The evidence was not shaken by the cross-examination. Expert Kytka is pointing out many characteristics in common in the disputed and admitted writing. He will finish his direct testimony tomorrow. June 7

PROMOTER.
JUNE 8, 1899. No. 73

EXPERT KYTKA.

Creates a Sensation in the Santa Barbara Case.

Showed that Mrs. Storke Wrote the Winchester Letter—Will Go to Paris in the Dreyfus Case.

SANTA BARBARA, June 6.—The Storke libel case reached its climax this morning, so far as the work of the prosecution is concerned, when Expert Kytka, following up yesterday's preliminary testimony, explained why he considered the writing of the disputed letters in the case to have been done by the same hand that wrote certain other writings admittedly those of Mrs. Storke.

Before the witness came to the technical part of his testimony, it became necessary for the prosecution to introduce in evidence the great body of anonymous correspondence that flooded this city at the time Mrs. Storke's crime is alleged to have been committed. Whispers of the character of these letters had gone the rounds among a few of those who had been connected with the case, but the general public had never known what they were. They were simply execrable in their vulgar simplicity. They were of three kinds. One set urged young men to visit a certain house, the respectability of which has never been questioned. When the letters were written, it was occupied by three respectable women, one of whom, a lady physician, was professionally connected with Winchester. Other letters were to neighbors concerning the house, and the worst were in the form of invitations to decent young girls to go to the same house for ignoble purposes. The reading of these letters stirred the wrath of all who heard them.

Through the means of these and other writings, Mr. Kytka made out his case. His chief exhibit was an immense photograph, several feet square of the word "acknowledged," as found in certain admitted writings and in the letter upon which Mrs. Storke was indicted. The general appearance of the words, enlarged as they were 110 times, were almost identical, and the expert pointed out out the many exact resemblances. The letters throughout were showed to have been made by the same strokes and the witness laid great stress upon the fact that in writing the word the pen had been taken up from the paper in six places, the places being the same in each example. This removal of the pen caused several letters to be separated, and these small points, Mr. Kytka said, were conclusive to his mind. They were points that no forger could, by any possibility, imitate. It was beyond the human power of imitation. Some of the strokes might have been made by a forger, but the perfect agreement of all was something conclusive.

Several capital letters, found in both the Winchester letter and in a copy of a Justice Court complaint written recently by the defendant, were illustrated by blackboard drawings. The capital G, found frequently in the specimens, was drawn rather than written, and the capitals B and K were peculiarly and similarly made. The expert simply piled example upon example and the jury examined the original documents. Several jurymen found and called attention to letters made as the witness had indicated. During the whole of this testimony the defendant continually called the attention of her counsel to certain peculiarities in the exhibits. The defense will undoubtedly endeavor to show that the letters were written and the blame thrown upon Yda Addis by those who wish to see the last of her here.

One other link of evidence was brought out through Kytka's testimony. Certain clippings were introduced, pasted upon tissue paper. A like piece of tissue found in Mrs. Storke's room was exhibited, and these, the expert swore, were of the same quality, composition and texture. A paint-stain on the back of one of the anonymous letters was also identified as a stain of yellow ochre paint, which, as Mrs. Storke has done considerable painting, was against her.

The defense will probably get to the cross-examination of the witness sometime tomorrow afternoon, although it is possible that there will be no cross-examination.

Kytka says he will go from here to Paris, leaving just as soon as the Storke case is over. He will be employed there by M. Zola and will work as an expert upon the disputed writings of the Dreyfus case.—Special to S. F. Examiner.

THE STORKE CASE.

Expert Kilka Still Expounding.

Very Searching Examination of the Writings Made.

Mrs. Storke, if one may judge of feelings by outward signs, was one of the most exultant women in Santa Barbara yesterday morning while expert Kitka continued his testimony. Almost anyone else in her place would have felt the seriousness and weight of what he said. He explained the characteristics of some of her smaller letters; the peculiar shape of her small letter w and the angles and similarities of a number of letters. But the defendant showed every outward sign of exultation.

At every new demonstration on the blackboard she would seize some piece of writing paper from in front of her and searching it for a moment break into a satisfied exultant smile accompanied by repeated nods of the head, indicating the most complete satisfaction.

All of the gaiety of her first two days in court seemed to have returned. As the expert explained how in both the admitted and disputed writings he found the tops of the letters p and t to be on a line, that is, they were of the same height, she seemed greatly pleased.

It is thought that this happiness comes from an intention of the defense to try to prove that another person wrote the anonymous letters and the possibility that the defendant may look upon Kitka's testimony as merely tending to show that this person, whose identity the defense will probably reveal, was a most clever and conscientious forger of the writing of the accused.

Mr. Kitka testified that he had made a very careful study of the letter w. He found 117 instances in which this letter was made in a similar way and there were four instances where there was a slight upstroke where the pen had struck the paper before the first real stroke of the letter.

of the Yda Addis Storke trial is liable to be occupied by Theodore Kytka, the handwriting expert. Mr. Kytka was on the witness stand all day yesterday and had hardly made a fair beginning in the presentation of his testimony in the way of "exemplars," or illustrated specimens of the writing in the anonymous letters, and those that are acknowledged to be in the hand of the defendant. It will probably occupy three or four days more to complete his testimony. That is the estimate of the expert. Yesterday he got through with but nine exhibits, while there are nearly a hundred to be amplified in chalk upon the blackboard that is set up beside the judge's bench for the purpose.

The purpose of the expert is to illustrate in magnified form the writing of the libelous letters and that of the defendant, to show a characteristic similarity. The most damaging part of his testimony yesterday was the effort to show that the writing of the disputed letters was rather a drawing than writing; that it was an affected hand, and showed characteristics of the acknowledged writing of Mrs. Storke.

The process by which the expert works is interesting as a study, but is not sufficiently spectacular to please a novelty-loving crowd. The spectators that crowded the superior court room in the morning began to fall away during the afternoon session, until before adjournment there was a smaller crowd than has attended since the trial began.

MORNING SESSION.

The known fact that Expert Kytka would be on the stand Tuesday morning attracted an unusually large crowd, and the court room seats were all filled several minutes before the time appointed for the opening. As on previous days, there were a number of ladies present. At 10 o'clock the direct examination of Kytka was resumed.

The witness was shown plaintiff's exhibits 1 to 21, 24, 26 and 27, and asked if these were exhibits that had been examined by him.

The Witness—Yes, sir.

Mr. Squier—I will also show you plaintiff's exhibit 25. Have you examined it?

"Yes, sir."

"I will also show you defendant's exhibits 1, 2, 3 and 4. Have you examined them?"

"Yes, sir. The envelope exhibit 3, is in a different handwriting. The others are in the handwriting of the person who wrote the standards."

"Will you state whether B 1, B 2, and B 3 are in the natural handwriting of the person who wrote the standards?"

"It is only an attempt to disguise. The pressure is on the lower portion of each letter, it is done by a peculiar way of holding the pen."

"Will you look at plaintiff's exhibit 1, 2, 3 and 4. You stated yesterday that these are in the handwriting of the same person who wrote the 'exemplars' or standards. Is that also in a disguised hand?"

"It is only an attempt to disguise."

Mr. Squier offered in evidence plaintiff's exhibits D, the Dexter letter, and E, a letter to William LaVie, purporting to come from the occupants of the Eldred cottage; the contents of these and some fifteen other letters that were also declared to be the handwriting of the person who wrote the standards, were read to the jury. They are of such a vile nature that they cannot be published. The reading and identification of them occupied over an hour.

In an envelope, addressed to Dr. E. F. Winchester, was a clipping from a newspaper relating to the assassination of the president of a Central American republic; on a piece of tissue paper, accompanying the clipping was written "ditto," and on another piece of paper was written the word "beware." The tissue paper was identified by Kytka as being of the same quality, composition and texture as a larger piece of tissue paper picked up in the room of Yda Addis Storke by Detective Ponsonby; from this larger piece a slip corresponding in size to the "ditto" slip, had been cut.

The paper was offered in evidence.

Kytka also declared the stain on another of the letters to be caused by yellow ochre used by artists.

He was then asked to explain in detail the examinations he had made of these writings, and his reasons for declaring that they were written by one person.

"I made a photographic enlargement of the word 'acknowledged,' as found in two letters—one in pencil, plaintiff's exhibit [illegible] the Dr. Martha Case letter. The 'a' begins with a pressure dominant in the ink exemplar. The letters 'a' and 'k' in the pencil exhibit are connected; the same is true in the pen exhibit. Then I find that letter 'k' begins with the up stroke, and connects with the letter 'n.' The letters 'n' and 'o' are not connected in the pen exhibit; they are also disconnected in the pencil exhibit. 'H,' 'n,' 'l' and 'e' are connected in the pencil exhibit, and in the ink exhibit also. The 'd' is disconnected in the pencil exhibit, as well as in the ink exhibit; 'g' and 'd' are disconnected in both; 'g' and 'e' connected in the pencil and in the ink exhibit; the letter 'd' is disconnected in both. I consider this point, the stops and movements in this word, one of the strongest. There is also a compound curve, a strong characteristic of the writer; these are points that a forger cannot imitate and a person cannot disguise."

Mr. Boyce—I move to strike out the last statement of the witness.

The Court—The motion is denied.

Kytka then proceeded to make an even more detailed explanation of the similarity of the writing of the word in the two letters, using the blackboard and colored chalk freely to illustrate his meaning of the different terms as applied to curves, down strokes, etc.

The witness stated that he had not been able to find the word 'acknowledged' in any of the other exemplars, but he had been able to find the word "knowledge" in the justice court complaint, which had been written by the defendant in ink, and he had found the word "acknowledge" in an ink exemplar, but it was disconnected and he could not use it.

Mr. Boyce demanded that the witness produce the word, and Kytka began the search of the mass of writing before him, finally suggesting that he could save time by looking it up during the noon hour. This was agreed upon, and the expert then referred to the word "acknowledge," appearing in the copy of the justice court complaint. He said: "I find the letters of the word disconnected as in the two other instances." The document was passed to the jury, and the individual members examined the word in question, aided by the glass, comparing it with the large photographic exhibit displayed before them.

The witness then noted the comparison between the capital "B" in "Barbara" on the the envelope of the Dr. Case letter, and the capital "B" in the word "But," in the copy of the justice court complaint. "The letters are made in the identical manner," he stated. "There is a bold, heavy, decided down stroke, then the turn loops," pointing to the letters as drawn by him on the blackboard, "with a light up stroke, comes down, loops again, a heavy down stroke and turns upward."

An adjournment was here taken until 2 o'clock.

AFTERNOON SESSION.

"Mr. Boyce, I found the word 'acknowledge,'" exclaimed Expert Kytka upon taking the stand again at 2 o'clock, "in plaintiff's exhibit 13, line 1 and 2. The word is separated, as I said; 'ac' being on one line and 'knowledge' on another, thus changing the movement of the hand. This is the reason I could not use it."

He said that the word was divided between the letters as in the case of the words as photographed. This sheet was also handed to the jury for individual examination through the magnifying glass.

"I will show you now what we term an 'eccentricity' in a stroke." This he did by writing the capital letter "M" on the blackboard, making a short stroke at the top of and connecting with the first down stroke of the letter. This short stroke he said had been "patched on," and was a true 'eccentricity,' as he had found it but twice in the entire writings. One was in the word "Mr." in exhibit 1, admitted to be the plaintiff's handwriting, and in the Dr. Martha Case letter, in the word "Madam." These two samples were passed through the jury box for examination and comparison.

The capital letter "H," as appearing in plaintiff's exhibit 3, and the same letter in the Dr. Case letter, were declared to be constructed in the identical manner. The witness stated that, as he had reported to Mr. Kells, the attorney in San Francisco, the writer of the letters, both admitted and disputed, must have been of an artistic temperament, as some of the letters are drawn and not written.

[illegible] the Martha Case letter, and in "[illegible]le" in plaintiff's exhibit 3, and "public" in plaintiff's exhibit 9, the expert explained the relative position of the letter "i," above the line, while "l" and "c" are on a line. In longer words, he explained to a juror's question, the position of the pen is changed, while in all words of about the same length the characteristic he had shown was true. He pointed also to the relative size of the letters, the "c" being large in comparison with the "i" in each case, and the lower stroke was heavy shaded.

Another sketch was of the capital letter "R," occurring in several of the exhibits, calling attention to the construction of the letter. Witness said that the letters are never made twice exactly alike, but the general construction of letters by any person is always the same. He said that he would admit that some person in the world might make the letters the same, but no person living would make all of the strokes in the same manner in the same place. He may do some of them in the same manner, but could not possibly do all.

What he explained as a characteristic of the writing was the letter "f," an example of which was shown on the board. It was a sharp down stroke to begin, then a direct angle and up to the center of the down stroke, when a heavy loop is made.

Defendant's exhibit 4 contained another character of "f," to which the expert's attention was called by juror [illegible]ker. The difference was that the writer began with an up stroke, forming a hook, and the lower up stroke not meeting at the center the staff of the letter, but instead standing away. The witness pointed out others of the same general character in exhibits of both the state and the defense.

Several more examples were illustrated on the board, Kytka remarking in one instance that he must hurry as he reached only exhibit 9 and there are 100 to be shown. The jurors examined through the microscope or with a magnifying glass the originals in the letters as they were illustrated.

Court adjourned at 5 o'clock until 10 this morning, when Expert Kytka will again take the witness stand.

YDA ADDIS STORKE CASE.

A sensation was sprung by the prosecution in the Yda Addie Storke case. Mrs. Mollie Ross, an old friend of the defendant, testified that Mrs. Storke asked her to copy anonymous letters, saying that she could not disguise her hand but an expert could detect it, also that the defendant declared to the witness that she intended giving several people a bad scare, and hoped to live long enough to accomplish the ruin of Dr. Winchester and drive him from town. The evidence was not shaken by the cross-examination. Expert Kytka is pointing out many characteristics in common in the disputed and admitted writing. He will finish his direct testimony tomorrow.

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Through the means of these and other writings, Mr. Kytka made out his case. His chief exhibit was an immense photograph, several feet square of the word "acknowledged," as found in certain admitted writings and in the letter upon which Mrs. Storke was indicted. The general appearance of the words, enlarged as they were 110 times, were almost identical, and the expert pointed out the many exact resemblances. The letters throughout, were showed to have been made by the same strokes and the witness laid great stress upon the fact that in writing the word the pen had been taken up from the paper in six places, the pauses being the same in each example. This removal of the pen caused several letters to be separated, and these small points, Mr. Kytka said, were conclusive to his mind. They were points that no forger could, by any possibility, imitate. It was beyond the human power of imitation. Some of the strokes might have been made by a forger, but the perfect agreement of all was something conclusive.

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a downward one has made. This in the expert's opinion was another of those tiny marks of similarity between the writings that was significant.

Three distinct ways of making the letter w were found in 22 pages of disputed writing and in 18 pages of admitted writing, four of these were found in the admitted writing to have the tiny up-stroke beginning on the right side of the down stroke, Six of these were found in disputed writings.

Eleven small w's were found in the admitted and 22 in the disputed writings where there was this tiny upstroke on the opposite side of the first down stroke.

There were in the admitted exemplars 117 specimens of the small w used at the beginning of a word where there was no upstroke but the initial stroke went straight downward. There were 46 of these in the lesser volume of the disputed writings.

Of these letters the expert pointed out a great many examples to the jury saying that the predominating w showed in its make-up that the writer wrote very rapidly and made the letter as it was made to save time. The style of writing was a very rapid one.

A strong point to the expert's mind was to be found in the frequency of a gracefully curved connecting stroke between the letters g and h throughout the specimens.

The small r found at the beginning of words, as in the words "refuse" in the Case letter and refuses in the justice court complaint. The beginning stroke, an up-stroke, began in a great majority of cases below the line upon which the word was written. This Kitka said was an eccentricity.

Kitka followed this line during the afternoon using various examples of small letters and the suffixes of words to show the identify of the handwriting in the two exhibits. The evidence was cumulative but it was not new.

The cross examination will probably begin today.

√ continued from √

Ventura defendant told her that she was trying to disguise her handwriting.

"She hoped the day long enough to accomplish Winchester's downfall."

Defendant dispared of changing her handwriting to escape detection by an expert. She wanted to scare about a dozen people by letter writing. She did not state reasons only that they had all injured her. Witness went to see her again after returning from Ventura, giving her fond—is not sure though. The last time she went to her room, in November, 1897, Mrs. Law and John Heitgeland were there.

They talked a great deal but did no work in cutting out a waist as the material misteriously disappeared, but does not say that Mrs. Storke stole it, but believes she did.

The witness smiles not because she recalls the trousers, at one time on the tapis. A discussion on inexpressibles, their uses, intents and purposes, a bathing suit on the side.

Witness sought pure atmosphere in the sunshine and felt happy again.

KYTKA HAS ALL HIS OWN WAY

Expert Spends Another Day Illustrating Penmanship.

FINDS MANY CHARACTERISTICS

But If They Are Characteristics of Yda Addis' Writing Remains for Jury to Determine.

Expert Kytka has practically been both attorney and witness in the trial of Yda Addis Storke the past two days, or since he was called by the state to the witness stand. He exercises rather a free hand, only for the occasional interruptions by Attorney Boyer for the defense. After being sworn Monday evening the expert was asked a few questions by the prosecuting attorney, after which he has been allowed to proceed in his own way. His "exemplars" were prepared before hand and he is making the best progress that he can with the big lot of work before him, that after two days seems as formidable as ever. Several important points were made by the expert yesterday that go to show that either the writing of the libelous letters was done by Yda Addis Storke or it was done in imitation of her handwriting. Tuesday the expert's efforts were directed to show that the writing of the anonymous letters was not in a natural hand, but was rather a drawing or deliberate copy; yesterday he gave examples to prove that the drawing showed strong characteristics of the writing of the defendant.

The crowd of spectators was smaller yesterday than it has been during the trial, but those of the audience that have come to be looked upon as regular attendants sat through the proceedings and were no doubt much enlightened by the explanations by the expert of the peculiarities of handwriting and how he goes about to discover the marks of identification that he is pointing out. But a part of the proceeding is dull. The jurymen spend a great deal of time in the examination of the exhibits from which the expert's exemplars are taken, to discover the differences or similarities of the writing of the several papers after they have been pointed out, and then the audience has nothing to do but wait until another example is reached and placed on the board. During these times the spectators amuse themselves in various ways; some bring books into the court room and improve the shining minutes at reading.

Mrs. Storke is always busy. She follows the expert even more closely than does her attorney, and with a duplicate copy of the letter contained in the indictment before her, she marks every point that Kytka makes. She seems not to allow the trial to worry her greatly, but is as buoyant as when a week and a half ago began the proceedings that may lead her to the penitentiary, or to freedom from suspicion of having written the libelous letters.

MORNING SESSION.

Wednesday morning's audience at the Yda Addis Storke trial could be best termed "small but appreciative," to borrow a stereotyped phrase from opera house parlance. But few ladies were in attendance at the time of opening. From a technical standpoint and to one interested in chirography the exhibition of comparative handwriting alleged to be the defendant's, was not devoid of profit.

Expert Kytka continued his testimony in the same line as on the previous day, pointing out to the jury the similarity of different words in the various writings, admitted and disputed.

He first called attention to the "ell" in the word "well" in the Dr. Martha Case letter, and the same letters in that word or in "sell," "selling," "miscellaneous," etc., some of them appearing in exhibits acknowledged by the defense to be in the handwriting of Yda Addis. The characteristic was the gradual lengthening of the letters as the writing of the word progresses. As shown on the blackboard, each succeeding letter had an upward trend, so that a line touching the top of each was drawn at an angle of about 45 degrees. This was pronounced by Kytka to be a strong characteristic.

The monotony of the proceedings was broken by an occasional pass between the witness and Attorney Boyer. At one time the attorney asked to be shown the exhibit that was about to be handed to

"kept" on the board and noted in the writing of it in some instances throughout the disguised exhibits the writer had dropped into the old individuality, and then returned the letter "p" to cover up the characteristics. In indicating places where the word could be found in the different writings, he said:

"You can find them by the dozen through the disputed and admitted writings."

Mr. Boyer objected to the witness classing the disputed and admitted writings as one class, and Kytka replied: "I spoke of it as a fact, not as a class."

A juror then asked the witness to demonstrate on the board how the letter "p" should be written by the Spencerian system, and this brought on a discussion of this and the California vertical system, and their relative merits. After Kytka had compared the two on the board, Mr. Boyer requested him to write specimens on a slip of paper, in ink. This was done and the sample introduced as evidence in connection with the testimony of the witness. As a side remark, Kytka gave it as his opinion that the vertical system as taught in California would never be a very great success as it is too slow.

The letter "n" was then taken up for comparison. Witness sketched on the board the letter as he had found it in the admitted and in the disputed exemplars, commencing with an upstroke. There were three different characteristic "n's." In the admitted standards, the letter with the upstroke appeared four times, in the disputed exemplars, the letter appears six times. He noted eleven small "n's" in the admitted standards where the upstroke begins on the left side. It appears twenty-two times in the disputed exemplars, always when beginning a word, when the pen takes a fresh movement.

"I find 117 small "n's" with a straight initial down stroke in the admitted standards, and 46 in the disputed. This is a characteristic of a person who is a rapid writer."

The Dr Martha Case letter, The Press letter and others of the disputed writing were passed to the jury for comparison of the "n's".

"Now we come to a strong point, which is very characteristic; there is one exception. I am going to make the letter 'g' and the connecting stroke of the letter 'h,'" said Kytka. He proceeded to point out the similarity of the stroke in such words as "night," "neighborhood," "eight," "ought," and "high." One exception was found where the word "right" had been written on the bottom line of the sheet, and the pen on the upstroke had caught on the edge of the paper.

The letter "r" in the word "refuse," in the Dr. Martha Case letter, was compared with the letter "r" in the word "refuses" in the justice court complaint, and with other words beginning with the same letter in both admitted and disputed writings. He called attention to an "eccentricity" in the first stroke of the letter, which extended below the line. This he said, was the fact in the great majority of cases where words beginning with "r" appeared. The jurors were inspecting different sheets of the exhibits when the court announced the noon recess.

AFTERNOON SESSION.

The letter "i" and the dot above it engaged the attention of the expert and the jury at the opening of the afternoon session. The letter as appearing in the word "in" in the Dr. Martha Case letter, and in the word "possession" in the justice court complaint, were the first ones offered for comparison. The witness noted that the dot was on the same slant as the letter, which consisted of one heavy down stroke. The style of "i" predominated throughout the standards and was found perfectly in the disputed writings.

The word "that" was illustrated, the eccentricity pointed out being that in both disputed and admitted writings the final "t" is higher than the first one. Mr. Kytka considers this a peculiar mark in the writing, as it is the natural thing to make the last letter lower.

With this as other exemplars the jury devoted a great deal of time in examination of manuscripts to find other illustrations of the same character, and asked questions of the witness regarding them.

In the Independent letter and a letter addressed to Mr. Taggart, that is admitted in Mrs. Storke's writing, witness called attention to the peculiarity of forming the letter "p." It is written in three styles, he said, the main stem slanting to the right, vertical and to the left. In the Taggart letter the ex... [illegible]

witness placed on the board the word "being" from the Martha Case letter, calling attention to the formation of the letters, that diminish as the writing progresses, tapering toward the end. This the expert explained is a characteristic of fluent and rapid writing.

The letter "r" was shown to illustrate both an eccentricity and a characteristic. There were two forms of the letter, and several instances were shown where one form was written over the other.

An unconscious pressure, the expert called a tiny stroke in the letter "s" that was discernable only under the microscope. He said that no person forging the writing would make this peculiar movement; even himself, as good a forger as he is, would be unable to make the character as shown in the writing.

Placing on the board "1203 De la Vina St.," copied and enlarged from plaintiff's exhibit No. 2, and comparing this with the same sentence in an admitted writing, there was a similarity in the first exemplars, the witness said, but in other manuscripts, in which the same sentence occurred there was a striking difference.

The expert continued in this line, being still on the stand when court adjourned at 5 o'clock. He will resume this morning.

THE STORKE TRIAL.

The Intelligent Burgermaster Approves.

A Witness in the Afternoon, upon Cross-examination, Among Other Interesting Matters, Brings Trousers upon the Tapis.

The jury in the Storke case is neither more nor less brilliant than the average.

In America under our liberal laws any male citizen who is on the assessment roll, thus proving that he is a substantial patriot, even if he pays no less than one cent towards the maintenance of our government, has all the requisites of an arbiter in trials.

If there is any doubt of the man's capacity instead of the political parlance, "are you capable, are you honest," it is ascertained can the man hear and speak, and does he know nothing about the impending trial? In this trial a phase has developed which requires in addition to hearing and articulating, a good eyesight, and to make sure that the juryman (his intelligence is taken for granted) is a good judge in the premises, it would not be amiss to know are his eyes reliable. There are eyes called color-blind, there are oblique eyes, purblind, dim, watery, telescopic and microscopic eyes, and yet it is taken for granted that the twelve men, of a necessity called gentlemen, are acute as to hearing and seeing.

Herr Kytka illustrates and instructs, and a science which it has taken perhaps no less than ten years to master is to be imparted to the twelve in a few days, on the principle of acquiring the knowledge of music in one lesson taught by self. (*Was der Bauer nicht kennt, frisst Er nicht*) Herr Kitka will understand above and conclude that he has a herculean task on hand to instill knowledge from A—Z when A is a terra incognito. It may be possible that nature has been very prolific with some of the jurymen, and thus comprehend with one bound all that Herr Kytka knows himself. We will illustrate as follows:

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One Sunday the cantor—an old man wearing spectacles—was in his glory again, singing a "Credo in Unum." The old man conscientiously following the written document before him did not notice that a fly had lit upon the bars, and losing track of the notes, followed the fly upon its upward course. The fly reaching high G—the note of Plunket in Martha that bursted Karl Forms tympanum—the cantor got black in the face. The fly moving to A and the conscientious singer making a desperate effort to do his Christian duty to respond, also, the good man there and then bursted a blood vessel and dropped stone dead. It was a sad calamity and in order to avoid a repetition of such a catastrophe the wise men of the congregation concluded to adopt a mode of church singing regulated with machinery (an organ). The musical apparatus was ordered, the pipe organ erected and, in order to give satisfaction as per contract, the wise men attended the rehearsal of the organ. The artist let the thing pipe an inspiring Christian tune and at *al fin* demanded an opinion as to the merits or excellency of the instrument. The judges—whether twelve or less is quite immaterial—looked grave and centered their eyes upon the Burgermaster, naturally the most comprehensive among them. Said dignitary looked very wise and upon the repeated request of the artist, finally delivered himself thus:

"I think that the box full of whissel is just a trifle too high."

The artist taking in the situation, and desirous to give satisfaction in order to get the instrument accepted, looked with the greatest defference at the Burgermaster remarking: "Not one man in a thousand would have discovered the defect your honor has mentioned. 'Tis true, the organ is just one-hundredth of a note too high, but I am prepared to make the correction." He did, by looking at a register button and lightly touching it. Now playing again, the Burgermaster nodded his head in approbation and pronounced the organ quite in tune.

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AFTERNOON.

Mrs. Goss on the stand. Knew Mrs. Storke; had heard her express herself bitterly against Dr Winchester, and say she hoped to live long enough to see his downfall. Had heard her say there were several men she wanted to annoy, but Winchester was the main one.

Cross examination—Witness has not been at home for the last sixty days. Defendant called at her house three years ago on business, and witness called at defendant's studio to look at pictures. Wishes she had not called.

Witness' feelings for Mrs Storke are no longer friendly—she had hissed at witness like a cat.

Witness was requested by defendant to write anonymous letter. She had told this to Mr. Squier, her husband and Mrs. Fisher.

Did not mention it to Winchester, Storke or Grant Jackson. Defendant introduced witness to Grant Jackson in 1896. She first told her mother what she could swear to. Did not tell Acquistepace that she had written more than one of these anonymous letters. She took her something to eat and found her on the warpath against several people in a trap. She looked like an angry woman. Witness does not recollect the time, only before she went to

was this [illegible] opposite side of the first down stroke.

There were in the admitted exemplars 117 specimens of the small w used at the beginning of a word where there was no upstroke but the initial stroke went straight downward. There were 46 of these in the lesser volume of the disputed writings.

Of these letters the expert pointed out a great many examples to the jury saying that the predominating w showed in its make-up that the writer wrote very rapidly and made the letter as it was made to save time. The style of writing was a very rapid one.

A strong point to the expert's mind was to be found in the frequency of a gracefully curved connecting stroke between the letters g and h throughout the specimens.

The small r found at the beginning of words, as in the words "refuse" in the Case letter and refuses in the justice court complaint. The beginning stroke, an up-stroke, began in a great majority of cases below the line upon which the word was written. This Kitka said was an eccentricity.

Kitka followed this line during the afternoon using various examples of small letters and the suffixes of words to show the identify of the handwriting in the two exhibits. The evidence was cumulative but it was not new.

The cross examination will probably begin today.

√ continued from ✓

Expert Kytka has practically been both attorney and witness in the trial of Yda Addis Storke the past two days, or since he was called by the state to the witness stand. He exercises rather a free hand, only for the occasional interruptions by Attorney Boyce for the defense. After being sworn Monday evening the expert was asked a few questions by the prosecuting attorney, after which he has been allowed to proceed in his own way. His "exemplars" were prepared before hand and he is making the best progress that he can with the big lot of work before him, that after two days seems as formidable as ever. Several important points were made by the expert yesterday that go to show that either the writing of the libelous letters was done by Yda Addis Storke or it was done in imitation of her handwriting. Tuesday the expert's efforts were directed to show that the writing of the anonymous letters was not in a natural hand, but was rather a drawing or deliberate copy; yesterday he gave examples to prove that the drawing showed strong characteristics of the writing of the defendant.

The crowd of spectators was smaller yesterday than it has been during the trial, but those of the audience that have come to be looked upon as regular attendants sat through the proceedings and were no doubt much enlightened by the explanations by the expert of the peculiarities of handwriting and how he goes about to discover the marks of identification that he is pointing out. But a part of the proceeding is dull. The jurymen spend a great deal of time in the examination of the exhibits from which the expert's exemplars are taken, to discover the differences or similarities of the writing of the several papers after they have been pointed out, and then the audience has nothing to do but wait until another example is reached and placed on the board. During these times the spectators amuse themselves in various ways, some bring books into the court room and improve the shining minutes at reading.

Mrs. Storke is always busy. She follows the expert even more closely than does her attorney, and with a duplicate copy of the letter contained in the indictment before her, she marks every point that Kytka makes. She seems not to allow the trial to worry her greatly, but is as buoyant as when a week and a half ago began the proceedings that may lead her to the penitentiary, or to freedom from suspicion of having written the libelous letters.

MORNING SESSION.

Wednesday morning's audience at the Yda Addis Storke trial could be best termed "small but appreciative," to borrow a stereotyped phrase from opera house parlance. But few ladies were in attendance at the time of opening. From a technical standpoint and to one interested in chirography the exhibition of comparative handwriting alleged to be the defendant's, was not devoid of profit.

Expert Kytka continued his testimony in the same line as on the previous day, pointing out to the jury the similarity of different words in the various writings, admitted and disputed.

He first called attention to the "ell" in the word "well" in the Dr. Martha Case letter, and the same letters in that word as in "sell," "selling," "miscellaneous," etc., some of these appearing in exhibits acknowledged by the defense to be in the handwriting of Yda Addis. The characteristic was the gradual lengthening of the letters as the writing of the word progresses. As shown on the blackboard, each succeeding letter had an upward trend, so that a line touching the top of each was drawn at an angle of about 15 degrees. This was pronounced by Kytka to be a strong characteristic.

The monotony of the proceedings was broken by an occasional pass between the witness and Attorney Boyce. At one time the attorney asked to be shown the exhibit that was about to be handed to the jury. As the witness and counsel were looking over the sheet together, Kytka's eye caught another word on the page.

"And here is another; this is a curker," exclaimed Kytka.

Mr. Boyce glanced around at the witness with a look denoting amusement and surprise. "It is just like an artist would make it," continued Kytka.

"That is another aesthetic remark," commented Mr. Boyce with some sarcasm.

"Not aesthetic; just artistic. The letters coming symmetrically up," went on Kytka.

The expert then traced the word session of this and the California vertical system, and their relative merits. After Kytka had compared the two on the board, Mr. Boyce requested him to write specimens on a slip of paper, in ink; this was done and the sample introduced as evidence in connection with the testimony of the witness. As a side remark, Kytka gave it as his opinion that the vertical system as taught in California would never be a very great success as it is too slow.

The letter "w" was then taken up for comparison. Witness sketched on the board the letter as he had found it in the admitted and in the disputed exemplars, commencing with an upstroke. There were three different characteristic "w's." In the admitted standards, the letter with the upstroke appeared four times; in the disputed exemplars, the letter appears six times. He noted eleven small "w's" in the admitted standards where the upstroke begins on the left side. It appears twenty-two times in the disputed exemplars, always when beginning a word, when the pen takes a fresh movement.

"I find 117 small "w's" with a straight initial down stroke in the admitted standards, and 46 in the disputed. This is a characteristic of a person who is a rapid writer."

The Dr. Martha Case letter, The Pyres letter and others of the disputed writing were passed to the jury for comparison of the "w's".

"Now we come to a strong point, which is very characteristic; there is one exception. I am going to make the letter 'g' and the connecting stroke of the letter 'h,'" said Kytka. He proceeded to point out the similarity of the stroke in such words as "night," "neighborhood," "eight," "ought," and "high" the exception was found where the word "right" had been written on the bottom line of the sheet, and the pen on the upstroke had caught on the edge of the paper.

The letter "r" in the word "refuse," in the Dr. Martha Case letter, was compared with the letter "r" in the word "returns" in the justice court complaint, and with other words beginning with the same letter in both admitted and disputed writings. He called attention to an "eccentricity" in the first stroke of the letter, which extended below the line. This, he said, was the fact in the great majority of cases where words beginning with "r" appeared. The jurors were inspecting different sheets of the exhibits when the court announced the noon recess.

AFTERNOON SESSION.

The letter "i" and the dot above it engrossed the attention of the expert and the jury at the opening of the afternoon session. The letter as appearing in the word "in" in the Dr. Martha Case letter, and in the word "possession" in the justice court complaint, were the first ones offered for comparison. The witness noted that the dot was on the same slant as the letter, which consisted of one heavy down stroke. The style of "i" predominated throughout the standards and was found perfectly in the disputed writings.

The word "that" was illustrated, the eccentricity pointed out being that in both disputed and admitted writings the final "t" is higher than the first one. Mr. Kytka considers this a peculiar mark in the writing, as it is the natural thing to make the last letter lower.

With this as other exemplars the jury devoted a great deal of time in examination of manuscripts to find other illustrations of the same character, and asked questions of the witness regarding them.

In the Independent letter and a letter addressed to Mr. Taggart, that is admitted in Mrs. Storke's writing, witness called attention to the peculiarity of forming the letter "p." It is written in three styles, he said, the main stem slanting to the right, vertical and to the left. In the Taggart letter the expert finds the writing was done with two pens and in two different inks.

Attorney Boyce's insistance in asking repetitions of the expert's statements caused a great deal of delay in the proceedings, and has since Kytka has been on the stand led Judge Oster on several occasions to call the attorney's attention to the manner in which he was adding volumes to the court records. The court insists that the attorney should ask the reporter to read the question and answer when it has been misunderstood, as the records are being duplicated three and four times over.

Reaching the formation of words, the [illegible] [illegible] to make the character as shown in the writing.

Placing on the board "1203 [illegible] Vine St." copied and enlarged from plaintiff's exhibit No. 2, and comparing this with the same sentence in an admitted writing, there was a similarity in the first exemplars, the witness said, but in other manuscripts, in which the same sentence occurred there was a striking difference.

The expert continued in this line, being still on the stand when court adjourned at 5 o'clock. He will resume this morning.

THE STORKE TRIAL.

The Intelligent Burgermaster Approves.

A Witness in the Afternoon, upon Cross-examination, Among Other Interesting Matters, Brings Trousers upon the Tapis.

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The artist taking in the situation, and desirous to give satisfaction in order to get the instrument accepted, looked with the greatest deference at the Burgermaster remarking: "Not one man in a thousand would have discovered the defect your honor has mentioned. 'Tis true, the organ is just one-hundredth of a note too high, but I am prepared to make the correction." He did, by looking at a register button and lightly touching it. Now playing again, the Burgermaster nodded his head in approbation and pronounced the organ quite in tune.

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AFTERNOON.

Mrs. Goss on the stand. Knew Mrs. Storke; had heard her express herself bitterly against Dr Winchester, and say she hoped to live long enough to see his downfall. Had heard her say there were several men she wanted to annoy, but Winchester was the main one.

Cross examination — Witness has not been at home for the last sixty days. Defendant called at her house three years ago on business, and witness called at defendant's studio to look at pictures. Wishes she had not called.

Witness' feelings for Mrs Storke are no longer friendly—she had biased at witness like a cat.

Witness was requested by defendant to write anonymous letter. She had told this to Mr. Squier, her husband and Mrs. Fisher.

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Ventura defendant told her that she was trying to disguise her handwriting.

"She hoped the day long enough to accomplish Winchester's downfall."

Defendant dispared of changing her handwriting to escape detection by an expert. She wanted to scare about a dozen people by letter writing. She did not state reasons only that they had all injured her. Witness went to see her again after returning from Ventura, giving her food—is not sure though. The last time she went to her room, in November, 1897, Mrs. Law and John Hedgeland were there.

They talked a great deal but did no work in cutting out a waist as the material misteriously disappeared, but does not say that Mrs. Storke stole it, but believes she did.

The witness smiles not because she recalls the trousers, at one time on the tapis. A discussion on inexpressibles, their uses, intents and purposes, a bathing suit on the side.

Witness sought pure atmosphere in the sunshine and felt happy again.

Morning

SANTA BARBARA CALIFORNIA, FRIDAY MORNING, JUNE 9, 1899.

SHE COULDN'T DECEIVE EXPERT

Why Yda Addis Asked Mrs. Goss to Copy Letters.

WANTED TO SCARE HER ENEMIES

Witness Gives Sensational Evidence at Trial Yesterday—Expert Kytka Will Finish Today.

Yesterday morning's session of the Yda Addis Storke trial was devoted to the presentation of evidence by Expert Theodore Kytka, who followed the line of evidence he has pursued the past three days, by demonstrations on the blackboard of the characteristic writing of the letters presented as the writing of Mrs. Storke, both the admitted and disputed manuscripts. He made several startling disclosures, that like others presented the preceding days, show a striking similarity in penmanship of the exhibits of both sides. His aim is to show that the anonymous letters are written in a disguised hand, but that the person who did the writing was unable to conceal the little tricks of writing that give character to the author. Some points presented by the expert are seemingly the most trifling, but these are what he mainly relies upon, for as he has several times explained, it is in the small, unconscious strokes that he detects the natural hand. The expert's evidence grows in interest as it is better understood, a fact made clear by the absorbing attention given him by all in the court room.

But the sensation of yesterday's proceedings was the testimony of Mrs. Etta M. Goss, once the close friend of Mrs. Storke. Mrs. Goss testified to having heard the defendant say that she hoped to live long enough to accomplish the downfall of Dr. Winchester, toward whom she expressed animosity. Also that she asked witness to copy anonymous letters. A severe cross-examination failed to shake Mrs. Goss' evidence.

During the examination of Mrs. Goss the defendant was visibly effected. Indeed, a sensation that no other testimony has produced was visible in the whole court room.

Expert Kytka expects to complete his direct testimony this morning.

MRS. ETTA M. GOSS.

Mrs. Etta M. Goss was called to the witness stand at reconvening of court after the noon recess. Her evidence on direct examination was short, but of a more damaging character to the defendant than any yet presented. The cross-examination failed to shake the witness' testimony, but Mrs. Goss will be called as a witness for the defense when its evidence is presented.

Mrs. Goss testified that she had a conversation with the defendant in May or June of 1897. While in Mrs. Storke's room one day Mrs. Storke seemed to be in a very bad spirit and the principal one that she seemed to be against was Dr. Winchester, said the witness. "I heard her express herself in very bitter terms against Dr. Winchester, and I heard her say at one time that she hoped that she would live long enough to accomplish Dr. Winchester's downfall. I was in the room once again and saw her copying handwriting, and she said: 'I have often tried to change my handwriting, but can't do it so that an expert would not detect it.' She said there were about a dozen people in this town to whom she wanted to give a good scare. She spoke of wanting to write some anonymous letters to them. And before she got through I found that she wanted me to write these letters for her."

"Did she mention anyone in particular?"

"She spoke of Dr. Winchester. I don't remember that she mentioned anyone else in particular; but Dr. Winchester was the one to whom she wanted to give the biggest scare."

CROSS-EXAMINATION.

Attorney Boyce—How did you come to know the defendant?

Mrs. Goss—She called at my house to see my husband about a sewing machine.

"How long ago was that?"

"About five years."

"Did you call upon her after that?"

"Yes, sir."

"When did you call upon her?"

"Well, she wanted me to call to see her oil paintings. There is nothing that I care more for than paintings; so I called as she requested."

"How often did you call?"

"Oftener than I now wish I had."

"Why oftener than you now wish you had?"

"Because I think she is not the woman I then believed her to be. I then thought she was a very innocent woman, not strong, poor and misunderstood."

"How did you find out your mistake?"

"By her tongue running incessantly and by her wanting me to write anonymous letters for her."

"Were your feelings friendly towards her?"

"Very friendly. I used often to take her food, and I sometimes carried so much to her that I thought my arms would break before I got there."

"Are your feelings now friendly towards her?"

"Not very friendly; no, sir."

"How did you come to cease your relations with the defendant?"

"I dropped her. That made her so angry at me that she hissed at me, when she met me on the street, like an angry cat."

"She hissed at you? When was the first time that she did this?"

"About three months ago, I think."

"Was that after she had been indicted by the grand jury?"

"Yes, sir—I don't remember."

"You were not a witness before the grand jury in this case?"

"No, sir."

"When did you first tell about the defendant's wanting to write anonymous letters?"

"Some time after."

"Why did you not mention it before?"

"I was ashamed."

"Oh, you were ashamed, were you?"

"Yes, sir. I was ashamed that I had ever been such a goose as to visit her."

"Did you ever make any statements to anyone about what you could swear to in this case?"

"Yes, sir."

"To whom did you make these statements?"

"To Mr. Squier, to my husband and to some others."

"To some others; to what others?"

"I don't remember. I think I mentioned it to my sister."

"What is your sister's name?"

"Josephine Fisher."

"Did you mention this on more than one occasion?"

"Yes, sir; several times."

"Did you mention it to anyone else outside the family besides Mr. Squier?"

"It is possible. I don't remember."

"Did you ever mention it to Dr. Winchester?"

"Never. I am not acquainted with Dr. Winchester."

"Did you ever mention it to Mr. C. A. Storke?"

"No, sir; never. I am not acquainted with Mr. Storke."

"Did you ever mention it to Grant Jackson?"

"Never. I am not acquainted—that is, I am not particularly acquainted with him."

"You are acquainted with him?"

"Yes, sir."

"How did you become acquainted with him?"

"Through Mrs. Storke. I met him at her rooms. I went there to see her...

YDA ADDIS TRIAL

Continued from First Page.

am mistaken in the winter of '96."

"Where was it?"

"At Mrs. Storke's rooms in the Ivison building. That was the first time I ever saw or heard of Mr. Jackson."

"Then that was the time you met Mrs. Storke at her rooms?"

"That was the second time I met her."

"The first time, she came to your room, and the second time you met her at her room?"

"Yes, sir."

"Now, I will ask you whom you first told that you could appear as a witness in this case?"

"I first told my mother, as I remember it."

"Oh, your mother. Did you mention her before? I asked you once before how many people you mentioned it to."

"I think I mentioned her.

"Is that all that you ever spoke to on the subject?"

"I think perhaps I may have talked to some friends about it. I don't remember now. The case is being talked about freely."

"Did you talk to your friends about her asking you to write anonymous letters?"

"I think I remember answering a few questions of friends on the subject."

"Did you not tell them that you had yourself written one of these letters, at the request of the defendant, and mailed it yourself?"

"I did not. No, sir."

"Did you not tell Mr. James Aquistapace a week or ten days ago, that you had written one of these letters and mailed it at her request?"

"I never did."

"You are positive."

"Yes, sir."

"Now I will ask you how you came to be in Mrs. Storke's room on that day when she mentioned these letters?"

"I don't remember. I think likely I went over to her room to take her supper, as I was accustomed to do."

"How did she come to mention the letters?"

"I don't know. She seemed to be on the warpath generally and down on about half the people in the town; and she said she was going to get even with them, said she was going to bring them into the courts."

"Oh, she said she would take them into the courts, did she?"

"That she would settle with them in that way."

"Now what was her appearance at that time?"

"Why, like an angry woman."

"Did she speak pretty loudly?"

"Yes, sir; quite loudly."

"Did she tell you to announce that on the streets?"

"No, sir."

"When was that?"

"In the spring of '97."

"What month was it?"

"I don't know, sir."

"Can you tell the day of the week?"

"No, sir."

"Can you tell when this occurred by any circumstance?"

"No, sir."

"Then why do you say that it was in the spring of '97?"

"Because I think so. I don't know in what month."

"Why do you think so?"

"Because I remember shortly after that I went away from home. I was very busy after that, so that I did not call at her room so often."

"You went to Ventura shortly after that did you?"

"Yes, sir."

"When did you go?"

"July 13, '97."

"Now, how long before that was it that you were at Mrs. Storke's room?"

"I don't know. It was in the latter part of the spring sometime."

"March, April or May?"

"I don't know."

"The latter part of May, was it not?"

"I don't know. It may have been in May, but it may have been a little earlier."

"Do you remember the school election of that year?"

"I don't know whether I do or not."

"Don't you remember going at that time with the defendant to the school election?"

"No, I never did."

"Don't you remember that the defendant was interested in the school election?"

"Yes, sir. She was at my house to see my husband about it."

"Was it before or after she was over to see your husband that the conversation took place?"

"I don't know."

get out into the sunshine and the clear air."

"Oh, you wanted to get out into the air, did you? But you stayed long enough to get her to make all the admissions necessary for this case?"

Witness gave no direct answer.

"Can you tell the jury any of the words that she used?"

"Yes, I can. She said that she hoped to live long enough to accomplish Dr. Winchester's downfall."

"What did you say to that?"

"I asked her what he had done to her."

"What did she say?"

"I don't remember exactly. She ran on the way she has; said a great many things. I don't remember just what. I got out about as soon as I could."

"Did you not remain as much as half an hour in the house after this was said?"

"I presume as long as that."

"Was anyone keeping you there?"

"No, sir."

"The door wasn't locked, was it?"

"No, sir."

"How soon did you make up your mind that you wanted to get out into the air?"

"About as soon as I got in."

"Was there any particular action on her part that caused you to feel in this way?"

"It was not so much what she said as what she did."

"Was it Dr. Winchester that she mentioned when you first went in?"

"I don't remember."

"Did she use the word downfall—say she wished to accomplish his downfall?"

"Yes, sir."

"What did you understand that she meant by that?"

"That she meant to ruin him in the eyes of the people."

"Did she tell you how she intended to do it?"

"No, sir."

"Don't you remember what she said?"

"She said she wished to write letters, and I suppose—"

"Don't tell me what you suppose."

"I don't remember what she said, excepting she said she had been trying to change her hand, but couldn't do so but an expert could detect her writing."

"How did the subject of an expert come up?"

"I don't know."

"You didn't give her any advice?"

"I advised her as a friend to let that business alone. She said she wrote a very set hand."

"Did she tell you after that that she was going to write anonymous letters to half the people of this town?"

"No, sir."

"What did she tell you?"

"She said there were about a dozen or more people in this town whom she wanted to give a good scare to."

"Did she name them?"

"No, sir."

"How long after you returned from Ventura did you go to Mrs. Storke's room?"

"Four or five weeks."

"Do you remember that when you went you took something to Mrs. Storke?"

"No, sir. I don't remember."

"What did you take to her?"

"I don't remember how long after I came back I continued to take her food. I think the last time was in November, '97."

"How can you fix November, 1897, as the date of this last visit?"

"She was helping me make a dress. She helped me cut it out."

"What dress?"

"A black dress that I had dyed and was making over."

"How did you come to go to her house?"

"She met me on the street and asked me why I did not come to see her. I told her that I was busy sewing. I told her I had a waist to cut out. She said, 'bring over the waist and do your sewing in my room for company.'"

"How long did you remain at that time?"

"I went in the morning, expecting to cut the waist, but we got to talking and I did not get a chance to cut it. So she said to come around again in the morning, which I did. I went back in the morning. The goods seemed to shrunk a good deal before we got through. When I took the goods there, Mrs. Storke said, 'you will have goods enough for a waist and a wrap of any size you wish,' but next morning there was not enought for either a wrap or waist. Mrs. Storke said then, 'I am afraid you won't have enough for your waist.' 'Why,' I said, 'I thought we had decided there was enough for two or three?'"

"What was your idea about the goods?"

"I thought that Mrs Storke had stolen it."

Objection. Sustained.

"Why do you smile?"

"Because I feel kind of light hearted, I suppose. I haven't done anything, and it is my nature to feel light hearted."

"It wasn't at the recollection of the trousers, was it?"

"No, sir."

"Nor nothing connected with them?"

"No, sir."

"And there was not enough in a pair of pants and a bathing suit to make a waist?"

"No, sir. In fact there were two pairs of trousers."

"Do you now state that the defendant stole the goods?"

"That is what I always thought, and I remember that at the time she was making a wrap or a long cloak of about the same sort of goods and complained that she had not enough goods for bell sleeves and storm collar, but I took notice afterwards that she had her bell sleeves and storm collar."

"Was her cloak or wrap of the same material as yours?"

"Well, a tailor might not have thought them precisely the same, but they looked just alike."

"What was the effect of that sunshine after you got out of Mrs. Storke's room?"

"Oh, it felt good. It was pleasant, reviving."

"You felt the necessity for free air, and that I suppose was the reason that made you go back to her house so frequently."

"But I didn't get very much there. Her room was an inside one."

"That is all, Mrs. Goss."

"Thank you."

KYTKA RECALLED.

Expert Kytka was recalled. His first example was of the word "Francisco." He called attention to the construction of the words, particularly to the bold "c" that appeared more like a capital letter in both exemplars. Another "Francisco" was found by Juror Baker in a defendant's exhibit, that witness thought a particularly good one. He found the characteristics of writing similar to the others.

The word "walk" was given to call attention to the separation of the letters "w" and "a," the "l" not resting on a line with the "k," which letter was large and the last stroke showing the unconscious pressure that the expert has mentioned in other exemplars.

He described the next example as, in the language of an expert, a "freak." It was the letter "b" in defendant's exhibit No 9, in "bit," and plaintiff's No. 1, in "by." The first exhibit was incorrectly marked, and was plaintiff's No 2 admitted writing. The letter was made with a big loop at the top, the lower loop formed in an angle.

A small point in the capital letter "M" Kytka said was one not seen or copied by persons forging another's hand. It was a point so small that a magnifying glass was needed to see it. The letter begins with a slight up stroke. The La Vies letter was put under the microscope for the jury to examine the point. It was shown in an enlargement of 115 times.

The final "e" in "strange" in the Dr Martha Case letter and "same" in an admitted writing was shown as an eccentricity. Its peculiarity was the heavy shading of the down stroke and a sharp curve at the end. In the letters "qu" found in admitted and disputed writing the expert found several points in common, and in one instance he called attention to the characteristic retracing having been blotted as if to conceal the similarity. There was a large number of examples given during the afternoon, better progress being made than since the expert's testimony began. The punctuation marks were illustrated. Particular stress was placed on the comma, that Kytka pronounced characteristic and was found the same bold, heavy characteristic exhibits for both sides. He said they were found all through the writings.

At adjournment Mr. Kytka answered to a question from Attorney Boyce that he would probably complete the presentation of exemplars in an hour this morning.

Witness Gives Sensational Evidence at Trial Yesterday—Expert Kytka Will Finish Today.

Yesterday morning's session of the Yda Addis Storke trial was devoted to the presentation of evidence by Expert Theodore Kytka, who followed the line of evidence he has pursued the past three days, by demonstrations on the blackboard of the characteristic writing of the letters presented as the writing of Mrs. Storke, both the admitted and disputed manuscripts. He made several startling disclosures, that like others presented the preceding days, show a striking similarity in penmanship of the exhibits of both sides. His aim is to show that the anonymous letters are written in a disguised hand, but that the person who did the writing was unable to conceal the little tricks of writing that give character to the author. Some points presented by the expert are seemingly the most trifling, but these are what he mainly relies upon, for as he has several times explained, it is in the small, unconscious strokes that he detects the natural hand. The expert's evidence grows in interest as it is better understood, a fact made clear by the absorbing attention given him by all in the court room.

But the sensation of yesterday's proceedings was the testimony of Mrs. Etta M. Goss, once the close friend of Mrs. Storke. Mrs. Goss testified to having heard the defendant say that she hoped to live long enough to accomplish the downfall of Dr. Winchester, toward whom she expressed animosity. Also that she asked witness to copy anonymous letters. A severe cross-examination failed to shake Mrs. Goss' evidence.

During the examination of Mrs. Goss the defendant was visibly affected. Indeed, a sensation that no other testimony has produced was visible in the whole court room.

Expert Kytka expects to complete his direct testimony this morning.

MRS. ETTA M. GOSS.

Mrs. Etta M. Goss was called to the witness stand at reconvening of court after the noon recess. Her evidence on direct examination was short, but of a more damaging character to the defendant than any yet presented. The cross-examination failed to shake the witness' testimony, but Mrs. Goss will be called as a witness for the defense when its evidence is presented.

Mrs. Goss testified that she had a conversation with the defendant in May or June of 1897. While in Mrs. Storke's room one day Mrs. Storke seemed to be in a very bad spirit and the principal one that she seemed to be against was Dr. Winchester, said the witness. "I heard her express herself in very bitter terms against Dr. Winchester, and I heard her say at one time that she hoped that she would live long enough to accomplish Dr. Winchester's downfall. I was in the room once again and saw her copying handwriting, and she said: 'I have often tried to change my handwriting, but can't do it so that an expert would not detect it.' She said there

Attorney Hayo—How did you come to know the defendant?

Mrs. Goss—She called at my house to see my husband about a sewing machine.

"How long ago was that?"

"About five years."

"Did you call upon her after that?"

"Yes, sir."

"When did you call upon her?"

"Well, she wanted me to call to see her oil paintings. There is nothing that I care more for than paintings; so I called as she requested."

"How often did you call?"

"Oftener than I now wish I had."

"Why oftener than you now wish you had?"

"Because I think she is not the woman I then believed her to be. I then thought she was a very innocent woman, not strong, poor and misunderstood."

"How did you find out your mistake?"

"By her tongue running incessantly and by her wanting me to write anonymous letters for her."

"Were your feelings friendly towards her?"

"Very friendly. I used often to take her food, and I sometimes carried so much to her that I thought my arms would break before I got there."

"Are your feelings now friendly towards her?"

"Not very friendly; no, sir."

"How did you come to cease your relations with the defendant?"

"I dropped her. That made her so angry at me that she hissed at me, when she met me on the street, like an angry cat."

"She hissed at you? When was the first time that she did this?"

"About three months ago, I think."

"Was that after she had been indicted by the grand jury?"

"Yes, sir—I don't remember."

"You were not a witness before the grand jury in this case?"

"No, sir."

"When did you first tell about the defendant's wanting to write anonymous letters?"

"Some time after."

"Why did you not mention it before?"

"I was ashamed."

"Oh, you were ashamed, were you?"

"Yes, sir. I was ashamed that I had ever been such a goose as to visit her."

"Did you ever make any statements to anyone about what you could swear to in this case?"

"Yes, sir."

"To whom did you make these statements?"

"To Mr. Squier, to my husband and to some others."

"To some others; to what others?"

"I don't remember. I think I mentioned it to my sister."

"What is your sister's name?"

"Josephine Fisher."

"Did you mention this on more than one occasion?"

"Yes, sir; several times."

"Did you mention it to anyone else outside the family besides Mr. Squier?"

"It is possible. I don't remember."

"Did you ever mention it to Dr. Winchester?"

"Never. I am not acquainted with Dr. Winchester."

"Did you ever mention it to Mr. C. A. Storke?"

"No, sir; never. I am not acquainted with Mr. Storke."

"Did you ever mention it to Grant Jackson?"

"Never. I am not acquainted—that is, I am not particularly acquainted with him."

"You are acquainted with him?"

"Yes, sir."

"How did you become acquainted with him?"

"Through Mrs. Storke. I met him at her rooms. I went there to see her, and he was there, and she kindly introduced me to him."

"When was that?"

"I don't know. I think in the spring of '95—no, the spring preceding."

"I ask you now the circumstances under which she introduced him to you?"

"I went to see her. She was sick and lying on the lounge. Mr. Jackson was there, sitting by her, and she introduced him to me."

"When was this?"

"I think in the spring of '96; no, I

"I think I mentioned her."

"Is that all that you ever spoke to on the subject?"

"I think perhaps I may have talked to some friends about it. I don't remember now. The case is being talked about freely."

"Did you talk to your friends about her asking you to write anonymous letters?"

"I think I remember answering a few questions of friends on the subject."

"Did you not tell them that you had yourself written one of these letters, at the request of the defendant, and mailed it yourself?"

"I did not. No, sir."

"Did you not tell Mr. James Aquistapace a week or ten days ago, that you had written one of these letters and mailed it at her request?"

"I never did."

"You are positive?"

"Yes, sir."

"Now I will ask you how you came to be in Mrs. Storke's room on that day when she mentioned these letters?"

"I don't remember. I think likely I went over to her room to take her supper, as I was accustomed to do."

"How did she come to mention the letters?"

"I don't know. She seemed to be on the warpath generally and down on about half the people in the town; and she said she was going to get even with them; and she was going to bring them into the courts."

"Oh, she said she would take them into the courts, did she?"

"That she would settle with them in that way."

"Now what was her appearance at that time?"

"Why, like an angry woman."

"Did she speak pretty loudly?"

"Yes, sir; quite loudly."

"Did she tell you to announce that on the streets?"

"No, sir."

"When was that?"

"In the spring of '97."

"What month was it?"

"I don't know, sir."

"Can you tell the day of the week?"

"No, sir."

"Can you tell when this occurred by any circumstance?"

"No, sir."

"Then why do you say that it was in the spring of '97?"

"Because I think so. I don't know in what month."

"Why do you think so?"

"Because I remember shortly after that I went away from home. I was very busy after that, so that I did not call at her room so often."

"You went to Ventura shortly after that did you?"

"Yes, sir."

"When did you go?"

"July 13, '97."

"Now, how long before that was it that you were at Mrs. Storke's room?"

"I don't know. It was in the latter part of the spring sometime."

"March, April or May?"

"I don't know."

"The latter part of May, was it not?"

"I don't know. It may have been in May, but it may have been a little earlier."

"Do you remember the school election of that year?"

"I don't know whether I do or not."

"Don't you remember going at that time with the defendant to the school election?"

"No, I never did."

"Don't you remember that the defendant was interested in the school election?"

"Yes, sir. She was at my house to see my husband about it."

"Was it before or after she was over to see your husband that the conversation took place?"

"I don't know."

"Have you told all that took place that afternoon of the conversation?"

"Oh, no, sir."

"What else was there?"

"I don't remember exactly what. She said that she was anxious to change her hand so that she might write anonymous letters?"

"Was that after or before she said she would like to get even with the people in this town? Was it after?"

"Yes; I think so."

"What else did she say?"

"I don't remember. I got out of the house as soon as I could. I wanted to

"The door wasn't locked, was it?"

"No, sir."

"How soon did you make up your mind that you wanted to get out into the air?"

"About as soon as I got in."

"Was there any particular action on her part that caused you to feel in this way?"

"It was not so much what she said as what she did."

"Was it Dr. Winchester that she mentioned when you first went in?"

"I don't remember."

"Did she use the word downfall—say she wished to accomplish his downfall?"

"Yes, sir."

"What did you understand that she meant by that?"

"That she meant to ruin him in the eyes of the people."

"Did she tell you how she intended to do it?"

"No, sir."

"Don't you remember what she said?"

"She said she wished to write letters, and I suppose—"

"Don't tell me what you suppose."

"I don't remember what she said, excepting she said she had been trying to change her hand, but couldn't do so but an expert could detect her writing."

"How did the subject of an expert come up?"

"I don't know."

"You didn't give her any advice?"

"I advised her as a friend to let that business alone. She said she wrote a very set hand."

"Did she tell you after that that she was going to write anonymous letters to hurt the people of this town?"

"No, sir."

"What did she tell you?"

"She said there were about a dozen or more people in this town whom she wanted to give a good scare to."

"Did she name them?"

"No, sir."

"How long after you returned from Ventura did you go to Mrs. Storke's room?"

"Four or five weeks."

"Do you remember that when you went you took something to Mrs. Storke?"

"No, sir. I don't remember."

"What did you take to her?"

"I don't remember how long after I came back I continued to take her food. I think the last time was in November, '97."

"How can you fix November, 1897, as the date of this last visit?"

"She was helping me make a dress. She helped me cut it out."

"What dress?"

"A black dress that I had dyed and was making over."

"How did you come to go to her house?"

"She met me on the street and asked me why I did not come to see her. I told her that I was busy sewing. I told her I had a waist to cut out. She said, 'Bring over the waist and do your sewing in my room for company.'"

"How long did you remain at that time?"

"I went in the morning, expecting to cut the waist, but we got to talking and I did not get a chance to cut it. So she said to come around again in the morning, which I did. I went back in the morning. The goods seemed to shrink a good deal before we got through. When I took the goods there, Mrs. Storke said, 'You will have goods enough for a waist and a wrap of any size you wish,' but next morning there was not enough for either a wrap or waist. Mrs. Storke said then, 'I am afraid you won't have enough for your waist.' 'Why,' I said, 'I thought we had decided there was enough for two of them?'"

"What was your idea about the goods?"

"I thought that Mrs. Storke had stolen it."

"You now accuse her of stealing it?"

"I couldn't think otherwise when I saw that the goods was gone."

"When did you buy the goods?"

"I didn't buy it. I had it in the house and I dyed it."

"Had the goods been made up before?"

"Yes, sir."

"What was it?"

"A pair of men's trousers and a clothing suit."

"And not enough then to make a waist?"

"I stated so, sir."

"To whom did the trousers belong?"

THE STORKE CASE.

First Sensational Evideuce Given.

"Will Follow Dr. Winchester to His Downfall."

The crowd at the court room was very small yesterday at both the morning and afternoon sessions. It was thought that the testimony of Expert Kitka would continue in the same was as it did on Wednesday and that the old story of the seemingly innumerable small letters and words would furnish the day's excitement.

But the prosecution sprung a surprise and Mr. Kitka being temporily excused Mrs. W. F. M. Goss was put upon the stand. She was at one time intimately acquainted with the defendant and throughthat friendship she was enabled yesterday to throw what seemed a very strong light upon the business of the anonymous letters. She was put on the stand at this time because of the illness of her baby. The district attorney wished to let her get away from the trial as soon as possible.

She testified that she had lived in Santa Barbara for six or seven years, residing at 522 Bath street. Three years ago she had made the acquaintance of Mrs. Storke and for a time they had been very friendly. In May or June, 1897, the two women had a conversation which had a remarkable bearing upon this trial. Mrs. Storke said to the witness that she wished she could disguise her handwriting. She had tried to disguise it but knew that she could not change it to such an extent that an expert would not recognize it immediately.

There were some people here, she told Mrs. Goss, some dozen or more people whom she wanted to scare by writing anonymous letters to them. Dr. Winchester was the only one whose name she mentioned but of him she spoke in the bitterest terms.

"I hope I will live long enough to accomplish his downfall" the witness quoted her as saying. At this time also Mrs. Storke said she was trying to disguise her hand.

This in effect was the direct testimony. The cross examination was in a way ludicrous but the witness stuck to her story and some new and not very encouraging points were brought out by Mr. Boyce's questions.

These questions covered everything in the wide wide world. But the chief points were as to the relations that existed between the two women.

Mrs. Goss had taken an interest in the accused and went to her rooms a number of times; how many she could not remember. She took an interest in the woman because she seemed to be hard-up, lonesome and sick. The witness was in the habit of carrying food to Mrs. Storke but could not remember how many times she had done so.

Of the conversation brought out by the prosecution Mrs. Goss could not remember all that was said. The defendant she said talked so much that no one could remember all she said. But several things Mrs. Goss did keep in mind. These things the lady repeated exactly as she had said them before.

Shortly after this conversation Mrs. Goss went down to Ventura for a short visit. Upon her return she met Mrs. Storke frequently on the street and was asked to visit her.

CLOTH DISAPPEARED.

Once on the street the defendant asked the witness what she was doing. That lady was then engaged in the making of a waist and so Mrs. Storke asked her to come to her place bringing her goods. They were to cut the waist out of some goods Mrs. Goss had dyed and were to make it at Mrs. Storke's room.

Consequently Mrs. Goss went one afternoon to this room taking with her two pairs of dyed pants and a dyed bath robe out of which the waist was to be cut.

But Mrs. Storke talked so much during the afternoon that very little was accomplished. So it was agreed that the job would be finished the following morning. The defendant suggested that the cloth be left at her place.

But the next day Mrs. Goss went to do the work but could not do it because there was not enough cloth to cut the waist. Mrs. Storke said when she first saw the cloth that there was enough of it for three waists but now she searched her closet but could not find the goods.

Q. What do you think became of the cloth?

A. I believe she stole it.

Q. What did she do with the cloth?

A. Mrs. Storke had been making herself a suit and she told me had enough cloth to make the sleeves and the storm collar. Later I saw her on the street with the sleeves and storm collar.

Q. Was this suit exactly like the cloth you took there to make the waist out of?

A. A tailor might have discovered the difference but it resembled her cloth in color and texture and might have been taken for the same thing.

Q. Do you charge my client with stealing your cloths do you?

A. I don't know any other conclusion to come to. The cloth was left in her possession but it disappeared.

At the end of the examination Mrs. Goss sat on the stand and smiled.

Q. What are you smiling for?

A. Because I feel like it. I am always on the broad grin. Everybody knows I am good humored.

Q. You were not smiling then about the trousers?

A. No sir. I am not ashamed of the trousers nor of anything I have said here today.

This closed this remarkable testimony and Mr. Kitka continued with his small letters. He will probably finish his direct examination early this morning.

BOYCE FAILS TO SHAKE KYTKA

Expert Strenuously Maintains Mrs. Yda Addis Storke's Guilt.

WINCHESTER IS DEFENDANT

The Wife of the Doctor Seeks a Legal Separation From Him.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, June 9.—The crowd at the Storke libel case to-day was the largest that has yet turned out. The cause was the exciting testimony of yesterday and the prospect of a wordy war when the defense got around to the cross-examination of handwriting Expert Kytka.

The prosecution examined the expert carefully, to get his opinion as to whether it was possible that the writings imputed to Mrs. Storke could have been written by any other person, the object being to forestall the defense in claiming that some forger wrote the letters in order to throw the crime upon the defendant. Kytka declared that no one could ever forge the minute details of similarity that it has taken four days to elucidate. A forger who could see and execute such nice points could forge the most valuable documents in the world.

The subject of ink was next discussed. In one of the admitted writings the expert found that two different inks and two different pens had been used. In the indictment letter one of these inks had been used. The same kind of ink was used in a number of anonymous letters.

The long-expected cross-examination opened at last. Kytka had testified that a large photograph of the word "acknowledged," reproduced in "The Examiner," was an enlargement of 110 times. Senator John J. Boyce, the defendant's attorney, confused the microscopist's terms, times and diameter, and as the original word was 3 3-16 inches long, argued that the photograph should be twenty-six feet long if Kytka's statement was correct.

Kytka explained that an enlargement of ten diameters meant an enlargement of 100 times.

Boyce asked in his turn whether or not some forger could not have produced letters so that they would look like the defendant's writing, but the expert shook his head in despair and said it could not be done.

Kytka, in answer to questions, said that he always based his opinions purely upon specimens of writing furnished him, and that he never paid any attention to other phases of a case. In some instances he went directly against what people asked him to prove, as when he proved to Charles Fair that the famous penciled will was not what it was claimed to be. Following this line he showed one or two minor eccentricities in the writing of the indictment letter which he found to be irregular. But these were all in letters, the rest being normal.

The strong testimony given during the last four days was not in any way shaken.

A sensation was sprung here to-day which may throw a wide light upon the Storke case. It was the filing of a suit for divorce by Mrs. Carrie S. Winchester against her husband, Dr. R. F. Winchester. Winchester is the man supposed to have been libeled by Yda Addis Storke, and in a letter upon which she is indicted, he is called the most renowned roue in Santa Barbara, with two possible exceptions. It has been understood for some time that Mr. and Mrs. Winchester were not on the best of terms. She went away about five months ago and returned about four weeks since. About two weeks ago she went to live at the residence of her father, Professor T. N. Snow. Mrs. Winchester is one of Santa Barbara's society favorites. The doctor has practiced medicine here for many years and has a reputation as a good physician. The coming of the suit at this time seems very odd. But the complaint is guarded with great care, and the parties concerned have nothing to say. One person in a position to know said that the action did not in any way involve Winchester's moral character.

RNING, JUNE 9, 1899

SHE WANTED TO LIVE LONG FOR REVENGE

Yda A. Storke Reported to Have Said This to Mrs. Goss.

DISGUISED HANDWRITING

The Defendant Said Experts Could Recognize Her Chirography.

SANTA BARBARA, June 8.—The first big surprise of the Yda Addis Storke libel suit came to-day when Mrs. W. F. M. Goss gave testimony that brought big beads of perspiration to the defendant's temples.

Expert Kytka had the witness stand all morning, but was suddenly excused to make room for Mrs. Storke's testimony. She said she had been on very friendly terms with Mrs. Storke at one time and that the accused had come to her once telling her that there were a number of people in Santa Barbara, some dozen or more, whom

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SANTA BARBARA COUNTY.

Expert in the Storke Case Cross-examined—Divorce Suit.

SANTA BARBARA, June 9.—[Regular Correspondence.] Expert Kitka has finished his cross-examination in the Storke case and is now being cross-examined. He testified this morning that several kinds of ink had been used in the various letters exhibited on both sides. But there was much of the ink used in the letter of the indictment that could be shown in undisputed writings. Following this testimony he was asked whether, in his opinion, a person seeking to imitate Mrs. Storke's hand could have written the disputed letters. He said that such a thing was utterly impossible. The broader likeness could have been imitated, but never the fine points shown during the last four days.

The wife of Dr. Winchester, the prosecuting witness in the Storke case, at whom the libelous letters were directed, filed suit for divorce in the Superior Court today.

VIVACIOUS YDA ADDIS

Rather Scintillate Below than Glimmer Above.

Senator Boyce Is not Loud Voice. He Coos It like a Suckling Dove. The Expert in Confidence Proceeds to Show that the Apparatus Cannot Lie.

The Yda Addis today is accoutred in sombre in conformity with the weather, the same being chill and lowering. But, to judge from her actions, she is physically and mentally as vivace as though she were dressed in all the colors of the rainbow. Being the cynosure of all eyes must be very gratifying to her, and one can understand that the soaring mind would sooner brill in hades than be a nonentity in heaven. Good women predominate over the bad good in Santa Barbara, and upon the theory that every woman is good until she is proven bad, the Yda Addis is still as good as the rest, or nearly so.

CROSS EXAMINATION.

The expert further illustrates, but evidently old ground is walked over again. Having made a positive statement to the effect that *all* letters placed in evidence were written by the same hand, the defense endeavors to prove the contrary. No doubt there are witnesses that will swear to an identity or at least a similarity to some of the letters in evidence, of handwriting in vogue in Santa Barbara long before Yda Addis Storke was known in this city, and upon the principle that no two things are exactly alike, the expert will need considerable fortitude to prove that handwriting is the exception. The case is a tedious and harrassing affair to all but the jury that philosophically lets time and perhaps a little physical and mental strain glide along, consoled with the reflection that $2 a day is a fair equivalent for their time, wear and tear included. The INDEPENDENT published that in Herr Kytka's direct examination he stated that not all the letters were written by the same hand. Whether said report was an error or that said exceptions were not in evidence very likely will appear when reference is made to the record of the evidence.

The witness stood the brunt of an incisive cross examination fairly well, and if not entirely well, it is because he has said a very great deal.

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introduction of the writing. The defense, in support of its right to introduce the papers, made the startling statement that they were introduced under the old principle of law which says that a prisoner at the bar should never have his mouth stopped when desiring to speak out the name of the true criminal.

The exhibits were accepted by the Court and identified.

Gutierrez, upon whom all eyes are now turned, is a Spaniard, and a descendant of an old and highly respected family. He is a man now something over fifty years of age. For fifteen years he was a deputy in the County Clerk's office. He makes his living now as a teacher of Spanish and by doing all sorts of fancy lettering on documents of various kinds. He is a person who would hardly be expected to possess the ability to write the letters in question, and, therefore, it is to be argued that the defense will accuse some other party of hiring Gutierrez to write the letters. The attorney for the defense in fact said this evening that such would be the line of defense he would follow.

"You see the drift of the testimony," he said, "from the introduction of the writings of Gutierrez; but he is not more guilty than the pen with which he wrote."

"You propose, then, to charge some other person or persons with getting Mr. Gutierrez to write the anonymous letters?"

"That is exactly our ground."

The writing of Gutierrez, as looked at casually, bears a resemblance to the disputed letters. Both are written in a curious back hand; but a closer examination shows many differences, especially in the light of the testimony Kytka has given during the week just passed.

Gutierrez said this evening that he knew nothing of the case or of the writing, save that he had been subpenaed by the defense. He was very willing to give such specimens of his penmanship as were asked.

Expert Kytka when shown specimens of Gutierrez' writing said that they were, to his notion, wholly unlike the penmanship of Mrs. Storke. He went over a number of letters, comparing them with the anonymous letters, but found that there were few points of similarity to be weighed against the many dissimilarities.

The accusation of Gutierrez is the first step of Mrs. Storke in proving that she is the victim of conspirators, of whom Gutierrez has been the tool, and now everybody is breathlessly awaiting the next step in the case, and all are listening eagerly for the names of those who will be accused of prompting Gutierrez to write the letters. The story compels attention, and it is safe to say that there are some two dozen or more men here, some of them very well-known citizens, who are very anxiously waiting to see what Mrs. Storke will swear to when she goes upon the witness stand.

THE STORKE CASE.

First Sensational Evideuce Given.

"Will Follow Dr. Winchester to His Downfall."

June - 9 -

The crowd at the court room was very small yesterday at both the morning and afternoon sessions. It was thought that the testimony of Expert Kitka would continue in the same was as it did on Wednesday and that the old story of the seemingly innumerable small letters and words would furnish the day's excitement.

But the prosecution sprung a surprise and Mr. Kitka being temporily excused Mrs. W. F. M. Goss was put upon the stand. She was at one time intimately acquainted with the defendant and throughout that friendship she was enabled yesterday to throw what seemed a very strong light upon the business of the anonymous letters. She was put on the stand at this time because of the illness of her baby. The district attorney wished to let her get away from the trial as soon as possible.

She testified that she had lived in Santa Barbara for six or seven years, residing at 522 Bath street. Three years ago she had made the acquaintance of Mrs. Storke and for a time they had been very friendly. In May or June, 1897, the two women had a conversation which had a remarkable bearing upon this trial. Mrs. Storke said to the witness that she wished she could disguise her handwriting. She had tried to disguise it but knew that she could not change it to such an extent that an expert would not recognize it immediately.

There were some people here, she told Mrs. Goss, some dozen or more people whom she wanted to scare by writing anonymous letters to them. Dr. Winchester was the only one whose name she mentioned but of him she spoke in the bitterest terms.

"I hope I will live long enough to accomplish his downfall" the witness quoted her as saying. At this time also Mrs. Storke said she was trying to disguise her hand.

This in effect was the direct testimony. The cross examination was in a way ludicrous but the witness stuck to her story and some new and not very encouraging points were brought out by Mr. Boyce's questions.

These questions covered everything in the wide wide world. But the chief points were as to the relations that existed between the two women.

Mrs. Goss had taken an interest in the accused and went to her rooms a number of times; how many she could not remember. She took an interest in the woman because she seemed to be hard-up, lonesome and sick. The witness was in the habit of carrying food to Mrs. Storke but could not remember how many times she had done so.

Of the conversation brought out by the prosecution Mrs. Goss could not remember all that was said. The defendant she said talked so much that no one could remember all she said. But several things Mrs. Goss did keep in mind. These things the lady repeated exactly as she had said them before.

Shortly after this conversation Mrs. Goss went down to Ventura for a short visit. Upon her return she met Mrs. Storke frequently on the street and was asked to visit her.

CLOTH DISAPPEARED.

Once on the street the defendant asked the witness what she was doing. That lady was then engaged in the making of a waist and so Mrs. Storke asked her to come to her place bringing her goods. They were to cut the waist out of some goods Mrs. Goss had dyed and were to make it at Mrs. Storke's room.

Consequently Mrs. Goss went one afternoon to this room taking with her two pairs of dyed pants and a dyed bath robe out of which the waist was to be cut.

But Mrs. Storke talked so much during the afternoon that very little was accomplished. So it was agreed that the job would be finished the following morning. The defendant suggested that the cloth be left at her place.

But the next day Mrs. Goss went to do the work but could not do it because there was not enough cloth to cut the waist. Mrs. Storke said when she first saw the cloth that there was enough of it for three waists but now she searched her closet but could not find the goods.

Q. What do you think became of the cloth?

A. I believe she stole it.

Q. What did she do with the cloth?

A. Mrs. Storke had been making herself a suit and she told me had enough cloth to make the sleeves and the storm collar. Later I saw her on the street with the sleeves and storm collar.

Q. Was this suit exactly like the cloth you took there to make the waist out of?

A. A tailor might have discovered the difference but it resembled her cloth in color and texture and might have been taken for the same thing.

Q. Do you charge my client with stealing your cloths do you?

A. I don't know any other conclusion to come to. The cloth was left in her possession but it disappeared.

At the end of the examination Mrs. Goss sat on the stand and smiled.

Q. What are you smiling for?

A. Because I feel like it. I am always on the broad grin. Everybody knows I am good humored.

Q. You were not smiling then about the trousers?

A. No sir. I am not ashamed of the trousers nor of anything I have said here today.

This closed this remarkable testimony and Mr. Kitka continued with his small letters. He will probably finish his direct examination early this morning.

SANTA BARBARA COUNTY.

Expert in the Storke Case Cross-examined—Divorce Suit.

SANTA BARBARA, June 9.—[Regular Correspondence.] Expert Kitka has finished his cross-examination in the Storke case and is now being cross-examined. He testified this morning that several kinds of ink had been used in the various letters exhibited on both sides. But there was much of the ink used in the letter of the indictment that could be shown in undisputed writings. Following this testimony he was asked whether, in his opinion, a person seeking to imitate Mrs. Storke's hand could have written the disputed letters. He said that such a thing was utterly impossible. The broader likeness could have been imitated, but never the fine points shown during the last four days.

The wife of Dr. Winchester, the prosecuting witness in the Storke case, at whom the libelous letters were directed, filed suit for divorce in the Superior Court today.

BOYCE FAILS TO SHAKE KYTKA

Expert Strenuously Maintains Mrs. Yda Addis Storke's Guilt.

WINCHESTER IS DEFENDANT

The Wife of the Doctor Seeks a Legal Separation From Him.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, June 9.—The crowd at the Storke libel case to-day was the largest that has yet turned out. The cause was the exciting testimony of yesterday and the prospect of a wordy war when the defense got around to the cross-examination of handwriting Expert Kytka.

The prosecution examined the expert carefully, to get his opinion as to whether it was possible that the writings imputed to Mrs. Storke could have been written by any other person, the object being to forestall the defense in claiming that some forger wrote the letters in order to throw the crime upon the defendant. Kytka declared that no one could ever forge the minute details of similarity that it has taken four days to elucidate. A forger who could see and execute such nice points could forge the most valuable documents in the world.

The subject of ink was next discussed. In one of the admitted writings the expert found that two different inks and two different pens had been used. In the indictment letter one of those inks had been used. The same kind of ink was used in a number of anonymous letters.

The long-expected cross-examination opened at last. Kytka had testified that a large photograph of the word "acknowledged," reproduced in "The Examiner," was an enlargement of 110 times. Senator John J. Boyce, the defendant's attorney, confused the microscopist's terms, times and diameter, and as the original word was 3 3-16 inches long, argued that the photograph should be twenty-six feet long if Kytka's statement was correct.

Kytka explained that an enlargement of ten diameters meant an enlargement of 100 times.

Boyce asked in his turn whether or not some forger could not have produced letters so that they would look like the defendant's writing, but the expert shook his head in despair and said it could not be done.

Kytka, in answer to questions, said that he always based his opinions purely upon specimens of writing furnished him, and that he never paid any attention to other phases of a case. In some instances he went directly against what people asked him to prove, as when he proved to Charles Fair that the famous penciled will was not what it was claimed to be. Following this line he showed one or two minor eccentricities in the writing of the indictment letter which he found to be irregular. But these were all in letters, the rest being normal.

The strong testimony given during the last four days was not in any way shaken.

A sensation was sprung here to-day which may throw a wide light upon the Storke case. It was the filing of a suit for divorce by Mrs. Carrie S. Winchester against her husband, Dr. R. F. Winchester. Winchester is the man supposed to have been libeled by Yda Addis Storke, and in a letter upon which she is indicted, he is called the most renowned roue in Santa Barbara, with two possible exceptions. It has been understood for some time that Mr. and Mrs. Winchester were not on the best of terms. She went away about five months ago and returned about four weeks since. About two weeks ago she went to live at the residence of her father, Professor T. N. Snow. Mrs. Winchester is one of Santa Barbara's society favorites. The doctor has practiced medicine here for many years and has a reputation as a good physician. The coming of the suit at this time seems very odd. But the complaint is guarded with great care, and the parties concerned have nothing to say. One person in a position to know said that the action did not in any way involve Winchester's moral character.

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SHE WANTED TO LIVE LONG FOR REVENGE

Yda A. Storke Reported to Have Said This to Mrs. Goss.

DISGUISED HANDWRITING

The Defendant Said Experts Could Recognize Her Chirography.

SANTA BARBARA, June 8.—The first big surprise of the Yda Addis Storke libel suit came to-day when Mrs. W. F. M. Goss gave testimony that brought big beads of perspiration to the defendant's temples.

Expert Kytka had the witness stand all morning, but was suddenly excused to make room for Mrs Storke's testimony. She said she had been on very friendly terms with Mrs Storke at one time and that the accused had come to her once telling her that there were a number of people in Santa Barbara, some dozen or more, whom

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... wanted to frighten by ... anonymous letters. She said she could not, however, disguise her hand so that an expert could not recognize it instantly. At that time Mrs. Storke spoke very bitterly of Winchester, the man she is now accused of libeling and said she hoped to live long enough to accomplish his downfall. She was at that time practicing in the disguise of her handwriting.

Cross-examination brought out a queer story of how the two women did dressmaking together. Mrs. Goss desired to make a waist or sack, so she dyed two pairs of trousers and an old bath robe and went to Mrs. Storke's room to make the garment. But the next morning, when work was resumed, most of the cloth was missing and the witness had to make the front and sleeves of her waist of other material. She accuses Yda Addis Storke of having taken the goods as it was of the same color and quality of a suit Mrs. Storke was making and for which she lacked sleeves and a storm collar. These sleeves and the collar appeared on the streets later, said Mrs. Goss, and the counsel for the defense was very sorry he had asked so many questions.

Kytka followed Mrs. Goss and consumed the afternoon in a comparison of admitted and disputed writings.

COPIED AN ANONYMOUS LETTER.

Woman Gives Evidence Against Yda Addis Storke.

SANTA BARBARA, June 8.—A sensation was sprung by the prosecution in the Yda Addis Storke case today. Mrs. Mattie Goss, an old friend of the defendant, testified that Mrs. Storke asked her to copy an anonymous letter, saying that she could not disguise her handwriting. The defendant also declared to the witness that she intended giving several people a bad scare and hoped to live long enough to accomplish the ruin of Dr. Winchester and drive him from town. The evidence was not shaken by cross-examination.

THE STORKE CASE.

Wife of the Prosecuting Witness Seeks Divorce.

SANTA BARBARA, June 9.—The cross-examination of Expert Kytka began today in the Yda Addis Storke libel trial. His testimony was not affected by the defense's rigid questions.

The wife of Dr. Winchester, the prosecuting witness in the case, at whom the libelous letters were directed, has filed a suit for divorce in the Superior Court.

Cross-Examination of Kytka.

SANTA BARBARA, June 9.—The cross-examination of Expert Kytka began today in the Yda Addis Storke libel trial. His testimony was not affected by the rigid questions of counsel for the defense. The wife of Dr. Winchester, the prosecuting witness in the case, at whom the libelous letters were directed, has filed suit for divorce in the Superior Court.

SORE ANKLE

SHIFTS THE GUILT TO OTHER SHOULDERS

Mrs. Storke Accuses an Old Man of Forging the Letters.

TOOL OF HER ENEMIES

The Names of the Real Miscreants the Lady Yet Conceals.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, June 10. The testimony in the Storke libel case to-day was the most interesting that has thus far been offered, for in cross-examining Theodore Kytka the defense showed its hand and disclosed the identity of the person who will be charged with having written the letters for the writing of which Mrs Storke is now standing trial.

The defendant's attorneys in questioning Kytka laid great stress upon ascertaining whether the letter upon which Mrs. Storke was indicted was written in a free-hand, or whether it was a possible forgery of her handwriting, or perhaps merely an attempted disguise. Kytka swore that no person in the world could ever forge so successfully. He declared that the letters were in a clumsily disguised hand.

He was then asked as to whether the writer of the letters had sufficient control of the pen to do fancy block lettering. Kytka said that there was a continual suggestion that the writer was an artist, but no signs of block letters, as block lettering was a printing process and block letters were not writing.

The defense then offered for identification several documents, written years ago by Frank N. Gutierrez, who was at one time a prominent county official. One of these documents was dated in 1873.

District Attorney Squires objected to the introduction of the writing. The defense, in support of its right to introduce the papers, made the startling statement that they were introduced under the old principle of law which says that a prisoner at the

DREYFUS: A CONTEST THAT THREATENS A FRENCH REVOLUTION

CAPT. DREYFUS.

"qui vous intéresse et le tenir à ma disposition après, j'en prendrai. A moins que vous ne vouliez que je le fasse copier in extenso et ne vous en adresse la copie
Je vais partir en manoeuvres."

EXTRACT FROM THE FAMOUS DOCUMENT.

MAJOR ESTERHAZY.

DREYFUS TESTIFYING.

THE first act of this most mystifying and tragical drama began on November 2, 1894. The opening scene was in the office of General Boisdeffre, chief of the general staff of the French army—by whose order Captain Alfred Dreyfus of the artillery, attached to the staff, was placed under arrest.

"What for? What is the charge against me?" demanded the astonished officer.

"You know very well," was the answer, and all the answer vouchsafed for seventeen days, during which time he was closely confined and not allowed to communicate with counsel, family or friends.

For some time previous to this event the French authorities had been aware of the fact of a mysterious and alarming leakage of military secrets from France into other countries, and were on the "qui vive" to discover the traitor.

In September an Alsatian porter in the employe of Colonel Schwartzkoppen, the military attache of the German Embassy at Paris, brought to the French War Office a memorandum addressed to his master, which, under the title of the "bordereau," has gained world-wide notoriety.

This "bordereau" was placed by General Boisdeffre in the hands of Commandant Du Paty de Clam, who was considered in the War Office as an expert on handwriting, for the purpose of comparison with specimens of writing on file.

For the first time in its history, it is said, there had been for some time [illegible] was then connected with the general staff an officer of Hebrew birth—Captain Alfred Dreyfus, the son of a wealthy Alsatian family, who, with his brothers, from motives of love and loyalty, left parents and Alsace, their birthplace and home, when Germany took possession in 1871, and found a new home in France.

Dreyfus was taken to a cell in the Cherche-Midi Prison adjoining the War Office, and kept in close confinement for nearly three weeks. The fact of his arrest was made known by General Mercier, Minister of War, to his colleagues in the Dupuy Cabinet, but withheld from his family and the public.

In due time a Parisian journal published

found a new home in France.

Dreyfus was taken to a cell in the Cherche-Midi Prison adjoining the War Office and kept in close confinement for nearly three weeks. The fact of his arrest was made known by General Mercier, Minister of War, to his colleagues in the Dupuy Cabinet, but withheld from his family and the public.

In due time a Parisian journal published the statement that an officer of the Ministry of War was at the Cherche-Midi under charge of high treason. This news created the greatest excitement in Paris. The next day it was announced that the officer was on the general staff and belonged to the artillery. Then that he was an Israelite, and finally that his name was Alfred Dreyfus, that he was rich, well married and of good social position. This all made his crime more odious in the eyes of the people, and not a voice was raised in his behalf.

Dreyfus was arraigned before a court-martial; the regular council of war then sitting, those officers of inferior rank to the accused, were replaced by others named by General Boisdeffre, chief of the general staff. The trial began on December 19. Dreyfus appeared clothed in his uniform as captain of artillery, and with his hair formerly black turned completely white during the seven weeks he had been in prison.

The most rigorous secrecy was observed on the trial, on the ground that the examination would involve military secrets of the highest importance.

The court was divided on the question of guilt until General Mercier communicated to it a secret paper, the canaille de D—— letter, later shown to have been forged by Colonel Henry, which neither the prisoner nor his counsel was allowed to see, when a verdict of guilty as charged was returned.

The clerk read the sentence to the prisoner out of the presence of the court, as usual. It was military degradation and perpetual imprisonment in an isolated fortress.

Two weeks later the first part of the sentence was carried out in the presence of 5000 troops, drawn from the various bodies about Paris.

As Adjutant Boxin tore the epaulets and galons from his coat Dreyfus cried out: "I am innocent; I swear it. Vive la France!"

His cap was taken, his sword broken and thrown at his feet and he was then marched bareheaded around the square before the troops, repeating frequently his protestations of innocence, which were as often drowned in the roll of the drums.

As he passed the press stand he called out to the reporters: "Tell all France I am innocent." Officers standing near cried out, "Silence, Judas! Down with the traitor!"

He was sent to l'Ile de Re, on the coast of France, pending preparations for his reception at l'Ile du Diable, on the coast of French Guiana, which had formerly been a leper colony, to which latter place he was sent on February 21, 1895.

Of his life there during the four years that have followed little has been known, as never was prisoner kept in more complete isolation. It is known, however, that his spirits have kept up and his confidence in his final vindication has not wavered, as gathered from circumstances that have leaked out.

During 1895 and the early part of 1896 some efforts were made in behalf of the exile, but they came to nothing, as his friends had no grounds on which to base an appeal.

In the fall of 1896 Lieutenant Colonel Picquart, not before known in the case, was placed in charge of the secret service department, a most important and fortunate event for Dreyfus. Picquart esteemed truth and justice before the reputation of the army. After Dreyfus himself he stands as the most important figure in the whole case.

The leakage of secrets did not come with Dreyfus' exile. Picquart's investigations led him to suspect Major Count Walsin Esterhazy. Then to examine the secret "dossier" of papers in the Dreyfus case. He became convinced that the "bordereau" was Esterhazy's work, and that Dreyfus was the victim of a conspiracy.

He made this known to M. Scheurer-Kestner, vice president of the Senate, like Dreyfus, an Alsatian, a man of wealth and influence, who was already interested in his behalf. In proper time the information was laid before General Billot, then Minister of War, with a request to reopen the case, which was refused.

About this time, November, 1896, General Mercier, to silence growing doubts as to Dreyfus' guilt, caused a fac simile of the "bordereau" to be published. On the trial three experts had sworn that Dreyfus was its author, while two others swore that the writing in no way resembled his. Dreyfus' friends submitted it to the leading experts of Europe and America, who decided unanimously that it was not written by him.

Esterhazy's guilt was at this time known to no one, and only suspected by Colonel Picquart, who was quietly investigating, but a year later the "brochure" containing the fac simile and the expert testimony met the eye of a broker, De Castro, who had had long dealings with the Count and possessed many specimens of his handwriting, comparison with which convinced him that Esterhazy forged the "bordereau."

The broker communicated his suspicions to Mathieu Dreyfus, who denounced Esterhazy to the Minister of War as the author of the paper on which his brother had been convicted, and demanded a retrial. Esterhazy had already fled into Belgium, but returned to Paris under written assurance from the War Office of its protection.

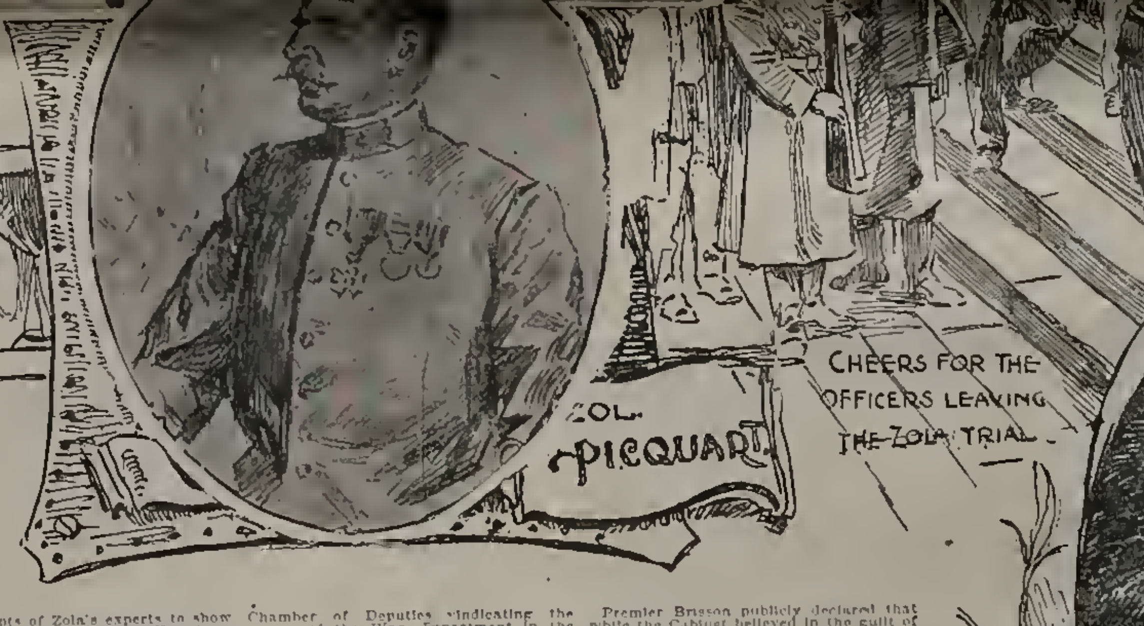
A court-martial was selected to try him by General Pellieux, chief of the general staff.

Esterhazy was acquitted on the ground of "no tangible proof of his guilt," and was congratulated on the result by all the members of the court.

Two days later Emile Zola took public part in the fight by publishing in the Aurore his now famous letter beginning "I accuse."

He challenged the Government to prosecute him. The challenge was taken up, and his trial, with that of M. Perreux, editor of the Aurore, who was to be prosecuted at the same time and on the same charge, began on February 7 before the Court of Assizes, Paris.

DREYFUS TESTIFYING.



The attempts of Zola's experts to show from the "fac simile" that Esterhazy wrote the bordereau were ridiculed in the court and by the press. Generals Pellieux, Boisdeffre, Gonse and Mercier all swore that the bordereau could not have been written by Esterhazy.

Colonel Picquart alone of all the officers called stood stoutly to his fight, and in defiance of the presence and testimony of his superiors declared that the author of the "bordereau" was Esterhazy and not Dreyfus.

Zola and Perreux were found guilty and sentenced to a year's imprisonment and 3000 francs fine.

Zola and his friends had to leave the court under heavy police protection, but the officers of the army were accorded a grand ovation as they left the Palais de Justice.

The Zola case was appealed and new trial had on July 18.

On being refused leave to introduce evidence reopening the Dreyfus case, or suspension of trial pending appeal, they let the case go by default. The same sentence as before was given. Zola fled at once to Switzerland to avoid the imprisonment, and friends paid his fine and costs.

On July 7 M. Cavaignac, in an endeavor to allay the excitement of the public mind, made a strong speech before the Chamber of Deputies vindicating the course of the War Department in the whole case. In the course of his speech he read three papers, one of which was said to have been written by Colonel Schwartzkoppen to the Italian attache. It was as follows:

"I have heard that a Deputy is going to interpellate on the Dreyfus affair. If on my return to Berlin the Kaiser shall question me I shall say that I have never had any relations with this Jew. If they ask you, say the same thing, for no one must ever know that we had anything to do with him."

Though he ordered Picquart under arrest in answer to his statement that the above was a forgery, M. Cavaignac began to have his doubts, and calling Colonel Henry before him questioned him on the matter. Henry lied point blank until appealed to on his honor as a soldier, when he confessed the forgery. He followed his arrest the next day by killing himself with a razor that he had been permitted to retain.

M. Cavaignac resigned his portfolio at once.

The demand for revision of the Dreyfus case became quite general, though there was widespread opposition of the most virulent kind. Newspapers that had been hostile to Dreyfus now insisted on his having a new trial.

Premier Brisson publicly declared that while the Cabinet believed in the guilt of Dreyfus he himself was determined to search the evidence and get at the truth.

On September 17 the Cabinet voted to submit the Dreyfus papers to a commission of experts, and on the 26th, after receiving their report, ordered Madame Dreyfus' petition for revision to be laid before the Criminal Chamber of the Court of Cassation.

M. Quesnay de Beaurepaire, president of another branch of the court, resigned his place and impeached the integrity and impartiality of certain members of the criminal branch. This forced the Government to refer the whole matter to the full Court of Cassation, consisting of forty members. By thus referring it to the highest and most august as well as the most numerous tribunal in France the Government hoped to secure the confidence of the people and their acquiescence in whatever decision might be rendered.

On June 3 the court published its finding ordering revision and a new trial, which has been ordered to be held at the city of Rennes, near Nantes, and some distance from Paris influence. The personnel of the court will be selected by General Lucan, commander of the department and himself a Jew.

Zola has returned to Paris, confident of the verification of his words before the Court of Assizes: "If Dreyfus be not innocent, let my name perish. If he be not innocent, let my works perish. By all that I have done for the literature of my country, by all that I am and hope for, I swear that he is innocent."

Picquart is still in prison, whither he went, declaring: "This is perhaps the last time I shall speak in public. I shall sleep to-night perhaps in Cherche-Midi prison. Therefore I wish to declare that if there is found there the strangling cord of Picard or the razor of Colonel Henry it will be murder, for I have no intention of committing suicide."

THE "BORDEREAU," OR MEMORANDUM OF ARMY SECRETS, UPON WHICH DREYFUS WAS CONVICTED.

SIR, though I have no news indicating that you desire to see me, nevertheless I am sending to you some interesting bits of information.

1. A note on the hydraulic break of the 120, and on the way in which this piece behaved.
2. A note on the covering troops (some modifications will be entailed by the new plan).
3. A note on a modification in artillery formations.
4. A note relative to Madagascar.
6. The project of a firing manual for field artillery, March 14, 1894.

The last document is extremely difficult to procure, and I can only have it at my disposal during a very few days. The Minister of War has sent a limited number of copies to the several corps, and these corps are responsible for its return, each officer in possession of one to return it after the maneuvers. If then you would like to take out of it whatever interests you and hold it afterward at my disposal, I will take it. Unless, indeed, you would like me to have it copied in extenso and then address to you the copy.

I am just off to the maneuvers.

ZOLA'S BURNING ACCUSATIONS OF CONSPIRACY WHICH MADE HIM AN EXILE.

I ACCUSE Lieutenant Colonel du Paty de Clam of having been the diabolical worker of a judicial error, unconscionably I am ready to believe, and of then having defended his nefarious doings for the past three years by the most absurd and culpable machinations.

I accuse General Mercier of being the accomplice, at least, through weak intelligence, in the greatest iniquity of the century.

I accuse General Billot of having in his hands the certain proofs of the innocence of Dreyfus, and of having suppressed them, thus rendering himself guilty of treason against humanity and justice, for a political reason and in order to save the compromised staff.

I accuse General de Boisdeffre and General Gonse of being the accomplices in the same crime, the one through religious animosity, doubtless, the other, perhaps, through the "esprit de corps" which makes the War Office that sacred and unassailable ark.

I accuse General de Pellieux and Commandant Ravary of having made a flagitious investigation, whereby I mean an inquiry of the most monstrous partiality, whereof we have, in the report of the last mentioned, an imperishable monument of candid audacity.

I accuse the three experts in handwriting, the men Belhomme, Varinard and Couard, of having drawn up false and fraudulent reports, unless a medical examination shall prove them to be victims of a disease of sight or of judgment.

I accuse the officers of the War Ministry of having organized a press campaign in order to lead public opinion astray.

Finally, I accuse the first court-martial of having condemned a man on a document kept secret, and I accuse the second court-martial of having covered this illegality by order, and of committing in its turn the judicial crime of knowingly acquitting a guilty person.

THE LETTER FORGED BY THE SUICIDE, COLONEL HENRY, WHICH MADE DREYFUS APPEAR GUILTY.

I HAVE read that a Deputy is going to interpellate concerning Dreyfus. If there come a few words which no one has been able to decipher I should say that I never had any intercourse with that Jew. That is understood. If you are asked, say the same thing, for no one must ever know what occurred with him. This scoundrel of a D—— is becoming too urgent.—Letter forged by Colonel Henry, who killed himself after his arrest, in the Dreyfus case and which was shown the members of the court-martial secretly when they were wavering as to the accused man's guilt. This letter was the "secret information" possessed by the Government, upon which the Ministers pledged their honor that Dreyfus was guilty. This letter was in very bad French, although supposed to have been written by a highly educated diplomatist. Colonel Henry was an illiterate man, and the imitation of Captain Dreyfus' writing was very mechanical. The whole case turned on this document.

TWO WEEKS OF LIBEL TRIAL

State Has Not Yet Concluded Testimony.

KYTKA STILL ON THE STAND

Expert Has Been Before Jury One Week---Important Ruling by Judge Oster Yesterday.

The trial of Ydo Addis Storke, charged with criminal libel, has now occupied the superior court two weeks and the end is not in sight. Saturday evening when court adjourned, Handwriting Expert Kytka was still on the witness stand, where he was called Monday afternoon. Evidence for the state has not yet been completed.

The feature of yesterday's session of court was a ruling by Judge Oster allowing the defense during cross-examination of Kytka to present writings that are neither of the admitted nor disputed authorship of Mrs. Storke, for the purpose of proving, if possible, that some other person other than the defendant wrote the libelous letters upon which the prosecution is based. The ruling was made after a long argument by the attorneys, Prosecuting Attorney Squier objecting to the presentation of the manuscripts and being overruled.

MORNING SESSION.

Saturday morning found Expert Kytka still on the stand undergoing cross-examination by Attorney Boyce. He was asked to explain dissimilarities in the Dr. Martha Case letter, as compared with the standards. He pointed out on the board what he said was one dissimilarity in the letter "f" as found in a certain line of the exhibit. The shading of the down stroke was the dissimilarity he referred to; "but," he added, "where there is one point of dissimilarity in this letter 'f,' there are four points of similarity."

Asked for another point, he selected the letter "I" but was not given an opportunity to display it on the board. Mr. Boyce asked him to point out the more striking dissimilarities.

"That would be very difficult," said Kytka. "There are no striking dissimilarities."

The expert, at the attorney's request, then made a pen and ink copy of the blackboard drawings showing six points of dissimilarity as found in the Martha Case letter. This was filed as an exhibit.

The name "Santa Barbara" was copied on the blackboard from the same letter, and a pen and ink copy was likewise made and introduced.

He explained his reasons for believing that the words "Santa Barbara" are in the same handwriting, calling attention to different exhibits, both admitted and disputed, in which "Santa Barbara" was found. He noted that the words were written in the natural style, with rapid movement. In one exemplar the "S" was written in a different manner, in the vertical style. He then pointed out the different connections and disconnections, looping, etc., which he stated were similar in all of the exhibits in hand.

He was asked if in the drawing on the board the letter "B" was in the right proportion of size. He said it was not exact but near enough for the purpose. "It is impossible to make an exact copy of a man's handwriting," he stated. "There are the little characteristics that cannot be imitated. Like in this, I cannot cover up the Dutch characteristics."

Mr. Boyce—I will ask you, Mr. Kytka, to examine the main stroke of the letter "S" in exhibit A (the Martha Case letter) and to tell if the letter "S" on the blackboard is a correct or a fair copy of the original.

"No, sir."

"On the blackboard you have represented the pictorial effect?"

"Yes, sir."

"Is the pictorial effect a safe method of detecting the identity of a writer?"

"It sometimes does not count for much."

"Then how do you determine?"

"By presence of the pen."

"Is that the prominent point?"

"Not a bit of it. It is not a prominent point."

"What is the prominent point?"

A somewhat lengthy explanation as to the general examination and comparison of the exemplars and the analysis of handwriting followed. The witness explained that the person who has the

The witness and attorney then seemed to become entangled with the term "free movement."

"I was speaking of free movements of the brain," finally explained Mr. Boyce.

"Oh, hang the brain," answered Kytka.

"But these are the products of a human brain, are they not?"

"Yes, sir."

"Is the name 'Santa Barbara,' as written in exhibit A, written in the natural or disguised handwriting?"

"In the natural handwriting, with a slight disguise. It is so slight that I do not wonder that people who have seen the defendant write recognized it."

"From the study you have given to the writings in this case, would you be able to determine from seeing the natural handwriting of the person writing exhibit A, who wrote that exhibit?"

"Yes, sir."

Mr. Boyce here handed the witness a document, which he was asked to examine. This document was then offered for purposes of identification.

Mr. Squier objected to the introduction of the paper, on the ground that it is not permissible to bring into the case the handwriting of others, and that it was not proper to introduce new exhibits under cross-examination.

Mr. Boyce explained that it was done in response to the statement of the witness that he would be able to determine the handwriting of the person it having the natural handwriting of the person. Then, it is the purpose to examine the witness on matters to which he has already testified, as to the characteristics of the writing, and statements upon which he bases the opinion that the defendant wrote these letters. He wanted it admitted simply for identification, and the district attorney stated that he would not object to its identification. The court admitted it for such purposes.

A drawing or plat was also introduced under the same ruling, after examination by the expert.

Mr. Boyce then came back to the date line in exhibit A, and a moment later the court adjourned until 2 o'clock.

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There was no Saturday half-holiday for the court and jurors yesterday, but instead a full afternoon's session was held. When court reconvened after recess the introduction for identification of further writings not claimed to be the defendant's was made by Attorney Boyce. Prosecuting Attorney Squier objected and a long debate between the lawyers followed, in which Mr. Squier quoted the reports in support of his contention that defense should not be allowed to present handwriting of other people to prove that the defendant did not write the anonymous letters. If this is done, the attorney said, the case might go on indefinitely without reaching a decision.

Attorney Boyce took the position that if he could show by the writing of other persons that his client is not the author of the letters she is alleged to have written he should be permitted to do so.

Judge Oster overruled the objection of the prosecution. In making the ruling the court said that the reports were not clear on the point. Admissible evidence seemed to be restricted to the handwriting of the defendant and writing alleged to be by the defendant, but if the defense could show by writing known not to be in her hand that she did not write the letters it should be allowed.

Witness was then handed a manuscript that after examining he pronounced a better job than the others.

"You state that the party who made that document could make a better job than the party who wrote the Dr. Martha Case letter?" asked Mr. Boyce.

"It is not writing—it is painting and can't be compared."

Mr. Kytka, did you ever see this letter before?" A letter to O'Connor, Moffitt & Co. of San Francisco was presented.

"Yes, sir."

"Where did you see it?"

"In the district attorney's office."

"You made an examination, did you not?"

"A partial examination. The district attorney told me he had sufficient evidence and did not care to put the county to the expense of bringing the party who received it from San Francisco as a witness, so I made no detailed examination."

"So it was to save the county the expense that it was not introduced?"

"Yes."

"Did it not strike you as unnecessary to bring witnesses from San Francisco when you could expert the writing and tell who wrote it?"

"I am not an attorney, but I am reading Blackstone now."

"Now, Mr. Kytka, does this letter change your opinion as to the authorship of the anonymous letters?"

"No, sir."

The expert then took the letter and by means of the blackboard proceeded to point out the similarity between it and the handwriting of the defendant.

"Now, Mr. Kytka, I called your attention this morning to a paper which you examined for age. I want to ask you, does the characteristics in handwriting follow the individual through life; does the age of the document make any difference in determining the identity of writer?"

"Yes, sir. I would not want to pass an opinion on a document thirty years old."

Then followed a long series of questions to ascertain the witness' ability to judge aged manuscripts with writings of recent date.

The witness was next cross-examined on his testimony in reference to the two words "acknowledged," taken from the Dr. Martha Case letter and the admitted writing of the defendant, which were exhibited enlarged 110 times. Mr. Kytka went through a minute analysis of the construction of the two words and said the writing in the Case letter was slightly disguised.

Then followed a long tedious questioning as to the points of resemblance in the two. At times the questions and answers were quite pointed and caused more or less amusement.

The witness was then shown an abstract containing a map of several city blocks, said to have been made by C. A. Thompson, Esq., and asked if he could not find the same characteristics in the writing that he found in the Dr. Case letter which led him to believe the defendant wrote it. Mr. Kytka replied that he could not, that they were in no sense alike.

Kytka was still on the stand when court adjourned until Monday morning.

SANTA BARBARA COUNTY.

Interest in Storke Case Centers About F. N. Gutierrez.

SANTA BARBARA, June 12.—[Regular Correspondence.] The interest in the Storke case is now centered about F. N. Gutierrez, the Spanish teacher whose name has been connected with that of Mrs. Storke in the big libel suit. Gutierrez is hourly getting angrier over the affair and swears that he knows nothing of the case, that he never wrote such letters, and that the parties who have connected his name with the case know that he is innocent. Writings of Gutierrez were introduced in court today, but Expert Kytka says that they bear no resemblance to the writing in the anonymous letters. He is to make a careful study of Gutierrez's writing to compare it to the writing already introduced in court.

A number of campers are spending the summer in the vicinity of the Painted Cave, a well-known spot in the mountains near here. Several people from here joined the party this morning.

Complaints are heard from several quarters of the city of disturbances caused by tramps. There are a great many men constantly passing through the city, and it is thought that many of the objectionable parties are railroad men.

The action of Carlyle C. Davis vs. D. F. Hunt was to have come up for trial this morning, but as the court was occupied with the Storke case, the jury was dismissed and the case continued. This action is the case that grew out of the troubles of the Santa Barbaran, a newspaper issued here some time ago. Davis was the editor of that paper and Hunt his foreman.

President Thomas D. Wood of the Santa Barbara Chamber of Commerce left this afternoon with his family for Castle Crags, where the party will spend a part of the summer.

E. P. McNeal of Ontario and J. C. Mc-

THE STORKE CASE.

Kitka and Boyce Still At It.

The Expert's Cross Examination at White Heat.

The evidence in the Storke case has come to a very interesting point. The conspiracy theory has begun to unravel itself in the practical charging of F. N. Gutierrez, for many years a deputy in the county clerk's office, with having written the anonymous letters. This appeared in the afternoon session but when court opened in the morning, nothing of the kind was expected.

The cross examination of the handwriting expert, Kitka began once more at 10 o'clock yesterday morning.

Referring to the date line of the Martha Case letter, Kitka, gave the opinion that it was written by the same person who wrote the body of the letters.

Q. Point out the dissimilarities that you find in the body of the letter.

Of these dissimilar points some three or four were found. But they were usually single points in letters where there were other points similar in the defendant's writing. The letters in which the dissimilar points occurred were copied on paper by the expert and they will be used later by the defense. In making these copies or sketches on paper Kitka said that he could not imitate the hand so far as the shading was concerned without making several strokes where only one was used in the original. The microscope would show how many strokes were made. But he made letters that bore a very fair resemblance to their originals.

Returning to the date line, Santa Barbara, May, 22nd, of the Case letter, Mr. Kitka said that he found three duplicates of the words Santa and Barbara in admitted writings. In all four cases the name was written with a rapid movement and the first capital was in all cases separated. Other connections and separations were also alike in the exemplars. In the sketch of the line on the blackboard the shut of the letters was not exactly right. This Kitka said he could not keep. It was in this way that a forger was caught. The small points could never be imitated. In his blackboard imitation some of the Dutch touches of the expert's individuality showed through. These things could not be covered up.

Q. Is the pictorial effect a criterion by which to determine the identity of a writing.

A. No. To an expert who has never seen the writing before the pictorial effect is not a criterion.

Q. Then what is the true way of determining?

A. I must study the slant, the detail of all the first. The pictorial effect does not weigh much with an expert.

Q. How do you determine the pen pressure when you have a specimen of writing?

A. The pen pressure is not a very prominent point.

Q. What is important then.

A. The first important step is to see whether the writing is an attempt to simulate the writing of another person or whether it is an attempt to disguise the hand. Then you must make your studies of the writings.

Q. You say that you have made a detailed study of the word Santa Barbara in order to determine the hand writing. Is that true?

A. Yes sir.

Q. You said that sometimes you found a letter full of cramped movements and sometimes you find a clear free curve. What does that indicate?

A. That indicates that the person was of an artistic temperament. He has the ability to control the pen. He has the ability to write the free movement.

Q. When you find this free movement what does that indicate as to the mental nature of the person who wrote?

A. That indicates nothing to me. It indicates that a person cannot disguise his handwriting.

Q. You understand what I mean by conscious effort on the part of the writer to disguise his handwriting?

A. I do.

Q. When you are dissecting the writing of a person and discover that there has been a conscious effort to disguise the handwriting and discover an unconscious overlooking of the attempt to disguise. Do you understand?

A. I do.

Q. As an expert in dissecting handwriting you feel yourself competent to judge whether an attempt has been made to disguise the hand. I am speaking of the work of the human brain?

A. Oh hang the human brain. I am not referring to the brain.

Q. Isn't that the work of the brain?

A. And such a brain.

Q. Do you mean to tell the jury that you tell a hand by the disguise in it?

A. I have to break through the disguise.

Q. You have to tear the disguise away to see the face beyond?

A. Yes sir.

Q. Does the disguise appear in the date line of the Martha Case letter?

A. A very slight disguise.

Q. Could you from your study of that date line identify the handwriting of the person who wrote it under any circumstances where the writing of that person was natural and not disguised?

A. I wouldn't attempt it.

Q. You stated yesterday that your desire was to state your honest opinion from these writings? A. Yes.

Q. From the study that you have given the writings in this case would you be able to determine whether or not the person who wrote it wrote another piece of writing, a piece written in a person's natural hand.

Witness shown a paper upon which appeared a bit of the handwriting of Frank Gutierrez.

Mr. Squiers contended that there should be no cross examination upon writings not presented in the direct examination and that it was not admissible to ask the expert to identify writing not admitted to be that of the defendant.

Mr. Boyce. The witness stated that he could identify the handwriting of the person who wrote the exemplars. We wish to examine the witness upon points he has brought out and upon which he was directly examined.

Witness shown tracing of a block map and asked to look at

court adjourned, Handwriting Expert Kytka was still on the witness stand, where he was called Monday afternoon. Evidence for the state has not yet been completed.

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Asked for another point, he selected the letter "l" but was not given an opportunity to display it on the board. Mr. Boyce asked him to point out the more striking dissimilarities.

"That would be very difficult," said Kytka. "There are no striking dissimilarities."

The expert, at the attorney's request, then made a pen and ink copy of the blackboard drawings showing six points of dissimilarity as found in the Martha Case letter. This was filed as an exhibit.

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"By pressure of the pen."

"Is that the prominent point?"

"Not a bit of it. It is not a prominent point."

"What is the prominent point?"

A somewhat lengthy explanation as to the general examination and comparison of the exemplars and the analysis of handwriting followed. The witness explained that the person who has the ability to write the free movement, has the ability to write the finger movement. But a person who always writes the finger movement, has not the ability to write the free movement. That is one point.

"You have stated that in the finger movement there was an attempt to disguise, and that then the writing broke forth into a free movement?"

"Yes, sir."

"As an expert in analyzing writing, you are capable of telling whether there are any movements of an attempt to disguise?"

"Yes, sir."

"Yes, sir."

Mr. Boyce here handed the witness a document, which he was asked to examine. This document was then offered for purposes of identification.

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THE STORKE CASE.

Continued from Page Three.

an endorsement by Frank Gutierrez. This was made in 1873, thereon. Kitka examined the document under his glass, explaining that when papers were thus introduced in cross examination it was best to look at them under the microscope to see the ink and to determine whether they were modern or ancient specimens of a person's writing.

Q. In your opinion as an expert do you state that any portion of the date line (Case letter) is in an attempted disguise?

A. Yes sir.

Q. Then you say that is not in a natural hand?

A. That's right.

Q. Are there any portions of the date line which disclose the natural characteristics of the writer?

A. Yes sir.

Q. What parts do disclose the natural hand of the author?

A. The entire date line; with a slight disguise so clumsy that it is only a slight pressure of the hand like the tiny pressures on the first letter s and the first a.

Q. You mean a general thickening of the ink?

A. Yes sir.

Q. And this is then the disguise?

A. Yes sir.

Can you as an expert tell from the inspection of a writing whether the writer has followed a copy in making that writing?

A. Some writings can be tracked, some can't.

Q. Is there any particular clew that can be so tracked?

A. Yes sir.

Q. Under what circumstances can it be done?

A. By confining yourself entirely to finger movement, by printing like on the newspaper clipping.

Witness shown newspaper clipping with writing.

Q. Is that writing of the kind you mention?

A. Yes sir.

Q. Is there anything to indicate that that writing was copied?

A. No sir.

Q. Does the capital B in the word "Beware" show a capacity on the part of the writer to do lettering with a pen?

A. Block lettering?

Q. Yes.

A. Yes.

Q. Is there anything in the first three letters that indicate the capacity of the writer to do blocklettering?

A. There are letters there that would indicate that the writer had the artistic touch.

On the board Mr. Kitka sketched the words "Beware also." They wereprinted with a pen; the letters resembling, in Mr. Kitka's opinion, type often seen in the newspapers.

Q. Did I understand you to say that paper was wood pulp paper?

A. Yes.

Q. Then it is not adapted to writing with ink and a pen.

A. No sir. It can be done if you don't use so much ink.

Q. Finding that work made by some one with a pen on that paper what does that indicate to you of the capacity of the writer to make block letters?

A. Symmetry of letters.

Q. Do I understand you to say that the writer was capable of making block letters?

A. Any boy who was familiar with newspaper type could make those letters.

Q. What is the matter with the newspaper office?

A. These letters represent newspaper letters.

Witness given a writing, partly by F. N. Gutierrez.

A. The writer of that paper could do a better job than this.

Mr. Squier objected to the introduction.

Mr. Boyce. We propose to show by this witness a capacity to make, create and construct; a facility to write every letter in this case, and to tie this writing into this case and to lay the foundation by witness for showing an identity between this evidence introduced by us and these writings upon which this charge is drawn.

Mr. Squier. In other words the defendant here would try some other person.

Mr. Boyce. No sir. She is merely defending herself.

The district attorney quoted a New York decision and from Jones on evidence to show that it was contrary to rule to thrust into a case any writings of any one but the person on trial. No other writing could be introduced for purposes of comparison save that of the defendant. Rice on evidence said that a witness on handwriting cannot on cross examination be confronted with any writings that did not purport to be the writing of the person alleged to have been written by the person charged.

Mr. Squire objected that the defense might continue the case indefinitely by bringing in the writings of Tom, Dick and Harry.

Mr. Boyce stated that the subject was gone over some two years ago in the Santa Barbara courtroom. But this was in a civil action of a forged signature to a promissory note. He said it was under the principal of law that the criminal at the bar should never have his mouth closed if he could point to the true criminal. The writing was not introduced purely for purposes of comparison of handwriting.

If we could bring a witness on the stand to swear that he saw the pen of the person who wrote the Martha Case letter the court would hardly refuse that testimony. We expect to bring before this jury the writing of two persons and to bring them into this case as connected with the writing of this Martha Case letter. It is said that the defendant here wrote three classes of writing, and there was also introduced into the case by the State a fourth class of writing. The witness was brought into this case as a man of learning to give to this jury the faithful, honest benefit of his experience and to explain to them who he bases his opinions as he does. When a witness is one who testifies as to an opinion rather than to a fact, anything may be introduced that will throw light upon the witness' direct testimony.

The court felt that a certain amount of latitude should be given in the matter of evidence in such a case. The objection was overruled. But the court said the question was one upon which he was not fully satisfied.

Mr. Kitka. The writer of this paper shown me is a very clever one with the pen. This person has a fixed habit with the pen. These letters are drawn, they are not writing at all.

Q. There is some writing there is there not?

A. No sir.

Q. You give it as your opinion then that the person who made that writing could do a job superior to that of the printing on the clipping?

A. Yes sir.

Witness shown the O'Connor, Moffit & Co. letter.

Q. Have you ever seen that letter before?

A. Yes sir.

Q. Now you have had charge of the expert end of this case?

A. No sir. I told him to keep the exemplars straight so I wouldn't get confused in my studies.

Q. Did the existence of that paper in any way qualify your opinion as to the authorship of the disputed letter?

A. I am of the opinion that the same person who wrote the standards also wrote the note.

Q. Is this in the hand of any of the three groups you have mentioned?

A. No that is in the old English affected style.

Q. Does that in any way weaken your opinion?

A. No sir. If you ask me my opinions this letter in the same hand strengthens my opinion.

The expert explained that Mr. Squire had told him that this letter would not be introduced into the case because of the expense it would bring upon the county and in bringing witnesses from San Francisco in its connection.

Q. Didn't that strike you as a queer proposition?

A. No sir. I am not a lawyer. But I am reading Blackstone now. All right, let us christen this exhibit in some way.

Q. Let the clerk brand it with some designation or other.

The various letters were then gone over carefully and a number of points illustrated.

Q. I called your attention this morning to a paper which you examined for age. (This was the paper written in 1873.) Does the characteristics of the handwriting persist throughout the lifetime of a writer.

A. No sir. There is no exception.

Q. I'm speaking of the individual after the formation of the hand. Is it recognizable? Does it make any difference that a handwriting is of a certain age in determining the writing?

A. Yes sir.

Q. Suppose one of those sets of writing had been written 20 years ago, would you be able to compare it with a writing made only a very short time ago?

A. I wouldn't like to although I have made the studies of such cases.

Q. Isn't a rule recognized by experts that in the signing of a signature the individuality of the writer puts the signature into a separate class from other writing?

A. Sometimes.

Q. You testified a short time ago that if two signatures were absolutely alike, that was a sure sign to your mind that one was a forgery?

A. Yes I did.

Q. But you testified he that the word acknowledged w alike in these two words "ac nowledged?"

A. I said one was written l the person who wrote the othe

A. I'll ask you to point o to the jury once more what tl similarities are between the tw words that make you say tl words were written by the san person.

Q. The characteristics?

A. Yes.

Point them out to the jury.

Kitka began a careful explan tion but was stopped by M Boyce because the process of e planation promised to last int next week.

Q. Is there anything in tl disputed handwriting to indica an effort on the part of the wi ter to disguise it?

A. No sir.

Q. Is it an undisguised an natural hand?

A. It is in a natural han with only a slight attempt to dis guise the shading.

The words acknowledged wer then gone over by Mr. Boye letter by letter. Mr. Boye questioned and Kitka answere and the wordy hatchet was du up, shaken and buried a doze times.

Witness shown an old docu ment partly written by F. N Gutierrez and was asked several letters, the capitals (and H were not of the sam character as the same capitals i the Martha Case letters.

A. They are made in a differ ent character indeed. They ar made in parts. They are noth ing near the same. I can find i other people's writing letters that are much nearer.

Q. Is there any relation i the G class between them?

A. Not any.

Witness shown an old docu ment written in part by F. N Gutierrez and his attention calle to a letter G.

That isn't a G. What hav you got here? Some antiquate document? This is written i Spanish?

Q. I thought that so accom plished an expert as yoursel would recognize an English G.

A. When written by a Span iard. F. N. That next wor is a c not a g.

The court then adjourned un til 10:30 on Monday.

SANTA BARBARA.

Serious Charge Against An Attor ney—Corner-stone Laying.

SANTA BARBARA, June 13.—[Regular Correspondence.] Some days ago the defense in the Storke case made the assertion that it would name two men as the guilty parties who wrote not only the Martha Case letter, upon which Mrs. Storke is indicted, but the other anonymous letters that made so much trouble here a year ago. Saturday F. N. Gutierrez was named as one of the men, and this morning specimens of the handwriting of Attorney Grant Jackson of this city were brought into court, and in answer to a direct question by the Judge the attorney of the defense answered that the intention was to show that Jackson with Gutierrez wrote the letters.

Jackson is a man of perhaps 33 years of age, and has practiced law here for several years. He was born in Lompoc and has a political reputation through the county. He is a well-known man. For many years he was a close friend of Mrs. Storke and did a great deal of legal business for her. In her divorce suit with C. A. Storke, Jackson defended her. Jackson denies the charge, and says he has expected this move ever since the long trial began. Jackson is known as a good practitioner, and his many friends scout the idea of his having had anything to do with the letters.

The cornerstone of the Franciscan College of St. Anthony was laid here this afternoon with elaborate and appropriate ceremonies. A very large crowd of people went to the college building, and a number of visiting clergymen were present. The local band furnished music throughout the afternoon, and Mayor Edmund M. Burke addressed the people first in English and then in Spanish.

The blessing and laying of the stone was an impressive ceremony. Bishop George Montgomery of Monterey and Los Angeles performed the ceremonies and spoke eloquently of the future of the college.

WEARY YDA TRIAL

S. B.

June 12

The Expert has no Tyranny of It.

Boyce is Hard Hard to Fray Land the Filerist From the Bad Bench is More or Less Irritated.

The Yda Addis trial is getting very tedious. Expert Kitka is on the stand and the cross examination is making slow progress. It must be a harrowing affair to the expert to keep going over the same ground from day to day, and worse still, if the defense finally will get through with him, a rebuttal may consume many days more. The defense has no cause to complain of partiality to the prosecution, the Court ruling promptly upon all questions without regard to prosecution or defense. The theory that no one is guilty until proven so is carried out in this trial and the Yda Addis is having as fair a trial as ever judge granted. The jurymen, and particularly those from up county, are getting weary, but once in the trial they must stay until the end. The per diem sufficient for city jurors is hardly enough to pay the daily expenses of the men from the upper county, and since they all are wasting valuable time, particularly at this time of the year, they needs must exert the patience of a Job to bear the burden with equanimity.

What a novel proposition it would be if the jury were becoming tired of their condition and adopt the present mode of remedy by going on a strike for higher pay.

Now comes city ordinance book wherein the writing of F. M. Gutierrez, then City Clerk, is recorded. The records date back to 1882 and 1871.

The defense wanted to introduce the ordinance record for the purpose of identifying writing by Gutierrez, continuing up to 1890. The Court overruled the objection of the District Attorney, and the expert was given the record for examination. The book of the Common Council with the signature of F. N. Gutierrez, City Clerk, likewise was handed to the expert for examination.

Mr. Boyce draws the attention of the expert to letters in the books, who declares they are entirely different from the writing in evidence.

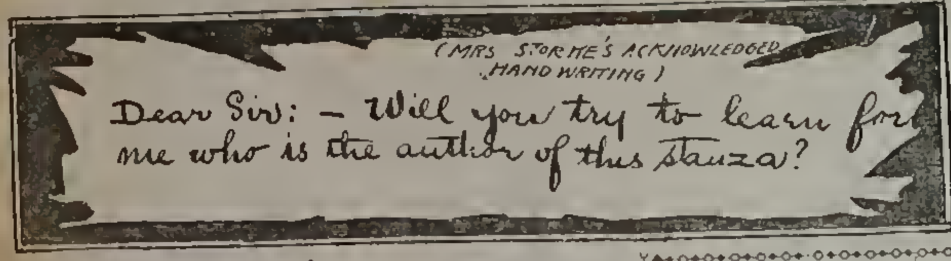
The word Frank the expert says is absolutely nothing like it.

The jury is given the book to compare with the writing in evidence. In the mean time the repartee between Boyce and the expert continues until the District Attorney remarks that the books are not in evidence; admitted by Boyce who takes the book from the jury. Subsequent pointing out of writing of Guiterrez the expert readily pronounces the characteristics nothing like the letters upon the blackboard.

Twenty-five minutes recess.

KYTKA DECLARES GUTIERREZ NEVER WROTE THE LETTERS

ACCUSED OF FORGING THE HAND OF MRS. STORKE



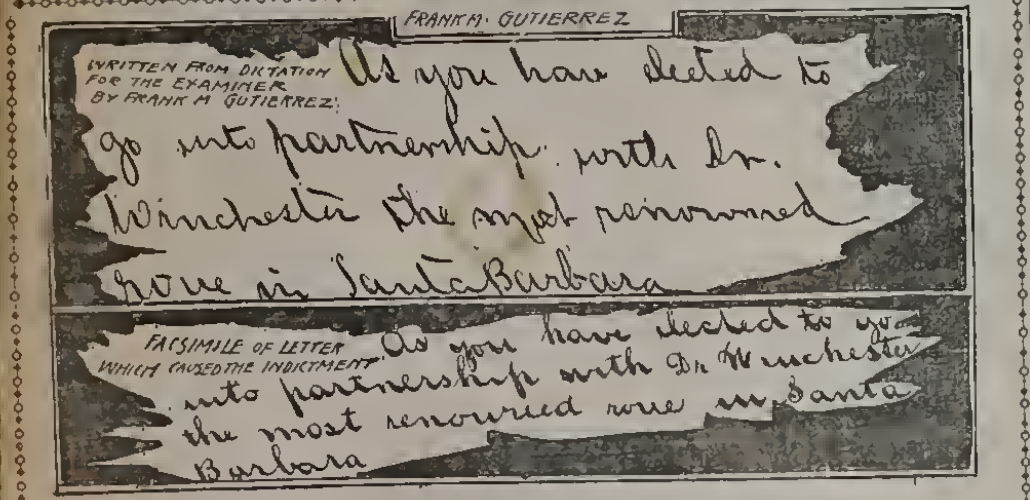
SANTA BARBARA, June 12.—Frank N. Gutierrez, whose name has been connected with the authorship of the anonymous letters which Mrs. Storke is accused of writing, is very much worked up over the matter. More specimens of his handwriting were introduced to-day by the defense, and the more Gutierrez hears of the matter the less printable become his comments.

This afternoon he prepared a species of public manifesto, declaring his innocence and disclaiming any knowledge whatever of the "Martha" case or any other anonymous letters whatever. But when he was upon the point of publishing his document, some one told him he would be fined for contempt if he did so. The document was suppressed.

Expert Kytka was on the stand all day, and derided all attempts to show a similarity between the indictment letter and the specimens shown him of Gutierrez' writing. He says there is no possibility of Gutierrez having written the anonymous letters and that the attempt of the defense to besmirch the Spanish professor's character seems to him wholly unwarranted.

The expert will probably remain on the stand for two or three days more if Attorney Boyce follows out his present way of cross-examining.

Juror Walter Richardson spent half an hour of his time this afternoon reading a newspaper in the box and Juror Murrell in the meantime had to be punched several times to keep him awake. The crowd on the benches was as large as ever, and, while eagerly awaiting sensations, amused itself in several corners by matching nickels.



EXHIBITS IN THE STORKE LIBEL CASE.

NEW CHARGES OF WRITING ANONYMOUS LETTERS ARE MADE BY MRS. YDA STORKE

SANTA BARBARA, June 13.—The defense in the Storke libel case is still carrying on the tedious cross-examination of Expert Kytka and seems to be going a long way around to get nowhere in particular. This morning things went so far that Judge Oster said he wished he could throw the Kytka blackboard out of the window.

Attorney Grant Jackson, Accused by Mrs. Storke.

This morning a sensation was sprung. A number of old record books from various offices in which Frank N. Gutierrez had been employed and along with them a small piece of paper, upon which appeared a few lines of writing, in another hand, were introduced in evidence.

The District Attorney at once objected, but the defense stated that the paper was the work of one of the two men who would be accused by Mrs. Storke of having written the anonymous letter.

"Whose writing is this?" asked District Attorney Squiers.

"It is that of Grant Jackson," was the answer.

If a bombshell had exploded in the courtroom could not have been more surprised. Every one gasped, for Jackson is one of the best known attorneys in Santa Barbara county and has always borne an excellent reputation.

"You don't mean to say," said Judge Oster, "that Grant Jackson wrote the anonymous letters—the Martha Case letter?"

The attorney for the defense replied: "That is what we think, and we mean to produce testimony to prove what we say."

Expert Kytka was shown the paper and said he would give his reasons later for believing that the persons who wrote it was not the one who wrote the letters upon which Mrs. Storke is indicted. Expert Kytka, during the afternoon, made a thorough study of the handwriting of Attorney Jackson and visited Mr. Jackson's office, where the alleged conspirator wrote for the expert several specimens of his penmanship. Kytka watched his manner of writing very closely and had him write with both pen and pencil. The experiments seemed to satisfy Kytka that his first theory was the correct one.

Jackson takes the matter complacently. He says he knows no charge can be established against him; but on account of his family he dislikes very much having been connected with so disagreeable a case.

Grant Jackson was born in Petaluma, where Major Jackson, his father, was at one time a well-known politician. He has practiced law here for eight years and has been one of the youngest leaders in his party. He was once a prominent candidate for the office of District Attorney. In January, 1894, he met Mrs. Storke for the first time, and became, with S. E. Crow, her counsel in the divorce case of C. A. Storke vs Yda Addis Storke. This was the hardest fought divorce case ever tried before the Superior Court of this county. As an outgrowth of their association during the trial Jackson and Mrs. Storke became friends and continued so until about a year ago, when Mrs. Storke suddenly, and with no apparent cause, cut off the friendship. At this time the fury of the city over the writing of the anonymous letters was at its height, and the name of Mrs. Storke was mentioned as their author.

Jackson, together with a number of others of Mrs. Storke's friends, persuaded her to leave for Mexico. She departed, at their solicitation, but upon returning displayed great bitterness against those very persons who had induced her to leave town for her own protection, and had even gone so far in three instances as to put up $50 apiece to pay the expenses of the trip. She now claims that in getting her to leave Jackson and others betrayed her friendship and were playing in with those who were afraid of having her in Santa Barbara, getting her to leave in order to place her in a bad light before the public.

It is understood that the defense has a number of other sensations to be sprung later in the case.

YDA ADDIS STORKE.

The Expert has the Floor to State the Case.

June 13 — 1899

The Court Tires of the Picturesque and Wishes the Blackboard Somewhere Else. As the Artist Cannot Work Without an Easel, How can He do His Sworn Duty?

— S. B.

It is said that F. N. Gutierrez is very indignant that he is suspected of having written those letters. Indeed how could anybody do such foolish things in the absence of a motive? But the defense does not claim that F. N. Gutierrez concocted those letters, but does claim that he copied them, and should such prove the fact, Frank Gutierrez has nothing to fear, because he might have copied thousands of the worst kind of letters in the capacity of a machine; not mailing the letters keeps him out of harm's way. Gutierrez claims that he has not written *that kind* of hand for many years, and the defense claims that he has even up to 1899.

It is held that the American people like fair play, hence give the defense the role that fair play demands.

In the Yda Addis trial we find the state with its power on one side and a woman with no power at all on the other side. Her attorneys are leaning to the belief that she is not guilty as charged, and since the woman has no money and evidently no friends, her defenders at the least deserve respect.

The trial commenced this morning with the expert on the stand, and evidence was elicited as to natural writing with a slight effort at disguise. Writing is shown the witness to define certain lines as those written by the person who had written the word "profession" in another part of the sheet.

The document signed by C. A. Thompson, not introduced as evidence, brings on a discussion and the defense makes the remark that Grant Jackson and Gutierrez may likely be brought upon the tapis as the writers of the anonymous letters. Witness holds that the same characteristics in writing for a period of twenty-five years change, but admits that some may not change. Is confronted with the records of the county. It will be remembered that F. N. Gutierrez was for a term of years deputy county clerk. Expert states that the Bs are similar, but not alike, though written by the same hand, but does not know whether they were written by the same pen; a B previously picked out by one of the attentive jurors, the expert can not state whether copied or not.

Force of habit and eccentricity are discussed somewhat boisterously. "Accidents will happen" even with the best writer with finished technique. The expert wants to answer the question upon the blackboard, and Boyce insists upon oral demonstration, which forthwith vocalizes. The expert again wants the blackboard. The Court is really getting tired of the blackboard and would like to see it thrown out of the window, but in that emergency the witness says he might as well be thrown out too.

Mr. Boyce remarks to witness' interruption that he, Boyce, is conducting the cross examination and demands answers to questions. The expert is contracted for unmeasured time.

AFTERNOON SESSION.

Expert Kytka was again on the stand this afternoon and was being cross-examined by Mr. Boyce. The most of the afternoon was spent in trying to ascertain whether there were different kinds of ink used on any one exhibit. Mr. Kytka, after a thorough examination of the documents, was positive that only one ink had been used. After he had looked one of the exhibits quite thoroughly he handed it to the attorney saying that he could have that to make use of, to which Mr. Boyce thanked the expert for helping him along with the case.

The balance of the afternoon was taken up with a description of how retracing had been done, and that the base line was always shaded, showing how the writing had been disguised.

At 3 o'clock court adjourned so that some of the officials who had received invitations to attend the ceremonies of the laying of the corner stone at St. Anthony's College, could be present. The time lost this afternoon will be made up tomorrow as the trial will begin at 9 o'clock in the morning and at 1:30 o'clock in the afternoon.

BARBARENOS ON THE QUI VIVE

Are Eagerly Awaiting Mrs. Storke's Defense.

All the Town Looking for Sensations in the Remarkable Case.

[Special Dispatch to "The Examiner."]

SANTA BARBARA, June 11.—The prosecution in the Storke case was allowed to rest this afternoon when the defense got through with its cross-examination of Expert Kytka. The day was spent in going over things that have been repeated at least thirty times during the last week, and it was the opinion of many that the case would last for a month, but Senator Boyce broke off his questions at [illegible] o'clock and let Kytka go.

Chief Lees will now have his expert back in San Francisco. He has been telephoning him to return for the last week, as there are several cases upon which the expert's opinions are needed.

The prosecution at once rested its case, which has been running since May 29th. Four witnesses have testified that the handwriting of the anonymous letters is that of Mrs. Storke, and, to show animus, the District Attorney produced two witnesses who testified that Mrs. Storke had spoken bitterly of Winchester, saying that she hoped to live to accomplish his downfall. Kytka has endeavored to prove by a minute analysis of the writing and inks of the various letters that the accused wrote the whole series of anonymous writings.

The defense now stands to prove that Frank N. Gutierrez and Attorney Grant Jackson were the ones who wrote the letters, and Gutierrez will go upon the witness stand to-morrow morning.

The people here will continue absorbed in the case, and now that the defense has opened its batteries standing room will be at a premium in the courtroom.

Ex. May 4. 1900

ERROR PERMITS NEW TRIAL.

Supreme Court Gives Yda Addis Storke Another Chance.

The Supreme Court has granted a new trial to Yda Addis Storke, who was found guilty of libel in Santa Barbara and sentenced to a year's imprisonment.

Anonymous letters were sent to several parties in Santa Barbara, and circumstantial evidence alone convicted her. At the trial the defendant claimed that F. N. Gutierrez was the author of the libelous letters, and his handwriting was expertized. At the close of this evidence the District Attorney moved to strike it from the files, and the Court made the order. The Supreme Court holds that this is reversible error, saying that the testimony and evidence should have gone to the jury, to be judged by them.

HANDWRITING WITHOUT END

Volumes of It Brought Into Yda Addis Trial.

RECORDS FROM THE CITY HALL

Clerk Crane Called and Brings Books of F. N. Gutierrez's Writing---A Tired Court Room.

The third week of the Yda Addis Storke trial began with the court, the attorneys and the jury much brightened by the Sunday's rest. Nevertheless the long, weary grind of the trial is telling on everyone connected with it; even Expert Kytka, usually as cheerful as a lark, begins to show that he is tired. He has now been on the witness stand since last Monday, with the short interruption Thursday when Mrs. Goss was called to testify. Mrs. Storke looks careworn and the attorneys are even more ready than usual to engage in forensic dueling, that is sharpened more by sarcasm than wit. Members of the jury wear an air of resignation. Though some of them would like much to return to raking their meadows sweet with hay, or to whatever duties call them, they accept the fate which they cannot escape with the best grace possible. Judge Oster alone seems not to have been affected by the tiresome proceedings; but then, he's used to it. He enjoys the tilts between Senator Boyce and Expert Kytka or the attorneys as much as ever and not infrequently does he add a bon mot that puts the laugh on the warring attorneys.

It is the accepted belief now that the trial will last through the present week, at least.

MORNING SESSION.

At the opening of Monday morning's session, Expert Kytka again took the stand for the continuation of the cross-examination. Attorney Boyce called the attention of the witness to the disputed handwriting and asked if he had discovered any peculiar characteristics of the writer in the class of writing shaded on the base line. The witness noted that the small letter "a" never began with a straight upstroke, while the letters "r," "t" and "i" begin with a straight upstroke.

He was then asked to take the Dr. Martha Case letter and point out these different characteristics. This the expert proceeded to do, though he stated that he could explain much better by illustration on the blackboard. After he had reached the word "kept" in the sixth line, he was asked to illustrate on the board how the letter "p" had been retraced to destroy the individuality of the writer, as he asserted.

He was then asked if the hook of the "k" in the word "acknowledged" was similar to the hook of the letter "p" as shown in greatly enlarged form. He replied that there was no similarity.

Attorney Boyce then requested the expert to draw the letter "f" as peculiarly formed in one word of the Case exhibit; Kytka did so, and stated that the letter as so formed was found but twice in that letter; that it resembled the letter as printed in the Italian language, and also the italic letter "f" in English. It was a style of "f" that might be used by a person wishing to disguise his handwriting by printing, it might be that the person became familiar with the style from being around newspaper offices.

"Then you infer that the person who wrote that was familiar with newspaper offices?"

"No, sir. I said he might have become familiar with that style from being around the offices.

He was handed another document, and asked to examine a letter "f" appearing therein, and point out if there was any similarity with Case letter "f."

"I discover nothing; when you begin to analyze it there is no resemblance in the details."

The small letter "b" was next taken up for comparison. One with a broken back was especially noted by the attorney, and he asked Kytka to trace it on the board.

"There is a much better point in your favor here," said Kytka as he went to work with his chalk.

"I am much obliged to you," returned Mr. Boyce graciously. "I may get something out of you at last."

When the expert had finished, Mr. when persons write a great deal, they are liable to let slip the natural characteristics, toward the end?"

"That's where we catch them."

"That is what I thought."

The letter "f" was taken up as a subject for consideration, just as the court announced adjournment.

AFTERNOON SESSION.

When Expert Kytka had completed the tracing of the letter "f" on the board, showing a break in the up stroke, Mr. Boyce asked to be shown the original letter under the microscope. He then asked to what cause the witness laid the break in this letter and in the preceding letter "p," the word being "completely."

"The inference would be," said Kytka, "that the writer had changed the position of the pen. The pen went into the paper, and its progress was stopped by striking the fiber of the paper too deeply."

"I will ask you to look at the same exhibit and observe the interlineation 'at all hours,' and ask you what you infer as to the manner in which it was done?"

"I would infer that it was written after the line below was written."

"The whole letter gives signs of having been laboriously written?"

"No, sir; only in the down strokes, which are heavily shaded. Some letters are slowly formed and others are more rapidly written." Kytka then pointed out certain letters in which there was no tremor, indicated that they were written in the more natural hand of the author.

The expert, when his attention was called to the letter "w" in the word "with," stated that the visible extra stroke might have been written with the intention of forming the letters "a" or "w."

"All these things," asked Mr. Boyce, "are to a degree speculative? These inferences are drawn from probabilities? The track is left unconsciously—"

"That track is an elephant's track," interrupted Kytka.

"That is it. It is on the color of the elephant that we differ."

"Please look at the last ten lines," continued Mr. Boyce, "and taking into consideration the manner in which it is written, the insertion 'at all hours,' and the manner in which the words 'now read with' are constructed, the occurrence of the strokes in the word 'completely,' and the whole aspect of those ten lines, is it not indicative that the writer made this writing from a copy?"

"I can not swear."

"I ask you if it is not indicative of such?"

"I can not say; that is speculative. I do not speculate on anything."

The attorney was compelled to repeat time and again the question as to the last ten lines. He wanted the expert to tell whether, if the writer had in mind the ideas of the lines, would the errors that have been pointed out been made.

Witness failed to understand, asking to have the question simplified. He thought it could be made clearer.

"Maybe it could, but unfortunately I am not possessed of your intellect, and you must take me as nature made me."

Attorney Squier—We object to this sarcasm.

"There is no sarcasm intended," replied Mr. Boyce.

The Court—Maybe he means it; the objection is overruled.

City Clerk Crane was called to identify writings of F. N. Gutierrez in city records. Attorney Boyce asking to have Mr. Crane sworn while Expert Kytka was on the stand, for the purpose of comparing writing of Mr. Gutierrez with that of the letters.

Prosecuting Attorney Squier again objected to the introduction of this writing on the grounds that it was the direct evidence of the defense sought to be injected into the cross-examination.

Judge Oster asked if the writing of the records was the work of one person, saying that it was the meaning of his ruling Saturday that only one person's writing, not that of every Tom, Dick and Harry, might be presented by the defense to prove that the alleged writing of defendant was done by another person.

Prosecuting Attorney Squier objected to the writing being used on the grounds that it was done between the years 1872 and 1882.

Attorney Boyce replied that it was the purpose to introduce also writing by Mr. Gutierrez in 1899, the purpose of the other writing being to make a continuous exhibition.

The objection was overruled.

Kytka wanted to know if he would have to go through all of the records, there were 200 or 300 pages. The court assured the expert that he would not be expected to pass upon it all during the afternoon.

The blackboard was again called into use, Attorney Boyce calling attention to a figure representing a characteristic hook in letters found in the exhibits and asked if the same characteristic was not found in the writing of Mr. Gutierrez in the city records. The witness pronounced the writing absolutely dissimilar.

There was a great deal of amusement evoked by the witty and sarcastic sparring between witness and attorney, the court now and then putting in a side remark that sent a ripple of smiles over the audience.

After a short recess Expert Kytka replied that he had examined all of the "block" letters of the writing placed before them. He found no similraity in the writings. Other writing of Mr. Gutierrez contained in the city records was presented. The particular letter was "f," which again witness pronounced unlike that in the exhibits. He found nothing alike but that they were both "f's."

Another page of "f's" in an abstract written by Mr. Gutierrez were found dissimilar to that on the board, not being within "a thousand inches of the same," said witness.

The capital letter "B" in block writing was next referred to, with the same opinion being passed by the witness.

There arose over this letter a discussion of former testimony by the expert as to the same letter in the standards and disputed writings. Similar discussion over other letters continued until court adjourned until 10 o'clock this morning.

THE STORKE CASE.

A Resume of the Evidence Now In.

June 13-1899

Expert Kitka Still Undergoing Examination.

The Storke libel case is now launched fully upon the third week of its lifetime and is still a most lively infant. During the two weeks that have just past so much testimony has been introduced that it may not be amiss now to run briefly over what has been done in order to refresh the memories of our readers as to the present state of the case.

The case against Mrs. Storke was brought on an indictment by the grand jury of this county. She is accused of having libelled Dr. R. F. Winchester in an anonymous letter written to Dr. Martha L. Case at one time an assistant of Winchester's. At the time this Case letter was written a number of other letters were sent anonymously about the town and it is a conclusion that the person who wrote the Case letter wrote the others also.

Dr. Martha Case was the first witness for the prosecution. She identified the letter of the indictment and testified as to her association with Winchester. Her relations with him had been very slight. Mrs. Storke came to her residence at one time to ask about those letters; representing herself as a reporter. At this time she had asked if the names of Hiram Pierce and I. G. Waterman did not appear in the Case letter. Dr. Case had not mentioned those names.

Mrs. George Thompson was the second witness. She swore that she had known Mrs. Storke in a friendly way for a long time and that at one time the two ladies had been very much interested in ousting C. Y. Ro[...] from our public schools. T[o] accomplish this they had agree[d] to write certain article for th[e] newspapers. But Frank Sand[s], editor of the News, had refus[ed] to take Mrs. Storke's copy as [he] knew her handwriting, so arti[-]cles were written by Mrs. Stork[e] and copied by Mrs. Thompso[n] in order that they might receiv[e] publication. These document[s] were accidentally preserved b[y] the witness. On the stand sh[e] swore to having seen part o[f] them written by the defendan[t] and that she knew Mrs. Storke's writing well enough to recog[-]nize it. She was shown the letters upon which Mrs. Stork[e] was indicted together with othe[r] anonymous letters and these sh[e] said were in the handwriting of the accused.

Several witnesses testified t[o] having received anonymous let[-]ters and they were identified i[n] court. Postmaster Maulsby also identified the postmarks on the letters as those of the Santa Barbara postoffice showing that they had all been posted here.

Clio E. Lloyd, of the Press, testified that Mrs. Storke had come to his office desiring him to publish certain stories about the anonymous letters at the time they were being sent about the city. She said that she had it in for Winchester and that she would follow him all the days of his life.

Frank Sands, editor of the News, testified that the defendant had at one time been in his employ. From the fact that she produced very remarkable copy this witness who had also seen her write knew her writing. He also gave testimony that the Case and other letters were written by Mrs. Storke. He also testified that at one time Mrs. Storke had told him that she could write three distinct styles of writing.

Mrs. Anna E. West had also been a friend of the accused. She had made every effort to prove the defendant innocent of the accusation of having written anonymous letters but when on one occasion she saw these letters and noted the hand in which they were written sh[e] came reluctantly to the conclu[-]sion that they were written b[y] Mrs. Storke. Through her [a] number of letters of Mrs. Stork[e] were introduced in evidence.

E. M. Pouraile gave testimon[y] of another kind. He had work[-]ed up the evidence for the Pe[o]ple and it was through his wor[k] that Mrs. Storke was indicte[d] by the Grand Jury. He als[o] testified to having found in h[er] room bits of tracing paper an[d] tissue paper which were simila[r] to pieces of paper upon whic[h] certain newspaper clippings se[nt] to Dr. Winchester had bee[n] pasted.

Frances D. Havens who live[s] on the outskirts of town sai[d] that he had known Mrs. Stork[e] several years and that he ha[d] seen her write and that member[s] of his family had receive[d] numerous letters from her. H[e] therefore knew her hand an[d] swore with Mrs. West, Mr[s.] Thompson and Mr. Sands th[at] the writing of the anonymou[s] letters was in the hand he ha[d] recognized when taking Mr[s.] Storke's letters from the pos[t] office.

Mrs. W. F. Goss, also an ol[d] friend of the accused, testifie[d] that at one time Mrs. Stork[e] had come to her and said th[at] she was trying to disguise her writing. She wished she [could] disguise it to such an extent that an expert could not recognize it instantly. She said there were some dozen people in Santa Barbara whom she wished to frighten with anonymous letters and at this time in 1897, she said she hoped to live long enough to accomplish Dr. Winchester's downfall and spoke very bitterly against him.

Handwriting expert Kitka has had the stand for a whole week. He took the admitted writings of Mrs. Storke and from a careful study of the details of construction of all of the smaller letters gave it as his opinion that the hand that wrote the admitted writings wrote the anonymous letters. In his cross examination he was confronted with certain writings of F. N. Gutierrez upon which action is still pending.

YESTERDAY'S SESSIONS.

Yesterday's work with the cross-examination of Kitka still going on was about as dull a proceeding as could well be imagined. The only thing of real interest during the day was the introduction of a number of old city records in which appeared writings made by Frank N. Gutierrez while in the city clerk's office here.

The whole questioning of the day seemed to be at random. First one subject was taken up and then another and the work dragged on with a weariness that made Mr. Kitka's head ache and set the county clerk to reading a magazine article. One of the jurors spent half a day reading a newspaper and some of the audience in one corner amused themselves by matching nickles.

The crowd was however a fair one. Every one is afraid to leave the court room for fear the sensation of the trial will occur while he is away. There seems to be some fascination about the place.

Mr. Gutierrez in the meantime is not at all pleased at being dragged into the nasty affair. As he hears more of it and wastes more time waiting about to go upon the witness stand his expressions of opinion in the matter become more forcible.

The unfortunate man is in a

only Mr. Boyce had come to me and told me about the letters I could quickly have told him that I did not write them and would not write such things. He could have had my handwriting. I would write for him and the town is full of my handwriting. I do not know why they want to mix me up in this.

Mr. Gutierrez has prepared an affidavit saying that the Martha Case letter is not the work of his pen. But he was afraid yesterday to publish this as in his ignorance he said he was afraid of being fined for contempt should he say anything about the letter.

But Mr. Kitka is a tower of strength on poor Gutierrez' side. He has made a special study of the Spanish Professor's handwriting and says that there is no likeness of detail between it and the writing of Mrs. Storke or the disputed letters.

Mr. Boyce spent a considerable time in examining the witness upon the various writings of Gutierrez but the answers were all alike; Gutierrez had not written the Martha Case letter.

The trial goes on today as usual.

by the Sunday's rest. Nevertheless the long, weary grind of the trial is telling on everyone connected with it, even Expert Kytka, usually as cheerful as a lark, begins to show that he is tired. He has now been on the witness stand since last Monday, with the short interruption Thursday when Mrs. Goss was called to testify. Mrs. Storke looks careworn and the attorneys are even more ready than usual to engage in forensic dueling, that is sharpened more by sarcasm than wit. Members of the jury wear an air of resignation. Though some of them would like much to return to raking their meadows sweet with hay, or to whatever duties call them, they accept the fate which they cannot escape with the best grace possible. Judge Oster alone seems not to have been affected by the tiresome proceedings; but then, he's used to it. He enjoys the tilts between Senator Boyce and Expert Kytka or the attorneys as much as ever and not infrequently does he add a bon mot that puts the laugh on the warring attorneys.

It is the accepted belief now that the trial will last through the present week, at least.

MORNING SESSION.

At the opening of Monday morning's session, Expert Kytka again took the stand for the continuation of the cross-examination. Attorney Boyce called the attention of the witness to the disputed handwriting and asked if he had discovered any peculiar characteristics of the writer in the class of writing shaded on the base line. The witness noted that the small letter "n" never began with a straight upstroke, while the letters "r," "p" and "t" begin with a straight upstroke.

He was then asked to take the Dr Martha Case letter and point out these different characteristics. This the expert proceeded to do, though he stated that he could explain much better by illustration on the blackboard. After he had reached the word "kept" in the sixth line, he was asked to illustrate on the board how the letter "p" had been retraced to destroy the individuality of the writer, as he asserted.

He was then asked if the hook of the "k" in the word "acknowledged" was similar to the hook of the letter "p" as shown in greatly enlarged form. He replied that there was no similarity.

Attorney Boyce then requested the expert to draw the letter "f" as peculiarly formed in one word of the Case exhibit; Kytka did so, and stated that the letter as so formed was found but twice in that letter; that it resembled the letter as printed in the Italian language, and also the italic letter "f" in English. It was a style of "f" that might be used by a person wishing to disguise his handwriting by printing. It might be that the person became familiar with the style from being around newspaper offices.

"Then you infer that the person who wrote that was familiar with newspaper offices?"

"No, sir. I said he might have become familiar with that style from being around the offices.

He was handed another document, and asked to examine a letter "f" appearing therein, and point out if there was any similarity with Case letter "f."

"I discover nothing; when you begin to analyze it there is no resemblance in the details."

The small letter "h" was next taken up for comparison. One with a broken back was especially noted by the attorney, and he asked Kytka to trace it on the board.

"There is a much better point on your lover here," said Kytka as he went to work with his chalk.

"I am much obliged to you," returned Mr. Boyce graciously. "I may get something out of you at last."

When the expert had finished, Mr. Boyce selected another letter "h" in the same exhibit, and asked if it was not similar to the first.

"Why, bless your soul," exclaimed Kytka, "it is just the reverse. One has the right curve and the other has the left."

"Then, if they are the reverse, I shall ask the jury to examine them."

Mr. Boyce directed the attention of the witness to other "h's" with the broken back characteristic. Some were found in the closing lines of the Case letter.

"As an expert you are aware of the fact that in attempts to disguise a hand, or to simulate the writing of another, ... was stopped by striking the fiber of the paper too deeply.

"I will ask you to look at the same exhibit and observe the interlineation 'at all hours' and ask you what you infer as to the manner in which it was done?"

"I would infer that it was written after the line below was written."

"The whole letter gives signs of having been laboriously written?"

"No, sir; only in the down strokes, which are heavily shaded. Some letters are slowly formed and others are more rapidly written." Kytka then pointed out certain letters in which there was no tremor, indicated that they were written in the more natural hand of the author.

The expert, when his attention was called to the letter "w" in the word "with," stated that the visible extra stroke might have been written with the intention of forming the letters "n" or "u."

"All these things," asked Mr. Boyce, "are to a degree speculative? These inferences are drawn from probabilities? The trunk is left unconsciously—"

"That trunk is an elephant's trunk," interrupted Kytka.

"That is it. It is on the color of the elephant that we differ."

"Please look at the last ten lines," continued Mr. Boyce, "and taking into consideration the manner in which it is written, the insertion 'at all hours,' and the manner in which the words 'non read with' are constructed, the sameness of the strokes in the word 'completely,' and the whole aspect of those ten lines, is it not indicative that the writer made this writing from a copy?"

"I can not swear."

"I ask you if it is not indicative of such?"

"I can not say, that is speculative. I do not speculate on anything."

The attorney was compelled to repeat time and again the question as to the last ten lines. He wanted the expert to tell whether, if the writer had in mind the ideas of the lines, would the errors that have been pointed out been made.

Witness failed to understand, asking to have the question simplified. He thought it could be made clearer.

"Maybe it could, but unfortunately I am not possessed of your intellect, and you must take me as nature made me."

Attorney Squier—We object to this sarcasm.

"There is no sarcasm intended," replied Mr. Boyce.

The Court—Maybe he means it, the objection is overruled.

City Clerk Crane was called to identify writings of F. N. Gutierrez in city records, Attorney Boyce asking to have Mr. Crane sworn while Expert Kytka was on the stand, for the purpose of comparing writing of Mr. Gutierrez with that of the letters.

Prosecuting Attorney Squier again objected to the introduction of this writing on the grounds that it was the direct evidence of the defense sought to be injected into the cross-examination.

Judge Oster asked if the writing of the records was the work of one person, saying that it was the meaning of his ruling Saturday that only one person's writing, not that of every Tom, Dick and Harry, might be presented by the defense to prove that the alleged writing of defendant was done by another person.

Prosecuting Attorney Squier objected to the writing being used on the grounds that ...

There was a great deal of amusement evoked by the witty and sarcastic sparring between witness and attorney, the court now and then putting in a side remark that sent a ripple of smiles over the audience.

After a short recess Expert Kytka replied that he had examined all of the "block" letters of the writing placed before them. He found no similarity in the writings. Other writing of Mr. Gutierrez contained in the city records was presented. The particular letter was "f," which again witness pronounced unlike that in the exhibits. He found nothing alike but that they were both "f's."

Another page of "f's" in an abstract written by Mr. Gutierrez were found dissimilar to that on the board, not being within "a thousand inches of the same," said witness.

The capital letter "B" in block writing was next referred to, with the same opinion being passed by the witness.

There arose over this letter a discussion of former testimony by the expert as to the same letter in the standards and disputed writings. Similar discussion over other letters continued until court adjourned until 10 o'clock this morning.

THE STORKE CASE.

A Resume of the Evidence Now In.

June 13-1899

Expert Kitka Still Undergoing Examination.

The Storke libel case is now launched fully upon the third week of its lifetime and is still a most lively infant. During the two weeks that have just past so much testimony has been introduced that it may not be amiss now to run briefly over what has been done in order to refresh the memories of our readers as to the present state of the case.

The case against Mrs. Storke was brought on an indictment by the grand jury of this county. She is accused of having libelled Dr. R. F. Winchester in an anonymous letter written to Dr. Martha L. Case at one time an assistant of Winchester's. At the time this Case letter was written a number of other letters were sent anonymously about the town and it is a conclusion that the person who wrote the Case letter wrote the others also.

Dr. Martha Case was the first witness for the prosecution. She identified the letter of the indictment and testified as to her association with Winchester. Her relations with him had been very slight. Mrs. Storke came to her residence at one time to ask about those letters; representing herself as a reporter. At this time she had asked if the names of Hiram Pierce and I. G. Waterman did not appear in the Case letter. Dr. Case had not mentioned those names.

Mrs. George Thompson was the second witness. She swore that she had known Mrs. Storke in a friendly way for a long time and that at one time the letters upon which Mrs. Storke was indicted together with other anonymous letters and these she said were in the handwriting of the accused.

Several witnesses testified to having received anonymous letters and they were identified in court. Postmaster Maulsby also identified the postmarks on the letters as those of the Santa Barbara postoffice showing that they had all been posted here.

Clio E. Lloyd, of the Press, testified that Mrs. Storke had come to his office desiring him to publish certain stories about the anonymous letters at the time they were being sent about the city. She said that she had it in for Winchester and that she would follow him all the days of his life.

Frank Sands, editor of the News, testified that the defendant had at one time been in his employ. From the fact that she produced very remarkable copy this witness who had also seen her write knew her writing. He also gave testimony that the Case and other letters were written by Mrs. Storke. He also testified that at one time Mrs. Storke had told him that she could write three distinct styles of writing.

Mrs. Anna E. West had also been a friend of the ... She had made every effort to prove the defendant innocent of the accusation of having written anonymous letters but when on one occasion she saw these letters and noted the hand in which they were written she came reluctantly to the conclusion that they were written by Mrs. Storke. Through her a number of letters of Mrs. Storke were introduced in evidence.

E. M. Pourade gave testimony of another kind. He had worked up the evidence for the People and it was through his work that Mrs. Storke was indicted by the Grand Jury. He also testified to having found in her room bits of tracing paper and tissue paper which were similar to pieces of paper upon which certain newspaper clippings sent to Dr. Winchester had been pasted.

Frances D. Havens who lives on the outskirts of town said that be had known Mrs. Storke several years and that he had seen her write and that members of his family had received numerous letters from her. He therefore knew her hand and swore with Mrs. West, Mrs. Thompson and Mr. Sands that the writing of the anonymous letters was in the hand he had recognized when taking Mrs. Storke's letters from the post office.

Mrs. W. F. Goss, also an old friend of the accused, testified that at one time Mrs Storke had come to her and said that she was trying to disguise her

BOTH JACKSON AND GUTIERREZ

Defense Will Try to Implicate Them in the Libel.

TO SAVE YDA ADDIS STORKE

Senator Boyce Unhesitatingly Tells Line of Defense---Another Day With Expert Kytka.

If there is any dash or dot, crook, curve or angle in any letter in any of the hundred and one exhibits of handwriting in evidence in the Yda Addis Storke trial that has not received its full share of attention during the cross-examination of Expert Witness Kytka by Senator Boyce, that little dash or dot, crook, curve or angle may be sure that it will not be overlooked, if it is discernible to the eye aided by a powerful microscope. The attitude of the defense in the more or less notorious case leads to the belief that this assertion can be made in truth, and this same attitude of the defense leads also to the belief that the jovial face of the presiding judge will be wrinkled and the jury bearded like Rip Van Winkle of popular legend before the trial is concluded. The court, attorneys, jury and habitues of the court room are receiving a valuable lesson in the profession of writing, if they will live long enough after to profit by it.

To paraphrase a familiar parliamentary phrase, court held a short session yesterday, reported progress and was summoned to meet again at 9 o'clock this morning.

MORNING SESSION.

The important phase of the morning session of the Yda Addis trial Tuesday was a statement made by Attorney Boyce as to the line of defense to be pursued. It was brought out with no hesitancy that the defendant will claim that the anonymous letters, or part of them, were written by F. N. Gutierrez and Grant Jackson.

Expert Kytka was again on the stand, and Attorney Boyce renewed the cross-examination by handing the witness a page from exhibit 12, one of the disputed letters, and a note that had not been previously introduced. District Attorney Squire objected to the introduction of more writings that were not vouched as being in the handwriting of any particular person. Mr. Boyce explained that the defense would contend that the writer of the writing in question was the writer of certain of the disputed writings; that the writing in dispute was by two persons; that they were the product of two different persons that the defense expected to identify the writings. Mr. Boyce added that there had been no thought and no suggestion that the person who signed the document introduced Saturday was the author of the disputed writings, but that the document in question had been introduced for the purpose of identifying comparison therein.

Mr. Squire suggested that when writings are introduced in evidence the name of the writer should be given. He asked Mr. Boyce for what purpose the writings were brought into the case, and the attorney for the defense, opening the session of the day, when he announced:

"We claim that Grant Jackson and F. N. Gutierrez wrote certain of these letters."

The Court—Do you contend that Grant Jackson had anything to do with the writing of the Martha Case letter?

Mr. Boyce—We think so, your honor.

The expert was asked if the words "profession or professional" inserted in one of the anonymous letters were not in the same handwriting as the note handed to him, said to be in the writing of Grant Jackson. He replied that there was no resemblance.

"Will your familiarity with handwriting and your ability as an expert make you competent to judge as to the fixity of a person's writing?"

"Yes, sir."

"If you had a person's writing containing characteristics and idiosyncrasies that appear in the same person's writing ten, fifteen, twenty or twenty-five years later, what would you say in regard to the writing of that person?"

"I would say that he is a curiosity."

"What would you say in regard to the writing?"

"There is no man who has all of the same characteristics in his writing now that he had twenty-five years ago."

"I did not say all of the characteristics. What would you say of you found some of these characteristics?"

"They are very fixed."

"Such a persistency of habit would make it very difficult to throw off, to disguise the writing?"

"Yes, sir."

Books J, L, and M of deeds from the county recorder's office, said to contain the handwriting of F. N. Gutierrez, were introduced by Attorney Boyce, and the witness' attention was directed to certain characteristics and the formation of certain letters.

When one new exhibit was shown him, he asked to be given until 2 o'clock that he might study it.

He was asked if the capital letter "D" on an envelope of one of the anonymous letters did not have the appearance of being copied.

"That 'D' is—that is hard to say, but it is pretty free movement," said the witness.

"Then we will ask the jury to examine and see how free the movement is."

In the discussion over this letter "D," the expert begged the attorney to "please let me go to the blackboard, I can illustrate it so much more plainly," but Mr. Boyce was obdurate and insisted upon a verbal explanation of the ten different characteristics upon which Kytka based his opinion that the person who wrote the standards wrote the letter "D."

Kytka, throughout this stage of the examination, reaffirmed his belief that time could be saved by blackboard illustration and finally remarked that he did not care to be on the stand a month.

"Your agony for the taxpayers is very generous," commented Mr. Boyce.

"My mode runs properly here," replied Kytka.

"You had no objection to being on the stand for four and one half days, on direct examination?"

"I had a contract for six hours on the witness stand."

"But that did not prevent you from continuing four days and a half on the witness stand."

"Well, the sheriff was too close, and I did not care to come back in handcuffs."

The attention of witness was called to his direct testimony, where he had shown that in such words as "public" the letter "c" was above the line.

"Now, I will call your attention to Book K of deeds, and to the word 'public' and ask you if the letter 'c' is not above the line?"

Mr. Kytka examined the page, and noted: "All the letter 'c' are connected. I don't you remember I said they were disconnected?"

"I don't remember, but what I ask you is, if the letter 'c' is not above the line?"

"I find the letter 'c' is elevated above the line."

Kytka added some side remarks that aroused counsel, and in the exchange of compliments, Mr. Boyce told Kytka that he did not like his manner on the stand, and Kytka replied that he did not like the attorney's style of cross-examination.

The expert was asked what he had meant in the direct examination when he had said: "It is not fair to compare that, as it is an entirely different occupation," in reference to a character to which a juror had called his attention.

Kytka stated that he wanted to give the juror a fair study of the letter in question, and that the one noted was a different letter.

"I ask you whether some purpose has been to establish a theory or to discuss the matter and see where the theory leads you to?"

"Yes, sir. I act impartially."

"You are not under a private retainer, are you?"

"I should like to know where it comes from."

"I ask you, are you under a private retainer?"

"No, sir."

He was asked if experts did not sometimes differ as to theories when examining disputed handwriting.

"Sometimes they differ, except in some lines."

"The disputed writings in this case are in those lines, where there could be no difference of opinion by experts?"

Kytka agreed with the statement of counsel, adding that he was not surprised that people who were familiar with the writing of the standards should recognize the writing in the other exhibits.

In reply to a question as to the manner of experting writings Kytka said that he ignored the phraseology entirely, and simply examined the writing as to the manner of its execution.

"You have stated that in the letter written to Mr. Taggart two different kinds of ink were used. Tell the jury why or how you are able to say that it is written with two kinds of ink."

"The microscope tells me. Certain inks have coloring matters that appear in different thicknesses. When I examine a letter I do not read it, I examine it stroke by stroke, and then the ink is a separate matter. Now the Kaldue letter, on the envelope, has two kinds of ink. The writer evidently did not know the full address, when the '11' was written and then added the '25' afterward."

"There is a difference in the writing of the figures '11' and '25,' is there not?"

"No, sir."

The court then adjourned until 2 o'clock.

AFTERNOON SESSION.

Attorney Boyce began the afternoon session by asking Expert Kytka:

"Do you find any breaks in the writing or addresses on any other envelopes?"

"The two inks used on the Kaldue letter and an obliteration on another resembling the action of some acid."

The witness' attention was called to the formation of a letter "g" in The Press letter.

"I find that the heavy stroke is retraced; also the heavy stroke on the letter 'a.'"

"Was it done with the same kind of ink?"

"Yes, sir. They are retraced with the same ink."

"I call your attention to other letters in the word 'personality.' Are there any letters retouched?"

"Yes sir, they are retouched on the base line, after the writing was finished, for the purpose evidently of disguising the writing."

"The writer didn't neglect those base lines, did he?"

"No, sir. They are all retraced."

The witness used a newspaper term in speaking of some of the writing, when he was asked if he had ever had any experience in a newspaper office, to which he replied that he once had charge of the art department on the Chicago Tribune.

Retracings, blottings and shadings occupied the time until 3 o'clock, when court adjourned for the afternoon, to allow Judge Oster and others to attend the ceremonies of laying the St. Anthony's college corner stone at the Mission. To make up for time lost, Judge Oster said court would convene at 9 o'clock this morning, and the noon recess will be shortened a half hour.

EWS: SANTA BARBARA, WED

THE STORKE CASE.

The Cross Examination Wearisome.

An Intimation of a Sensation Sprung.

The Storke case has come to a stage where with the exception of now and then some important item it is not worth listening to and is a decided bore. The defense is spending days in apparently useless cross questionings of expert Kitka. He has laid down his opinions a hundred times during the last week and all the questions that are asked him merely bring out the same old points repeated over and over again.

The jury seems to be thoroughly wearied of the present state of affairs.

Yesterday afternoon when court was dismissed at three o'clock there wasn't a juror who didn't get out into the open air with the greatest of alacrity.

And nothing seems to come of all of this useless delay. Kitka merely repeats the things he has so often explained and it seems as if his answers worse for the defense than for the prosecution. The defense if it can keep itself by his testimony has a right to take it but there seems to be something dragging somewhere that is provoking.

The crowd on the benches keeps up to its usual numbers. Everybody is anxiously waiting for the Kitka farce comedy to come to an end and for the developments which are then supposed to be coming.

JACKSON IMPLICATED.

The only thing of importance that took place yesterday was the accusation of Attorney Grant Jackson as the chief conspirator in the plot to ruin Mrs. Storke. The conspiracy is gradually unfolding itself.

A number of old records from the county recorder's office were put into the case yesterday and with them a document upon which appeared some of the writing of Mr. Jackson.

The defense handed the document to the expert and asked him to look at the writing. Kitka smiled and the district attorney objected to the introduction of the document.

Mr. Boyce in stating his position said that it was the intention of the defense to charge two men here with having written the anonymous letters and that the document in issue contained writing of one of the men.

Mr. Squire. Whose writing is this?

Mr. Boyce. It is that of Grant Jackson.

Judge Oster. Do you think that Grant Jackson wrote the Martha Case letter?

Mr. Boyce. We think so your honor and we shall show evidence in support of what we think.

There was a death like hush in the court room and then somebody laughed.

The Kitka business was then resumed once more and continued to such a length that Judge Oster finally remarked that he might throw the blackboard out of the window. Mr. Kitka said that in such a case they might as well pitch him (Kitka) out after it, and so the case wagged on its weary way until adjournment at three.

LOCAL COMMENT.

The bringing in of Jackson's name at this time is causing considerable comment and most of those who have anything to say claim that it is done to raise a doubt in the minds of the jury and to secure a disagreement. The general opinion seems to be that both Jackson and Gutierrez are innocent of the charges brought against them.

Mr. Jackson has very little to say in the matter. He was not surprised at being brought into the affair as he had been warned that such would be the case. He protests his innocence.

"MAMMY" IS IN A CORNER.

MUST FILE SCHEDULE AND AN INVENTORY.

JUDGE TROUTT ISSUES AN ORDER MRS. PLEASANT MUST OBEY.

Sheriff and Creditors Are Ready to Take Charge of All the Property She Possesses.

Judge Troutt has ordered Mrs. Mary E. Pleasant, the old colored woman who for years has been the manager of the Bell household, to file in the Superior Court by to-morrow a schedule and inventory of her debts, liabilities and assets, she having been declared insolvent. Judge Troutt has directed the Sheriff to take possession of all of her property, except such as may be by law exempt from execution, and of all her papers, deeds, vouchers and books of account. The Sheriff is to keep them until an assignee is elected by the creditors. Judge Troutt has set the meeting of the creditors for the morning of June 22d at 10 o'clock in his courtroom.

In the findings which have been signed by Judge Troutt he says that it is not true that any fraudulent representations were made by Lucius L. Solomons to "Mammy" Pleasant to secure from her the deed to property at the northwest corner of Washington and Stone streets and on Sutter street, east of Jones, which she gave him in 1897. "Mammy's" story in connection with that transaction is declared by the Court to be untrue. She had charged Solomons with deceit and had claimed to be still the rightful owner of the property. The ranch in Sonoma county which "Mammy" deeded to Mrs. Teresa Bell in 189[illegible] still belongs to Mrs. Pleasant, the Judge decided, and is to be seized by the creditors, the deed to Mrs. Bell having been made to defraud them.

GUTIERREZ MAKES DENIAL

Says He Knows Nothing of the Anonymous Storke Case Letters.

STRANGE WORDS USED IN THEM

He Swears He Does Not Even Know the Meaning of One of Them.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, June 15.—Frank N. Gutierrez has occupied the witness stand all day in the Storke trial. This morning he identified several thousand pages of writing in old City and County record books as his work. These voluminous writings were introduced by the defense as specimens to show the persistency of certain characteristics in Gutierrez's penmanship.

The witness' answers were direct and straightforward, and his story bore the stamp of truthfulness. He said that he had never seen the "Martha" Case letter or any of the other letters in the case and had never even seen writing of the kind. He was closely questioned as to his relations with Winchester, Jackson and C. A. Storke. His acquaintance with Jackson was merely a speaking one. He never had any money dealings with either Jackson, Storke or Winchester, and none of them had ever spoken to him about writing anonymous letters. He had once been to Jackson's office to take an acknowledgment, but had found Mrs. Storke there and she had told him the attorney was not in. The tendency of the questions was to implicate not only Attorney Jackson, but Storke and Winchester as having induced Gutierrez to write the anonymous letter. Gutierrez, however, swore that he knew nothing of the fact that there were anonymous letters in the case until last Saturday, when he was told so by an "Examiner" correspondent and asked to write a part of one of the letters from dictation. He then learned for the first time the meaning of the word "roue," which is used in the Martha Case letter, in connection with the name of Dr. Winchester.

SANTA BARBARA.

High School Class Day—Storke Case Progresses.

SANTA BARBARA, June 15.—[Regular Correspondence.] The High School seniors held their class-day exercises last evening with great success. Channel City Hall was crowded. The exercises concluded with John Kendrick Bangs's laughable one-act farce "A Dramatic Evening." The cast included some clever amateurs. The graduation exercises will take place on the 18th.

Messrs. J. W. Taggart, Jarret T. Richards and C. W. Rasey were elected last night to fill vacancies on the board of directors of the Chamber of Commerce. They take the places of directors who have left the city. Committees are at work arranging for the entertainment of teachers during the N. E. A. convention. Santa Barbara will offer many features to attract visitors.

The cross-examination of Expert Kitka in the Storke trial came to an end late yesterday afternoon and the defense began its case. F. N. Gutierrez was placed upon the stand to identify certain writings reputed to be his. When the process of identification began it developed that Gutierrez, while in the County and City Clerks' offices, had written several volumes of deeds and ordinances. All of these were introduced, and still other writings went in this afternoon, making in all thousands of pages, some of them written as long ago as 1870. The object of the defense in bringing in all these books is to show the persistency of certain traits of handwriting through specimens taken from widely-separated periods of time. Expert Kitka was recalled for ten minutes today to give an opinion upon the similarity of the writing of Gutierrez to the writing of the anonymous letters. He said there were no marks of identity although there were some accidentally similar strokes. He stated it as his opinion that the anonymous letters were not written by either Gutierrez or Attorney Jackson. The hearing of testimony will probably be concluded tomorrow.

DEFENSE NOW HAS THE FLOOR

Cross-Examination of Expert Kytka Concluded Yesterday.

GUTIERREZ ON THE STAND

Prosecution in Yda Addis Storke Case Rests After Two and a Half Weeks of the Trial.

The 9 o'clock session Wednesday of the Superior court had a discouraging effect upon the crowd of spectators that daily throngs the court room. Possibly, too, the habitue is tiring of the scientific study of chirography, and is waiting for the expert to finish, before resuming his or her regular attendance at the Yda Addis trial. Yesterday morning, almost for the first time since the trial commenced, the defendant was the only woman present.

At the afternoon session Senator Boyce for the defense concluded cross-examination of Expert Kytka, who after a short re-direct examination by Prosecuting Attorney Squier, was excused from further service on the witness stand, excepting that he will be recalled this morning to report on a manuscript that he was to examine during the night. Mr. Kytka has put in nine full days on the witness stand. After recalling Elio L. Lloyd, the prosecution rested its case, and the defense called as its first witness F. N. Gutierrez.

Attorney Boyce continued the cross-examination of Kytka. The letter "e" in the word "decoyed" in The Press letter was drawn upon the board by the expert, and he was asked what he would say as to the characteristics of the letter.

"The letter 'e' was redrawn, twice, nearly the entire letter. Nearly the entire letter was made, rewritten."

"Then the letter 'e' is not the result of a continuous process of writing?"

"The lower portion is a clear stroke, chiefly; the upper portion of the letter is retraced, and the down stroke is separate. The retracing begins on the upper portion of the letter."

He was directed to examine the letter "e" in the word "ostracised" and explain the difference in construction. He said that the letter "e" was disfigured. Other "e's" in the same letter were also compared. The letter "e" in the word "Winchester," in the Dr. Martha Case letter was selected for further comparison.

Kytka was then asked if he discovered any characteristic in the formation of the letter "e" that would enable him to say that the writer of it was the writer of the standards. He replied that he did not, as the "e's" were all bogus.

A little tilt between witness and counsel occurred at this point, and Kytka was directed to confine his remarks to answers of the attorney's questions.

Book K of deeds was produced, and the expert was asked to examine the letter "e" in a number of words throughout the volume. When the first word was indicated to him, Kytka broke out with:

"You don't mean to say that this thing looks anything like—"

"I mean to ask you if that 'e' looks anything like the 'e's' you have been describing?"

"I am either blind, or don't know my business. I don't see anything like it."

"There are none so blind as those who won't see, Mr. Kytka."

Of the "e's" in another word in Book K of deeds, witness said:

"It is absolutely nothing like it, absolutely nothing like it. It is connected, that is all." The examination was continued at some length along this line, with the same result. Mr. Kytka stated that the "e's" were uniform, that they have no up stroke. "It would be the same if you showed me one thousand."

"Does not exhibit 'A' indicate the use of more than one kind of ink?"

"No, sir; one ink all the way through."

"I will call your attention to the Taggart letter, and your testimony that that letter had been written in two different kinds of ink. Point out in the letter the place where the change or distinction takes place."

Witness then reiterated his direct testimony on this point. He had not examined all of plaintiff's exemplars as to the ink used and Attorney Boyce requested him to do so. He stated that The Morning Press letter was not in the same kind of ink as most of the other letters he [illegible] at the afternoon session.

The standard exhibits, or such of them as were written in ink, were taken up in consecutive order. No. 1 was declared to be written in an entirely different ink, designated No. 3 ink; the same ink was found on the envelope of the Independent letter. No. 2 was written with the same kind of ink. No. 3 had two different kinds of ink, No. 1 ink being used in writing the letter, and No. 2 ink in making the corrections and touching up. The expert then remarked:

"I can call your attention to a point in the Taggart letter. The underlining on the first line of the third page of the letter is No. 1 ink; the ink in the words themselves is a new ink, No. 4, so far not found in any other exemplar."

"How far in this letter, is the ink, No. 4, used?"

"With the exception of the underlining, this kind of ink extends to line 17 on page 3. Page 4 of the letter was declared written in ink No. 1, page 1 was written with No. 4 ink; page 2 was written with No. 4 ink, page 5 with No. 1 ink.

Witness then went back to the standard exhibits, passing upon the different kinds of ink used. A number of the writings were laid aside, as some were written in pencil, and others in ink were on colored paper, and the expert did not care to express an opinion as to them, the color of paper confusing the coloring of the ink.

The same course was followed with defendant's exhibits. No. 1, an envelope addressed to Sheriff Stewart, was said to be in ink of a quality similar to ink No. 1. Exhibit No. 2 was in pencil. Exhibit No. 3, another envelope addressed to Sheriff Stewart, was of yellow paper. A signature of the defendant, written in 1890, was declared to be in an ink entirely different from any of the exemplars. Another exhibit of the defendant's, No. 22, was said to be written with the same quality of ink as the Martha Case letter. "Of course, I don't say it was taken from the same ink bottle, but was of the same quality."

"You remember referring to the letters 'lie,' and the letter 'i' as being above the line?"

"Yes, sir."

"I call your attention to the letters 'lic' in Book J of deeds, in this word 'public,' and ask you if you discover any characteristics of the same nature as in the letters 'lie' in the exhibits?"

"The letter 'i' is somewhat higher than the letters 'l' and 'e.'"

"Do you say that these letters have the same characteristics as in the exhibits?"

"No, sir."

"Where do they differ?"

"Oh, in a great many points. Let me illustrate."

"All right; I'll call your attention to another," naming page and line.

"The letter 'i' is on the same level with the letter 'l.'"

"Is it on the same level as the letter 'e'?"

"No, sir."

In looking over the pages of the big book, Kytka remarked:

"Nearly every one of these words is smeared with a pencil."

"What do you mean to insinuate? Do you mean to say that they have been tampered with?"

"It shows only a careless manner of handling exhibits."

"I ask you if that scratch has or could alter the ink lines of this exhibit?"

"No, sir. It simply shows that your expert is careless."

The court here adjourned until 1:30 o'clock.

AFTERNOON SESSION

The broken back "b" was the subject of discussion when the court reconvened at 2 o'clock. Kytka was shown some letters of that character, in some of the old records written by Gutierrez, and asked if they were not identical with the letters pointed in the exhibits. "They are alike," he responded, "but one is made with one stroke, and the other with two."

The word "acknowledged" was also found in one of these old records, and brought forward for comparison with the enlarged photograph of the same word taken from disputed and admitted exemplars of the defendant's handwriting. Kytka said that the word in the Gutierrez writing was divided seven times, while in the others the word was divided six times in different places, which he pointed out. The expert commented on the beauty of the writing, and when shown more recent writing of Mr. Gutierrez, he said there was no comparison; that the writer did not have his old time ability; that his muscles were then elas[tic] [illegible] that now they are sol[id] [illegible] entire documents were written by Gutierrez. He said he would require time for that, and was given until the following morning.

Other sheets of writings were submitted. He said the writing showed another touch altogether. He found some characteristics of the writing that resembled those of the writing already discussed.

Prosecuting Attorney Squier thought that before this writing was offered for identification Mr. Boyce should have learned by whom the writing was done.

The court replied that it would involve the examination of witnesses under oath to ascertain this, and the writings were admitted.

Another sample of Mr. Gutierrez' writing was handed the expert, to tell whether he could discover similarities in this and other writing. He found some little marks that were alike, he said, but the general style of the writing was altogether unlike.

"Mr. Kytka, when did you first testify in court as an expert?"

"It was in St. Louis, several years ago, in a patent case in which there was forgery. It was more a test in chemistry than writing. My side won, too."

"Oh, it did? I thank you for the information. Did your side ever lose?"

"Yes, sir."

"Not when you had anything to do with the case."

The court called Mr. Boyce to order for this line of questioning, saying that it was but a waste of time.

"When did you first give testimony as a hand writing expert?"

"It was the Martin will case, in San Francisco, in 1895 or 1896."

There was another haggle over the exact date of this trial, after which Mr. Boyce announced that he had finished with the witness.

On redirect examination by Prosecuting Attorney Squier Expert Kytka was again called to pronounce up the Nellie Maguire letter. Witness reaffirmed that it was in the same writing as the other anonymous letters. It was admitted in evidence.

Attorney Squier—Mr. Kytka, have you received any compensation for your services, or do you expect any other than [th]at you will receive from the county?"

"No, sir. I want only enough to get out of the county."

"Can you tell by examination of writing whether it was done by a man or a woman?"

"Yes, sir."

"In your judgment, was the Nellie Maguire letter written by a woman?"

"Yes, sir."

There was a further questioning as to letters that had already been explained, as to their positions and characteristics. The peculiarity of formation of double letters "ll" referred to in the Martha Case letter in cross-examination, was pronounced only an accident.

The witness was excused after one and one-half weeks on the stand. He will be recalled this morning for a short time.

Elio L. Lloyd was recalled.

Prosecuting Attorney Squier—You will remember, Mr. Lloyd, that you testified before as to conversations that you had with the defendant in The Press office, in which these anonymous letters were mentioned, and that Dr. Martha Case was also mentioned?"

Attorney Boyce objected to Lloyd being recalled, this being the third time that he had been on the witness stand, and was now again to bolster up the testimony given before.

The objection was overruled.

"Did Mrs. Storke during either conversation say that she knew Dr. Martha Case?"

Attorney Squier stated that the purpose of the examination was to show that at the time of these conversations Mrs. Storke knew the contents of the anonymous letters, but that she did not then know Dr. Case.

Mr. Lloyd—She did not at the second conversation say that she knew Dr. Martha Case, but upon subsequent conversations."

"When was that?"

"I think it was the next evening after I told her that I knew Dr. Case. She said she had been up to see her and found her a very fine young lady, as I had said. She said it was the first time she had met her."

The prosecution here rested.

DEFENSE OPENS CASE.

F. N. Gutierrez was called as the first witness for the defense. He said that he has lived in Santa Barbara about 4[illegible] years. He is a teacher of Spanish and a searcher of records. He was at one time deputy county recorder, in 1872 or thereabouts.

Books of county records were presented, the witness being asked by Attorney Boyce to designate pages that were entered by himself.

The remainder of the session, from before 4 o'clock until adjournment at [illegible] was occupied with this identification. Mr. Gutierrez pointed out hundreds of pages of his writing.

Court adjourned till 10 o'clock this morning.

NEWS: SANTA BARBARA, T[illegible]

THE STORKE CASE.

The Prosecution Finished Direct Examination.

Defense Opens and Examines Gutierrez.

The prosecution in the Storke case has at last rested or rather been allowed to rest its case. When court convened at 9 o'clock yesterday morning everybody thought that the cross-examination of Kitka would outlast this week as it did the last.

But suddenly at about four in the afternoon the defense said "That's all" to Kitka and with indescribable joy he gathered up his "traps," microscopes etc., and left the court room.

During the day he had been going over the same old routine of the days gone by and the testimony was neither interesting to himself or anyone else. There was a little variation in the morning when the ink subject was gone over some more but the day was uneventful.

Mr. Kitka will remain in the city several days longer and will then return to San Francisco where several important cases await his opinions. Chief Lees has been telephoning Mr. Kitka to come back for the last week.

Following the expert Mr. Lloyd went on the stand for a few minutes. He testified that after the visits from Mrs. Storke of which he gave an account some time ago, she returned once more to the Press office and there told him that she had called upon Dr. Case and had found her a very nice woman.

Lloyd was not cross examined and the prosecution rested its case.

DEFENSE BEGINS.

The defense began its case promptly and without the delay of opening remarks.

F. N. Gutierrez was called as the first witness but did not get anywhere. He said he was 5[illegible] years of age and that he had lived here 19 years. His profession is that of a searcher of records and he teaches Spanish.

He was asked to point out in county record books "J," "K," "L" and "M" of deeds the pages written by him while deputy county recorder here years ago. This he did occupying an hour and a half in the performance. The books were in fact written almost entirely by the witness and there will be no trouble about finding specimens of his writing.

The defense will proceed with the examination of Gutierrez at 10 o'clock this morning.

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OWNS A COYOTE.

Expert Kitka Acquires a Playful Pet.

Expert Kitka is rapidly becoming one of our towns people. He has been, on the witness stand so long in the libel trial that everyone in town knows who he is, and in fact he has been here almost long enough to vote.

Having become fond of our city and its people, Mr. Kitka, who is a lover of animals, wished to secure some living pet here as a souvenir of his trip. He thought first of a dog but came to the conclusion that no dog he could procure here would thrive in company with a well known bull dog "Bitters" which he owns in San Francisco. Mr. Dunn would not part with any of his venison so Kitka compromised upon the juvenile coyote now chained in the hotel deer park. Mr. Dunn made the expert a present of the wiley infant on condition that the expert should assume all responsibilities of the ownership of the beast. It was also stipulated that if either Mr. Dunn, Captain Waters or F. M. Frye should within the next three weeks be accused of writing the celebrated anonymous letters, Kitka should continue upon the witness stand long enough to show that they could not have done so.

The coyote meanwhile is making himself a reputation equal to that of Henley Booth's dog "Ham" and Mr. Kitka has named his pet after a prominent member of the local bar. Last night the little fellow got loose and killed several of Mr. Dunn's chickens, the Mongolian pheasants fortunately escaping. But this is not the worst. The beast seems to have a mania for destruction. He has destroyed a leather sofa in his owner's room and has eaten the rubber corks out of a number of valuable bottles.

But Mr. Kitka's brother, George Kitka, has solved the matter and Don Coyote is to be presented to Chief Lees, of San Francisco, and will become the pet of Frisco's police department. Here Kitka can see him now and then and be reminded of the pleasant month he spent in this city testifying to the handwriting of prominent citizens.

The 9 o'clock session Wednesday of the Superior court had a discouraging effect upon the crowd of spectators that daily throngs the court room. Possibly, too, the habitue is tiring of the scientific study of chirography, and is waiting for the expert to finish, before resuming his or her regular attendance at the Yda Addis trial. Yesterday morning, almost for the first time since the trial commenced, the defendant was the only woman present.

At the afternoon session Senator Boyre for the defense concluded cross-examination of Expert Kytka, who after a short redirect examination by Prosecuting Attorney Squier, was excused from further service on the witness stand, excepting that he will be recalled this morning to report on a manuscript that he was to examine during the night. Mr. Kytka has put in nine full days on the witness stand. After recalling Clio L. Lloyd, the prosecution rested its case, and the defense called as its first witness F. N. Gutierrez.

Attorney Boyre continued the cross-examination of Kytka. The letter "e" in the word "deceived" in The Press letter was drawn upon the board by the expert, and he was asked what he would say as to the characteristics of the letter.

"The letter 'e' was redrawn, twice, nearly the entire letter. Nearly the entire letter was made, rewritten."

"Then the letter 'e' is not the result of a continuous process of writing?"

"The lower portion is a clear stroke, chiefly; the upper portion of the letter is retraced, and the down stroke is separate. The retracing begins on the upper portion of the letter."

He was directed to examine the letter "e" in the word "witnessed" and explain the difference in construction. He said that the letter "e" was disfigured. Other "e's" in the same letter were also compared. The letter "e" in the word "Winchester," in the Dr. Martha Case letter was selected for further comparison.

Kytka was then asked if he discovered any characteristic in the formation of the letter "e" that would enable him to say that the writer of it was the writer of the standards. He replied that he did not, as the "e's" were all bogus.

A little tilt between witness and counsel occurred at this point, and Kytka was directed to confine his remarks to answers of the attorney's questions.

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"You don't mean to say that this thing looks anything like—"

"I mean to ask you if that 'e' looks anything like the 'e's' you have been describing?"

"I am either blind, or don't know my business. I don't see anything like it."

"There are none so blind as those who won't see, Mr. Kytka."

Of the "e's" in another word in Book K of deeds, witness said:

"It is absolutely nothing like it, absolutely nothing like it. It is connected, that is all." The examination was continued at some length along this line with the same result. Mr. Kytka stated that the "e's" were uniform, that they have no up stroke. "It would be the same if you showed me one thousand."

"Does not exhibit 'A' indicate the use of more than one kind of ink?"

"No, sir; one ink all the way through."

"I will call your attention to the Taggart letter, and your testimony that that letter had been written in two different kinds of ink. Point out in the letter the place where the change or distinction takes place."

Witness then reiterated his direct testimony on this point. He had not examined all of plaintiff's exemplars as to the ink used and Attorney Boyer requested him to do so. He stated that The Morning Press letter was not in the same kind of ink as most of the other letters he had examined. The Amy Bennett letter, the Patrick Flannigan letter, the Lloyd letter, the Miss McGilvray letter, the envelope addressed to Dr. Winchester containing newspaper clippings, and the Nellie Maguire letter of December 9th, were written in the same ink as The Press letters. Exhibit B, another envelope addressed to Dr. Winchester, was written in the same ink as the Martha Case letter. The Dr. Simpson letter was written with one kind of ink, but the first few lines showed a trace of different coloring, indicating that the pen had been dipped just previously in ink of another shade. He was asked to make a detailed examination of the inks in this letter during the noon hour, and report

found in any other exemplar."

"How far in this letter, is the ink, No. 4, used?"

"With the exception of the underlining, this kind of ink extends to line 17 on page 3. Page 4 of the letter was declared written in ink No. 1, page 1 was written with No. 1 ink, page 2 was written with No. 1 ink; page 3 with No. 1 ink.

Witness then went back to the standard exhibits, passing upon the different kinds of ink used. A number of the writings were laid aside, as some were written in pencil, and others in ink were on colored paper, and the expert did not care to express an opinion as to them, the color of paper confusing the coloring of the ink.

The same course was followed with defendant's exhibits. No. 1, an envelope addressed to Sheriff Stewart, was said to be in ink of a quality similar to ink No. 1. Exhibit No. 2 was in pencil. Exhibit No. 3, another envelope addressed to Sheriff Stewart, was of yellow paper. A signature of the defendant, written in 1890, was declared to be in an ink entirely different from any of the exemplars. Another exhibit of the defendant's, No. 22, was said to be written with the same quality of ink as the Martha Case letter. "Of course, I don't say it was taken from the same ink bottle, but was of the same quality."

"You remember referring to the letters 'lie,' and the letter 'i' as being above the line?"

"Yes, sir."

"I call your attention to the letters 'lic' in Book J of deeds, in the word 'public,' and ask you if you discover any characteristics of the same nature as in the letters 'lic' in the exhibits?"

"The letter 'i' is somewhat higher than the letters 'l' and 'c.'"

"Do you say that these letters have the same characteristics as in the exhibits?"

"No, sir."

"Where do they differ?"

"Oh, in a great many points. Let me illustrate."

"All right; I'll call your attention to another," naming page and line.

"The letter 'i' is on the same level with the letter 'l.'"

"Is it on the same level as the letter 'c'?"

"No, sir."

In looking over the pages of the log book, Kytka remarked:

"Nearly every one of these words is smeared with a pencil."

"What do you mean to insinuate? Do you mean to say that they have been tampered with?"

"It shows only a careless manner of handling exhibits."

"I ask you if that scratch has so could alter the ink lines of this exhibit?"

"No, sir. It simply shows that your expert is careless."

The court here adjourned until 1:30 o'clock.

AFTERNOON SESSION.

The broken back "h" was the subject of discussion when the court reconvened at 2 o'clock. Kytka was shown some letters of that character, in some of the old records written by Gutierrez, and asked if they were not identical with the letters pointed in the exhibits. "They are alike," he responded, "but one is made with one stroke, and the other with two."

The word "acknowledged" was also found in one of these old records, and brought forward for comparison with the enlarged photograph of the same word taken from disputed and admitted exemplars of the defendant's handwriting. Kytka said that the word in the Gutierrez writing was divided seven times, while in the others the word was divided six times in different places, which he pointed out. The expert commented on the beauty of the writing, and when shown more recent writing of Mr. Gutierrez, he said there was no comparison; that the writer did not have his old time ability; that his muscles were then elastic and young, and that now they are old, well set, and the writing shows tremor.

During the questions following, Kytka showed a disposition to reply before the queries were put to him.

"If you would not anticipate what is coming, and when you meet the bridge go over it, we would get along much faster," suggested Mr. Boyre.

"I can some times swim across," remarked Kytka.

"Yes, I have no doubt you can swim a very turbid stream."

Witness was shown further specimens of the writing of F. N. Gutierrez and asked as to the age of the manuscripts, and if he could say whether or not the

ings were admitted.

Another sample of Mr. Gutierrez' writing was handed the expert, to tell whether he could discover similarities in this and other writing. He found some little marks that were alike, he said, but the general style of the writing was altogether unlike.

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"It was in St. Louis, several years ago, in a patent case in which there was forgery. It was more a test in chemistry than writing. My side won, too."

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was occupied with the identification. Mr. Gutierrez pointed out hundreds of pages of his writing.

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NEWS: SANTA BARBARA, TI

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The Prosecution Finished Direct Fxamination.

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YDA ADDIS STORKE.

Professor Kytka Leaves the Witness Stand.

First Witness for Defense, F. N. Gutierrez, Appears and Gives Evidence as to the Record Book—A Case of Virtuous Indignation.

Sands, inspired by a serving spirit, voids himself of an editorial thus violently moral as to verge upon virtuous indignation. There appears to be something quite putrid in our commonwealth when an accused party cannot be taken into court, and upon general principles of dispatch, immediately judged, found guilty and hanged.

Much time has been consumed in this trial to give the prosecution a chance to prove Yda Addis guilty as charged, and though the immaculate Sands holds that to write anonymous letters is "hardly less grave than murder, we beg leave to say that anonymous publications of a vile nature are worse, because they are in print and remain on record. The virtuous Sands has fathered such publications, and particularly one written by Yda; he should hence say nothing and let the law in the Storke trial take its weary, lengthy course. If men and women would but adopt our way, they would on receiving anonymous letters, glance over them and throw them aside and never after even think about them. In that case nobody would be injured and no law violated but those of the postal department, and as Uncle Sam usually knows how to take care of himself, our Court and attendant cost to the tax-payers would not be brought in requisition.

Honest people can get along without litigation, and since our courts are constantly in operation, it follows that dishonesty is the cause. Any American citizen, no matter how depraved and worthless, can sue or get arrested any man or woman in the community. The accused party per force is drawn into court and at loss of time and money must defend himself. Be the charge criminal, the State pays the cost of prosecution; be the charge civil, the individual not worth a cent in money or reputation always finds a lawyer who for the want of lucrative practice must do something to keep his hand in. As a rule a man having a just cause and compelled to resort to law, wishes the matter disposed of as soon as possible, hence submits his case to the Judge of the Court. The individual with a shady case is invariably seeking to win, right or wrong, calls a jury, trusting to get things mixed up to the extent that the men judging the case get confused to the degree that the verdict frequently is a matter of toss up. Men having served as jurymen will bear us out in the above assertion.

That innocent people are drawn into this trial may be true; Sands and Lloyd were in it and survived. F. N. Gutierrez and Grant Jackson most assuredly must be held innocent until proven guilty, and to establish such innocence it either is placed on the witness stand to to tell the truth and nothing added.

A truthful witness can tell his tale unvarnished and concise, and no matter how searching the cross-examination, the witness may vary in expression but the sense will always be the same.

To say before hand that people are honest is decidedly hazardous, because man cannot judge the heart and God, whom Sands invokes on the least provocation, takes no interest whatever in mundane courts. Likely Sands, Tebletts, Lloyd, Gutierrez, Jackson, etc., are never called upon to act as jurymen for potent reasons, and though their honesty should not be questioned their respective names as endorsers of promises to pay the banker commands little if any respect.

Professor Kytka elucidates the handwriting on the wall, and confusion still confuses all but those gifted with superhuman smartness. What a task indeed to ascertain the action of the mind as displayed with rapid and slow movement of the pen. Psychology supposed to be taught in one lesson. Who struck Billy Patterson is still a matter of conjecture. "Grant Jackson did not write the letters," says the expert, who is loth to leave his illustrations.

F. N. Gutierrez on the stand. Witness requested to point out in City Ordinance book his hand writing. District Attorney's objection overruled. Some of the handwriting the witness states is not his—not positive. It appears that the mass of writing was done by the deputy. A dreary, long time is consumed and nothing is elicited but the refrain "Written by me." In the meantime the jury is trying hard to look bright and wide awake.

Afternoon—F. N. Gutierrez on the stand.

Q. Can you tell when the writings in the books were made in regard to the date they bear? A. No.

The books are from May, 1874, to 1787, was city clerk then. Entries were made from first to last date the last signature being in August, 1893; was clerk to the election of 1894.

Entries were made during that incumbency of office.

Witness was shown a paper and recognized his handwriting, dated 1879; recognized another written in 1880. The next paper is not written by him; still another is not his unless following copy. He admits another writing in full, a certificate of acknowledgment admitted, dated 1873—District Attorney overruled—and handwriting by Guiterrez proceeds. The next letter witness admits the writing but can not tell the date.

Portions of the next, written by him.

Subsequent exhibits written by the witness as late as three to four weeks ago.

Taught Spanish and did writing in 1897-1898; was with Mr. Putnam then, but not sure. Objection overruled. Describes his place of business near Judge Gammill's office. Occupied said office four months. Had two offices during that time. Objection sustained. Has known Grant Jackson, but does not know how long. Had no business with Jackson; went to his office recently to inquire. Saw Yda Addis in Grant Jackson's office. Objection overruled. Does not recollect having had any financial business. Jackson may have engaged his services, but can't remember. Objection sustained.

Witness is positive that he never had any conversation with Jackson regarding anonymous letter writing, because his sense of honor would have revolted at a thing so vile. He cites the history of his boyhood embracing his education. Has always followed a clerical pursuit; is able to write several or various hands; has done so for 25 years. Uses different pens. Exhibits a pen to illustrate *this* kind of writing.

THE STORKE CASE.

Mr. Gutierrez Spends a Weary Day.

Volumes of Musty Writings Produced and Identical.

Kitka was recalled yesterday morning for a short time by the defense and was asked to give his opinion as to whether he could find any similarities between the writings of Mr. F. N. Gutierrez and the Martha Case letter. There was an up stroke in the letter r that was similar but it was made with a different pressure of the pen. There was also a similarity in the body of the v, but there was an upstroke in beginning the letter in Gutierrez's writing which never appeared either in the disputed writing or in Mrs. Storke's admitted letters.

There was in Gutierrez's writing a great variety of ways of making the letter f while this was not true of the Case letter. Kitka said there were mighty few points of similarity in the writings and those strokes which were alike were made in a different way. The pen was held in a different position.

Witness shown a writing of Attorney Grant Jackson's in which appeared the word "professional" and asked if it was like another writing of Mr. Jackson's. Kitka explained that he knew without giving a professional opinion that the writings were Jackson's because he had in the presence of the district attorney seen Jackson write a great many words.

On cross examination by Mr. Squiers said that none of the disputed writings, not a stroke of them had been written by either Jackson or Gutierrez. There were a few accidental similarities, he said, but no real identities.

GUTIERREZ TESTIFIES.

Mr. Gutierrez went once more upon the stand at 10:30 o'clock and proceeded to point out page after page, or rather book after book of his handwriting done some time in the early seventies when Gutierrez was in the city clerk's office of this city.

The district attorney objected to having the records of the court encumbered with these voluminous samples of penmanship, but the court overruled the objection and in went the city ordinances, rulings and resolutions, with motions by mouldering councilmen and the rulings of mayors long since passed away. Gutierrez has undoubtedly lived a most industrious life. His writings fill immense and heavy volumes. The famous wharf rate ordinance of years gone by is in Gutierrez's hand.

After another long hour spent in the introduction of city records the district attorney again objected to the bringing in such voluminous specimens of writing.

Mr. Boyce explained that the volumes introduced would come handy in relation to expert Kitka's testimony as to the fixity of a person's handwriting and he said also that as the evidence of experts had been of a detailed nature it was necessary to have the very records themselves in order to examine them in the same detailed way.

Judge Oster. How many of those volumes have you?

Mr. Boyce. Only two more. The witness appears here as one hostile to us and we would like to have these pages put in identified.

Judge Oster. Well, as we have got so far into this we might as well let the other volumes go in. We don't mind the time any longer. We seem to have gotten beyond that. We will charge it up to elemnastinure and pay for it.

Gutierrez then went on and identified a lot more writing.

The defense in this libel action seems to have one trait that is attributed to the blessed angels above. It don't seem to know the difference between one day and a thousand years.

AFTERNOON SESSION.

In the afternoon Gutierrez identified a number of other red [illegible]

Continued on page six

[illegible] STORKE CASE [illegible]

[illegible] man and [illegible]

Q. What was your occupation [illegible]

A. [illegible]

[illegible]

Q. How long [illegible] you [illegible] Grant Jackson?

A. I don't remember how long I [illegible] him but I never [illegible] him intimately.

Q. When did you first meet him?

A. I don't know.

Q. Have you known him more than a year?

A. I [illegible] have known him [illegible] four years.

Q. During the year 189- did you have any business with Grant Jackson?

A. I don't remember.

Q. Were you ever in his office since the death of Judge Stratton?

A. [illegible] I was there once to have an acknowledgment. I asked Mrs. Yda Storke if Grant Jackson was there and she told me.

Q. You saw the defendant there?

A. Yes. She was in the [illegible] room. I don't know how many rooms he has.

Q. Did Grant Jackson ever call at your office?

A. My belief is that he did not call at my office at any time.

Q. Were you ever in the habit of meeting him at any other place during 1897?

A. No sir. I never met him except to say how do you do sir? Good day sir.

Q. Did you ever have any financial dealings with Grant Jackson during the year 1897?

A. No sir.

Q. Did Mr. Grant Jackson ever hire your services in 1897 during the months of July of that year up to the month of July 1898?

A. I really couldn't remember.

Q. Did you ever do any work for him, writing during that time?

A. If I did writing I do not remember.

Mr. Squiers objected to this line of examination as a cross in stead of a direct examination.

Q. Do you remember having any talk with Grant Jackson in regard to any anonymous letters said to have been circulated during the years 1897 1898?

A. Upon that question Mr. Boyce I am positive that I never had any conversation with Mr. Jack Boyce upon any such subject. (The words Jack Boyce were changed to Grant Jackson.)

Q. Why are you positive?

A. Because I never wrote any such letters. If Mr. Jackson had ever said anything about letters of that sort I should have said I do not want to talk about any letters of that sort.

Q. You stated yesterday that you were 51 years old and had lived here about 19 years?

A. Yes.

Q. Where were you educated?

A. I studied Spanish here with a man named Palma Mesa, with a man named Pine, with Jesuit here and in the Public Schools when Mr. Eliza B. Williams were teaching here.

[illegible]

Q. [illegible]

A. [illegible] those persons asked me questions who dare to ask me such questions about these letters.

Q. Do you use other kinds of pens?

A. Yes.

Q. Have you changed your habit of writing at any time during the past few years?

A. I may change ten times a day.

Q. Have you within the last few years adopted any particular style of writing?

The district attorney's objection was sustained.

Q. You mentioned a gone over the writing of Book 3 of ordinances this morning that there were two places where you could not tell whether the writing was yours or not?

A. I know the first was not of my writing.

Witness shown the interlineation of a word in an old city ordinance. This he could not identify as being his or anyone else's.

Q. You stated with reference to a writing that the shape of the letter y made you think it was not your writing unless you copied it from some other document?

A. Yes.

Q. Are you accustomed to copying?

Objection sustained.

Q. Do you know what is meant by retouching?

A. Going over it better I suppose to put on shading to make the letter look better.

Q. Do you do that kind of shading upon the school diplomas?

A. Yes I do.

Q. You are acquainted with C. A. Storke, the attorney here?

A. Yes sir.

Q. Were you ever employed by him to do any writing from July 1897 to July 1898?

A. I don't think I did. I don't remember.

Q. Do you ever remember having had any conversation with C. A. Storke with regard to doing any engrossing or writing or copying during the months from July 1897 to July 1898. (Objection sustained.

Did you ever do any writing of any kind for C. A. Stork? (Objection sustained.)

Have you ever heard of any anonymous letters going through the mails?

No. Not till last Saturday.

That was after you were subpoenaed?

No sir.

Was that conversation with any person connected with this case. With Grant Jackson or Mr. Storke?

Oh, No sir!

You have never received any money from C. A. Storke.

No sir. Never.

Was the conversation anything about the testimony in this case?

I was told that I was to be called as witness in regard to the [illegible] of this [illegible] any- [illegible]

Q. Was that also the conversation?

A. Yes. The substance. I was under the supposition when I was subpoenaed that I was to translate some letters that were in the Spanish language.

Q. Then you expected as a translator [illegible] to translate letters in this case that were in Spanish?

A. That was it. A letter or two. That was what was said.

Q. When was that?

A. About three weeks ago.

Q. How did you know you could translate them?

A. I didn't say I could translate them.

Q. How were they connected with this case of the People vs. Mrs. Storke?

A. Well they may not have any connection with this case if they were never written.

Q. Where did this conversation take place.

A. In the city of Santa Barbara, State of California with Ramon J. Leyva.

Q. Did he exhibit the letters to you?

A. Oh no. He had no letters in his possession.

Q. Do you remember when the grand jury found the indictment in this case?

A. I don't know whether I heard about it or not.

Q. Did you ever have any conversation with Dr. Winchester in this case?

A. No sir. Not at all. That is the best of my knowledge.

Q. You know the Doctor do you not?

A. Yes sir as well as I know you.

Q. Do you remember where you were in May 1898. Where you then had your office?

A. On Carrillo street near Anacapa street.

Q. Do you remember having had any conversation with Dr. Winchester in May 1898, about [illegible] letters?

A. [illegible] I never had any conversation with Dr. Winchester about any anonymous letters.

This was the direct examination and Mr. Squier took the witness and showed him the Martha Case letter.

Q. Did you ever see that letter before?

A. Never.

Q. Did you ever see this letter? (Witness shown Independent letter.)

A. No sir I never did see that letter. This is the very first time I ever saw writing of that kind.

All of the other anonymous letters were shown the witness but he denied having ever seen any of them before. After Mr. Squier's had finished his examination Mr. Boyce began again.

Q. Mr. Gutierrez, I will ask you why you were amused when you were shown those letters. Why did you smile? (Witness shown one or two letters)

A. Mr. Boyce I don't know that I laughed.

Q. I understand you to say that you never had seen any such writing as was displayed in the Case, Independent and Press letters. What kind of writing do you call that?

A. I don't know what to call that. I see that there is a kind of pressure on some of the letters.

Q. I understand you to answer when this Martha Case letter was handed to you and you looked at it that there was something in the phraseology that attracted your attention. What did you mean by the phraseology?

A. I must have seen a word or two that I never use in writing

Q. Was that the whole reason?

A. I never did see those words.

Q. What words do you refer to.

A. There is the word Madame. I don't know what kind of a word that is with an e. There is the word roue and the word mistress. I don't know what the word roué means. I was told what it meant about a day or two ago.

Q. How did you happen to know about its being in the letter?

A. I happened to ask about it. One of the reporters of this matter showed me a copy of a few words of this character and I saw the words madame and roue.

Q. What reporter was that?

A. He was a reporter for the Examiner.

Q. Did you ever have anyone speak to you about the case before you were subpoenaed?

A. I don't remember having heard anything about this case before I was subpoenaed.

Recross examination.

Q. As the time the reporter called upon you did you write any for him?

A. Yes sir. I wrote some words for him.

GUTIERREZ DID NOT WRITE THEM

Expert Kytka Says So of the Anonymous Letters.

DIFFERENT STYLE OF WRITING

Gutierrez Knew Nothing of the Letters Nor Had He Heard of Them Until Last Saturday.

Interest in the Yda Addis Storke trial now centers in speculation as to what the defense will next spring. Expert Kytka has at last been exhausted and F. M. Gutierrez finished at adjournment time yesterday. The effort to fasten writing of the libelous letters on Gutierrez does not seem to have succeeded well. Unless the defense has a whole pack of cards up its sleeve, that will be played with the deliberation of former proceedings, to-day, or tomorrow at the most, ought to complete the trial.

MORNING SESSION.

Expert Kytka was on the stand for a short time again Thursday morning to report as to the peculiarities and characteristics in certain of Gutierrez's writings in comparison with those of the admitted writings of the defendant, Kytka, in reply to Boyce's question, said

"I examined the writings with a view of locating some of the characteristics. From the appearances of this writing the only similar characteristic is the up stroke of the letter 'r' but it is made in a much different manner; the letter 'a' struck me most forcibly, as it has a stroke that is not found in any of the disputed characteristics." The letters "p" and "f" were compared in detail. The letter "f" was started in a different manner entirely from the freak "f" found but once in the exhibits; "and here is a man that makes the letter 'f' thousands and thousands of times," secured Kytka.

Boyce suggested that the witness should testify and not argue. "What I ask is if you find any similar characteristics?"

"They are mighty few, and those few are made in a different manner."

"Do you find any 'p's' that have what you have called the 's' finish?"

"Here is one that is retraced—"

"Do you find any of the broken-backed 'k's' in this?"

"If there are any here they are very scarce."

"Coming back to exhibit 12, to the words 'profession and professional,' I will ask you if the person who wrote these words, wrote the remainder of the letter?"

"Yes, sir."

The witness was then handed the Grant Jackson note and asked to compare it with the words "profession and professional" in the disputed exhibit. He said there was no similarity and added that he was able to pass upon writing of Grant Jackson as he had seen him write. The district attorney had requested Jackson to write certain words in the presence of the expert. Among the words written were "profession and professional" "and some spicy names that I do not care to repeat," explained Kytka when Attorney Boyce asked him what the district attorney had directed Jackson to write. He said he could produce the writing, but Attorney Boyce did not follow the suggestion.

Mr. Boyce announced that he was through with the witness, and District Attorney Squier asked:

"Mr. Kytka, I [illegible] witness defendant's exhibit No. 121 is that in the handwriting of Grant Jackson?"

"No, sir, not a stroke."

"Can you tell after your examination of these books (the Gutierrez records) whether or not the person who wrote the writing, wrote any of the disputed writings in this case?"

"The person who wrote these (the records) did not write one of the disputed exhibits, or any part of them."

The witness was then excused, and F. M. Gutierrez was recalled.

Gutierrez proceeded with the identification of parts of the records written by him.

When about an hour had been taken up with the identification of one book, page by page, line by line and dot by dot, Mr. Squier objected when another book was brought forward.

Mr. Boyce stated to the court that the foundation to this testimony was laid in the question to the expert as to the [illegible] of [illegible]

The Court: Yes, I realize that, but I [illegible] taken a few pages of you have gotten into this, you may as well go ahead with it. It seems that it is no longer a question of time.

As the noon hour was reached, the witness was still in the midst of the second book.

AFTERNOON SESSION.

At 2:30 o'clock, Mr. Gutierrez had concluded the identification of the books of records, minutes and ordinances, and Mr. Boyce continued the direct examination of the witness.

"Can you give the dates when those writings were written in respect to the dates they bear on their face?"

"No, sir."

"Can you tell when you were in the county recorder's office?"

"I think it was in '72 or '73."

"Can you tell when you were city clerk?"

"I think about twenty years. From '74 to '94, I believe."

"Now, I will ask you to examine book 'A' of city ordinances and ask you when these entries were made as to year."

"I cannot tell exactly. The first date appearing in this volume is November 21, 1874; and the last July 10, 1885."

"You were city clerk during that time?"

"Yes, sir."

The witness' attention was directed to book "B" of ordinances, and he found the last date is an ordinance bearing his signature to be March 22, 1894.

"Were you city clerk up to the election of 1894?"

"Yes, sir."

"I will show you defendant's exhibit 39, and ask if that is your handwriting?"

"This is my handwriting, Mr. Boyce."

Another exhibit of the defense, No. 38, was also in the witness' handwriting.

No. 21, the document containing the plat with lettering on it, was declared by the witness not to be in his handwriting. No. 24 was also said to be in some other hand.

No. 10, so far as the endorsement and acknowledgment were concerned, was admitted to be in the handwriting of the witness.

Mr. Squier objected to the introduction of these writings in evidence, as no evidence had been introduced to connect the witness with the commission of the crime with which the defendant is charged. Mr. Boyce said that they were not depending upon these writings solely, and the court admitted them, with the restriction that they may be stricken out later.

Other exhibits were examined, some admitted and other said not to be in the handwriting of Mr. Gutierrez.

"Where did you have your office in the year 1897?"

"I think I was with Mr. Putnam, in his office, about that time. I can't remember exactly."

"Where was your office in 1898?"

"It depends upon the months. I think I was at the northeast corner of Anacapa and Canon Perdido street. I also had a room in the St. Charles hotel, where I gave lessons. Justice Gammill's court was next to this room."

"There was a door connecting?"

"Not that I know of; I never saw one."

"During that period did you have an office?"

"I gave lessons at that room; some times at the County bank, and then I had my home on the corner of Anacapa and Canon Perdido streets."

"Where were you in the habit of spending your time during the period?"

Objection. Sustained.

"How long have you known Grant Jackson?"

"I do not remember. I have never known him very intimately."

"When did you first meet him?"

"I do not know."

"How many years have you known him?"

"I do not know."

"Have you known him more than one year?"

"Oh, yes; not less than four years."

"Were you in the habit of frequenting his office?"

"No, sir. I called there once, several months ago to get an acknowledgment. At the time I went there, I asked Mrs. Yda Storke if Mr. Jackson was there, and she said no."

"Then you saw the defendant there?"

"Yes, sir."

"Were you ever there at any other time?"

"No, sir. I believe that was the only time I ever called there since Mr. Stoddard's time."

"Did he ever call at your office?"

"I think that he never did. That is my best recollection and belief."

"Did you ever have any financial dealings with Grant Jackson during 1897 to 1898."

[illegible] this city during 1897 and 1898?"

"Upon that question, I can say that I never had any conversation with Mr. Grant Jackson on any such subject."

"Why are you positive to that?"

"Because I am not in the custom of writing letters of that kind."

"And for that reason, you say you never talked with Mr. Jackson?"

"Yes, sir. And if Mr. Jackson had ever said anything about letters of that kind, I should have said certainly, 'I do not want to talk about anything of that sort.'"

"Where were you educated?"

"I studied Spanish many years ago, in this city and in Santa Ynez. Later I studied English in this city, in the public schools."

"You have always followed a clerical occupation?"

"Yes, sir."

"You are able to write several different kinds of handwriting?"

"Yes, Mr. Boyce."

"And you have been in the habit of writing various kinds of handwriting?"

"That is correct."

"When you were in the county recorder's office you were in the habit of changing your writing?"

"That is right."

"Why did you do that?"

"Sometimes for ease, sometimes when a pen did not work well one way I would use it another way."

"Do you use a stub pen?"

"For back hand writing and sometimes for other styles."

"Do you use a fine pen?"

"Sometimes. This is the kind I use in writing out diplomas for the public schools," said the witness, taking a pen from his pocket.

"Are you in the habit of doing that kind of work?"

"Yes, sir."

"How did you happen to have the pen in your pocket?"

"I brought it with me so that I could use it in case I was called upon to demonstrate my style of writing."

"Have you in the past few years adopted any particular style of hand writing?"

"No, Mr. Boyce."

"You mentioned in going over the writing in Book 'A' of ordinances this morning, that there were two places that you could not yourself tell whether they were in your handwriting."

"I believe that I could not state exactly, but believe it was not my writing."

"I call your attention to Book A, to the word 'line' interlined at this point, and ask you if you said you could not tell whether it was your writing or not."

"I think I said that it was not in my writing."

Referring to page 311 of county records, witness was asked if he remembered saying in the morning when he reached the page, which contains writing over erasures, that it would puzzle anyone and might require an expert to tell whether it was his writing or not. Witness reiterated this statement. The writing over an erasure required another position of pen and another movement and was indistinct.

"You are aware of that kind of writing, as that expression used among penmen known as retouching?"

"No, not as you use it."

"Do you understand what retouching means?"

"Not unless it is to retrace and shade after the writing has been done?"

"Are you in the habit of doing writing of that kind?"

Objection. Sustained.

"You are acquainted with C. A. Storke?"

"I am. Know him as well as I know you, Mr. Boyce."

"Were you employed by him in 1897 and 1898?"

"I think not. I am not positive."

"Were you ever employed by C. A. Storke?"

Objection. Sustained.

"Did you ever hear anything about anonymous letters passing through the mails here?"

"Never until last Saturday. I had not heard of them before."

"Then it was after you had been subpoenaed as a witness?"

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Mr. Boyce stated to the court that the foundation to this testimony was laid in the question to the expert as to the fixity of habit.

The Court—Yes, I realize that, but I should think that taking a few pages at different dates would answer.

Mr. Boyce—But the prosecution has introduced a mass of 75 or 100 pages of admitted and disputed handwriting, and we would surely be open to criticism in segregating certain parts of these writings. The prosecution has taken four and one-half days in getting their affirmative evidence.

The Court—How many more books have you to submit?

Mr. Boyce—One more after this one, may take another hour.

The Court—Well, I suppose that as

"I think about twenty years. From '73 to '94, I believe."

"Now, I will ask you to examine book 'A' of city ordinances and ask you when these entries were made as to year."

"I cannot tell exactly. The first date appearing in this volume is November 24, 1874, and the last July 10, 1887."

"You were city clerk during that time?"

"Yes, sir."

The witness' attention was directed to book "B" of ordinances, and he found the last date to an ordinance bearing his signature to be March 22, 1894.

"Were you city clerk up to the election of 1894?"

"Yes, sir."

"I will show you defendant's exhibit 39, and ask if that is your handwriting?"

"This is my handwriting, Mr. Boyce."

Another exhibit of the defense, No. 38, was also in the witness' handwriting.

No. 21, the document containing the plat with lettering on it, was declared by the witness not to be in his handwriting. No. 24 was also said to be in some other hand.

No. 19, so far as the endorsement and acknowledgment were concerned, was admitted to be in the handwriting of the witness.

Mr. Squier objected to the introduction of these writings in evidence, as no evidence had been introduced to connect the witness with the commission of the crime with which the defendant is charged. Mr. Boyce said that they were not depending upon these writings solely, and the court admitted them, with the restriction that they may be stricken out later.

Other exhibits were examined, some admitted and other said not to be in the handwriting of Mr. Gutierrez.

"Where did you have your office in the year 1897?"

"I think I was with Mr. Putnam, in his office, about that time. I can't remember exactly."

"Where was your office in 1898?"

"It depends upon the months. I think I was at the northwest corner of Anacapa and Canon Perdido street. I also had a room in the St. Charles hotel, where I gave lessons. Justice Gammill's court was next to this room."

"There was a door connecting?"

"Not that I know of; I never saw one."

"During that period did you have two offices?"

"I gave lessons at that room; sometimes at the County bank, and then I had my home on the corner of Anacapa and Canon Perdido streets."

"Where were you in the habit of spending your time during the period?"

Objection. Sustained.

"How long have you known Grant Jackson?"

"I do not remember. I have never known him very intimately."

"When did you first meet him?"

"I do not know."

"How many years have you known him?"

"I do not know."

"Have you known him more than one year?"

"Oh, yes; not less than four years."

"Were you in the habit of frequenting his office?"

"No, sir. I called there once, several months ago to get an acknowledgment. At the time I went there, I asked Mrs. Ada Storke if Mr. Jackson was there, and she said no."

"Then you saw the defendant there?"

"Yes, sir."

"Were you ever there at any other time?"

"No, sir. I believe that was the only time I ever called there since Mr. Stratton's time."

"Did he ever call at your office?"

"I think that he never did. That is my best recollection and belief."

"Did you ever have any financial dealings with Grant Jackson during 1897 to 1898?"

"Not that I remember."

"Did Grant Jackson hire your services from July, 1897, to July, 1898?"

"I can't remember that he did."

"Did you ever do any work for him writing or abstracting, during that period of time?"

"If I did, I do not remember."

"Do you remember having any business with him?"

"Not that I remember."

"Do you remember having any talk with Grant Jackson in regard to anonymous letters said to be circulating in

"You are able to write several different kinds of handwriting?"

"Yes, Mr. Boyce."

"And you have been in the habit of writing various kinds of handwriting?"

"That is correct."

"When you were in the county recorder's office you were in the habit of changing your writing?"

"That is right."

"Why did you do that?"

"Sometimes for ease, sometimes when a pen did not work well one way I would use it another way."

"Do you use a stub pen?"

"For back hand writing and sometimes for other styles."

"Do you use a fine pen?"

"Sometimes. This is the kind I use in writing out diplomas for the public schools," said the witness, taking a pen from his pocket.

"Are you in the habit of doing that kind of work?"

"Yes, sir."

"How did you happen to have this pen in your pocket?"

"I brought it with me so that I could use it in case I was called upon to demonstrate my style of writing."

"Have you in the past ten years adopted any particular style of handwriting?"

"No, Mr. Boyce."

"You mentioned in going over the writing in Book 'A' of ordinances this morning, that there were two places that you could not yourself tell whether they were in your handwriting."

"I believe that I could not state exactly, but believe it was not my writing."

"I call your attention to Book A, to the word 'line' interlined at this point, and ask you if you said you could not tell whether it was your writing or not?"

"I think I said that it was not in my writing."

Referring to page 334 of county records, witness was asked if he remembered saying in the morning when he reached the page, which contains writing over erasures, that it would puzzle anyone and might require an expert to tell whether it was his writing or not. Witness reiterated this statement. The writing over an erasure required another position of pen and another movement, and was indistinct.

"You are aware of that kind of writing or that expression used among penmen known as retouching?"

"No, not as you use it."

"Do you understand what retouching means?"

"Not unless it is to retrace and shade after the writing has been done?"

"Are you in the habit of doing writing of that kind?"

Objection. Sustained.

"You are acquainted with P. A. Storke?"

"I am. Know him as well as I know you, Mr. Boyce."

"Were you employed by him in 1897 and 1898?"

"I think not. I am not positive."

"Were you ever employed by P. A. Storke?"

Objection. Sustained.

"Did you ever hear anything about anonymous letters passing through the mails here?"

"Never until last Saturday. I had not heard of them before."

"Then it was after you had been subpoened as a witness?"

"Yes, sir."

"Was the conversation you refer to anything to do with your evidence in this case?"

"I was told that I would be called as a witness in regard to a letter in this case. I said that I did not know anything about the case."

"And do you mean to say that is the only time you have heard anything about the anonymous letters?"

"To my recollection that is all. When I was subpoened I thought I would be called to translate letters written in Spanish. I was not told they were anonymous. That was perhaps three weeks ago."

"What connection had these letters in Spanish with this case?"

"Perhaps if they were not written at all, and there were no such letters, they had no connection with the case."

"Do you remember when the grand jury found the indictment in this case?"

"No, sir. I do not remember."

"Did you ever converse with Dr. Winchester about this case?"

"Never a word has taken place between Dr. Winchester and myself as to this matter."

CROSS-EXAMINATION.

Prosecuting Attorney Squier—Mr. Gutierrez you have in the past several years been employed in making a great many abstracts?"

"Yes, sir."

The Martha Case letter was handed witness. He replied that he had never seen it before. The same was said of the Independent letter. He had never seen either before, nor any of the others that were shown him. "It is the very first minute that I have seen writing of that kind," he answered.

RE-DIRECT EXAMINATION.

Attorney Boyce—Mr. Gutierrez I ask you what caused your amusement in looking at these letters?

"I happened to see a word or two that would make anybody laugh."

"I also observed when plaintiff's exhibit 'E' was shown that you smiled. What is there about it?"

"I cannot say that I laughed when I saw this exhibit or some other."

"Well, of course the smile is not on the records."

"Now, I understood you to say that you had not seen such writing as this before?"

Judge Oster—Do we understand, Mr. Boyce, that you propose to use this witness as an expert?

"No, your honor. I only ask the witness what he meant when he said that he had never seen writing of that kind before."

"Now, do you mean as to the form of the letter or the composition?"

"I meant that I never had seen this writing before."

"I ask you if that kind of writing is kind you have never seen before?"

"I don't know that I ever saw any of this kind of writing, and I never did see this writing before."

"I understood you to say, when an exhibit was handed to you, that there was something in the phraseology that attracted you. What did you mean?"

"I saw a word or two there that I never use in writing. There is the word 'Modama,' which I don't know. It isn't Spanish, nor English, and there is the word 'come.' I don't know what that means."

"You don't know what that word means?"

"Well, I asked about it the other day and was told."

Mr. Gutierrez' disposition to answer more than the questions called for led to a long explanation of how he had seen words of the writing if he had not seen the anonymous letters. He simply had seen a sentence or two of the Dr. Case letter, and remembered the words "mal come" and "come," which were out of his vocabulary and struck him because of his unfamiliarity with the words.

The witness was excused and court adjourned until 10 o'clock this morning.

MAY HAVE BEEN A CONSPIRACY

And Still for All that Is Shown There May Not.

WAS YDA ADDIS SENT AWAY

Is Another Matter the Defense Attempts to Prove Through Grant Jackson.

The plan of the defense to prove a conspiracy to fasten the guilt of writing libelous letters upon Yda Addis Storke is succeeding but indifferently. Yesterday's important witness in the superior court in this behalf was Grant Jackson, whose name has been associated with that of Mrs. Storke in a more or less unenviable way since discussion of the libel case began. Some plain statements were made both by counsel and witness when Mr. Jackson was on the witness stand, but how far they went to prove the defendant's innocence is problematical. Mr. Jackson was not a witness for the defense through choice, and he even testified that he could not help but feel a resentment toward Mrs. Storke, because of her actions since she left Santa Barbara after the anonymous letter scandal became public and her name was connected with it.

C. C. Davis was called by the defense to pass upon the newspaperism of the exhibits that have been pronounced perfect specimens of copy as it should be prepared for the printer. Mr. Davis thought differently of it, even finding fault with The Press letter as a manuscript for publication.

Ex-Sheriff Hicks told of the ride that he had with Mrs. Storke more than a year ago, when Detective Fourade was in town.

MORNING SESSION.

Mr. Susan McCaughey, the second witness called for the defense, testified that she now lived in Hope precinct, had lived in Santa Barbara about thirty years, and had known Mrs. Storke about four years.

Mr. Boyce—Do you remember the occasion when Mrs. Storke left Santa Barbara in the fall of 1898?

"Yes, sir."

"State how you happened to be familiar with the circumstances?"

"I saw in the papers that Mrs. Storke was arrested for perjury, I went to offer my services, and to go on her bond if necessary. I met Mrs. West at the door, and she said—

Mr. Squier—We object to the witness testifying as to what Mrs. West said.

Mr. Boyce withdrew the question on that particular, and the witness continued:

"Understanding that she was willing to go on the bond with me, I went to Mr. Jackson's office and found Mr. Storke and told her that myself and Mrs. West were willing to go on Mrs. Storke's bond."

"Did Mrs. West after-ward refuse to go on the bond?"

Objection. Sustained.

"Did you have any interview with C. A. Storke at this time?"

"Yes, at least three or four conversations."

"He was the district attorney then and was prosecuting the charge of perjury against this defendant?"

Objection was made by the district attorney, and Mr. Boyce stated that he intended to show by this witness that there had been a conspiracy against the defendant in which three persons were parties, that C. A. Storke had made threats that he would bring a charge of writing anonymous letters against the defendant, in order to get her out of town.

The Court—Supposing you do all this, what has this to do with this case? Did not the grand jury bring the indictment? Do you intend to bring the grand jury into it?

Mr. Boyce asked if he could not show that strong reasons had prompted the bringing of the matter before the grand jury, etc.

The Court—I do not care to make a blank ruling, but I do not believe these antecedents should be brought into this case. Here is an indictment, we must assume that indictment is a valid thing, and we cannot go back of it.

Mr. Boyce—Do you hold that we shall not be permitted to show by our own witnesses facts surrounding the circumstances which elucidated this charge?

The Court—The question is whether it did not leave town on this charge of perjury, other charges would be made against her, and the statement was then made that she would be charged with writing these anonymous letters.

The court reported former rulings, and Mr. Boyce continued:

"Will your honor permit us to show by this witness that C. A. Storke—"

Mr. Squier—Now, if the court please—"

The Court—I do not want to make any basket rulings. It would be better to pass upon these points as they come up.

Mr. Boyce (to witness)—You stated that you had several conversations with C. A. Storke at that time?"

"Yes, sir."

"In the course of those conversations, did you have a conversation with C. A. Storke about these anonymous letters, out of which this action grows?"

Objection. Sustained.

"Did you have any conversation with Dr. Winchester?"

Objection. Sustained.

"Did you have any conversation with Grant Jackson?"

Objection, sustained. The defence excepted to all these rulings.

"During this time did you in the presence of this defendant and Grant Jackson and Mrs. West, as the representative of the defendant, bring to her attention a certain agreement or stipulation in the case of Storke vs. Storke, which was tendered to this defendant for her signature, upon the payment of a certain sum of money?"

Objection; sustained. Defense excepts.

"I will show witness defendant's exhibit No. 6. Did you ever see that before?

Objection; sustained. Defense excepts.

"During that negotiation was any stipulation presented to the defendant from C. A. Storke, the then district attorney, with the proposition that if she would sign that stipulation, being a dismissal of the divorce case and for claims for alimony, she would receive a certain sum of money, and with this a threat that if she did not sign the stipulation she would be prosecuted for writing these anonymous letters?"

Objection, sustained. Mr. Squier objected to this line of questioning, as it was simply getting into the records a lot of inadmissable matter. The court allowed the questioning to proceed.

"In a conversation between you and C. A. Storke, did he there state to you—"

Mr. Squier objected, as the question was leading and suggestive. Sustained.

"You stated that you had two or three conversations with C. A. Storke?"

"Yes, sir."

"Did he in a conversation with you in his office state to you that unless—

Objection. Sustained.

"Did not C. A. Storke, the district attorney at that time, in a conversation in his office, mention the subject—"

Mr. Squier—We object. It is leading and suggestive.

Mr. Boyce—I am laboring, your honor, very hard to propound a question that will be admissible.

The Court—Well, go ahead with your question.

"Did he not in that conversation, in regard to these anonymous letters, mention—"

Another objection was made at this point by the district attorney and sustained by the court, and the witness was excused without further attempts to establish by her the conspiracy alleged to exist against the defendant.

Edward Trisom was called to the stand. He said that he was the owner of the building known as the Trisom block, 527 and 527½ State street. That the defendant was an occupant of the building about two years and one half. She left there in August, 1898. She occupied rooms Nos. 5 and 6 continuously, and part of the time had room No. 7 as a studio. In June, 1898, she had these three rooms.

Mr. Boyce—What means were used for securing the doors of these rooms?

Mr. Trisom—There were night latches, and she had duplicate keys.

"Did you have any keys to these rooms?"

"No, sir."

"Did the defendant have any keys to the outer doors?"

"She had, too."

"You had an office in that building?"

"Yes, sir."

"Were you in the habit of occupying that room on Sundays?"

"No, sir."

"Were you in that room on any Sunday in June, on Sunday, June 26th?"

"I think not."

"I will ask you if any application was ever made to you for permission to enter these rooms, or for any keys?"

Objection was made ... ing with these exhibits?

Mr. Hunt—Only through having seen them in this case.

"Have you any receipt in your possession showing when these papers were withdrawn?"

Objection. Sustained.

"Do you know if there is any receipt for their withdrawal?"

Objection. Sustained.

Mr. Hunt related, in reply to another question, the circumstances of having delivered to the district attorney, upon coming into office last January, a bundle of papers that he had found in the vault.

Carlyle C. Davis was the next witness. He said that he had lived in Santa Barbara since September 6, 1898. For 25 years before that he had lived in Colorado. As a newspaper proprietor he had had experience for 35 years.

Mr. Boyce—You have had experience in handling matter from a variety of people?

"Yes, sir."

"Now, I will show you plaintiff's exhibit 'B' and plaintiff's exhibit 'C' (The Press letter and the Independent letter) and ask you if after examination, from your experience as a newspaper man these letters indicate that they were prepared by one familiar with newspaper work?

"I should say that they were not written by a person familiar with inside newspaper work."

"Kindly point out the evidences that lead you to that conclusion?"

"The first word in exhibit B 'Ed,' is one. No skilled newspaper man would abbreviate the word 'Editor.'

"Are there any other indications that lead you to this belief?"

"I do not think that an experienced newspaper man would use the word 'Sir' after the word 'editor.' It is considered superfluous, and I cannot recall a newspaper that follows that style. My first impression is that a person writing for the press would not be so precise in the matter of punctuation. The punctuation marks do not appear to be in keeping with the general style of the handwriting, and appear to have been added after the letter was written."

"From an examination of the matter contained in these exhibits, are you able to form an opinion as to whether or not some other person added the punctuation marks, after the letter had been written?"

Objection. Sustained.

"Is there anything in the location or position in which the punctuation is found in the matter to indicate to your mind whether the author was familiar with newspaper work?"

"I should say that the person who wrote this, unless designedly, was not familiar with newspaper work."

The witness explained that a newspaper man would not use three or four different kinds of punctuation points. "From my experience and observation I have known few newspaper men who were so precise in punctuation, whose punctuation is not so studied. As to the paragraphing I could criticise it but little, it is largely a matter of taste."

"Let me call your attention to the Martha Case letter, and to the paragraph beginning 'more especially.' What do you say in regard to that appearing in the letter as it does as to familiarity with newspaper writing?"

"It clearly shows inexperience. No experienced writer would make a paragraph at that place. The general appearance of this letter does not give evidence that it was written by a person who understood newspaper work."

In the crossexamination, Mr. Squier asked:

"Are you acquainted with the defendant?"

"I have a slight acquaintance with her. I have known her by sight three or four months."

"You were in the newspaper business in Santa Barbara?"

"For a brief time."

"Did you know the defendant while you were in the newspaper business?"

"She had been pointed out to me."

"Did you ever see any of the defendant's writing intended for publication?"

"No, sir."

"When did you first get acquainted with the defendant?"

"She came to my house or office, some time since the paper suspended, the latter part of April or first of May."

"Did you ever see her in Mr. Carrier's office?"

"In passing through the office, yes sir."

"Mr. Carrier is your attorney in a certain litigation pending?"

"Yes, sir."

"Do not different newspapers have different styles?"

"Yes, sir."

The court here adjourned until 2 o'clock.

AFTERNOON SESSION.

In the continuation of the cross-examination of C. C. Davis at the afternoon session, Mr. Squier asked the witness:

"Do you pretend to be able to say whether a person has had experience by the ideas and sentiments expressed?"

"Not so much as the manner in which they are expressed. My opinion is not based so much upon erroneous punctuation as upon the general construction and characteristics."

The witness was asked to designate in detail the different points that led him to believe that a person not familiar with newspaper work, wrote The Press letter. Among other things he noted the word "dive hole" and said that to a newspaper man "dive" would have been considered sufficient, and 'hole' superfluous.

The Court—Mr. Davis, do you think that a person not used to newspaper work would be more apt to make use of that word than one who is?

The Witness—Yes, sir.

The Court—I do not think so.

Mr. Squier—(to witness)—Now, as to punctuation.

"The punctuation and paragraphing appears to be fairly correct in the exhibit."

"You have read a number of these exhibits, several times in the court room, since the trial commenced?"

"Some of them."

"You have read the one you hold in your hand?"

"Yes, sir."

"In exhibit "C" he said that there were forms that any professional newspaper man would use at his peril. He would not hold his job very long."

"Isn't it possible for a newspaper man to disguise his handwriting?"

"I expect so."

"Do you think that a newspaper man would not disguise his hand writing?"

"I have known newspaper men who would not be above it.

Mr. Boyce—Now, Mr. Davis, you have stated as to the custom of paragraphing, etc. Is there not a general custom or practice known as 'the newspaper style?'

"While every large newspaper office has its style, there are certain usages so common and well understood that they are reduced to written or printed form."

"Do these exhibits conform to these universal rules?"

"No, sir, they violate them in some particulars."

The Court—What would you say of the universality of the rule that no newspaper would accept a communication that is not accompanied by the name of the writer?

The Witness—No well regulated newspaper would accept for publication a communication that would reflect upon an individual, without knowing the name of the writer.

Ex-Sheriff T. H. Hicks took the stand.

Mr. Boyce—Do you remember an occasion when you drove the defendant out to see a witness in the Richardson murder case?

"Yes, sir."

"Was that at the time the detective, Fourade, was here?"

"Yes, sir."

"Do you know the day of the week?"

"I don't think I do."

"Do you know the day of the month?"

"I do not remember, Mr. Boyce."

"How long were you gone?"

"I think about two hours, or two hours and a half."

"Did you use your ordinary conveyance?"

"I think, Mr. Boyce, I had a livery ...

(Continued to Fifth Page.)

"Do you remember when the grand jury found the indictment in this case?"

"No, sir. I do not remember."

"Did you ever converse with Dr. Winchester about this case?"

"Never a word has taken place between Dr. Winchester and myself as to this matter."

CROSS EXAMINATION.

Prosecuting Attorney Squier—Mr. Gutierrez you have in the past several years been employed in making a great many abstracts?"

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The Martha Case letter was handed witness. He replied that he had never seen it before. The same was said of the Independent letter. He had never seen either before, nor any of the others that were shown him. "It is the very first minute that I have seen writing of that kind," he answered.

RE-DIRECT EXAMINATION.

Attorney Boyce—Mr. Gutierrez I ask you what caused your amusement in looking at these letters?

"I happened to see a word or two that would make anybody laugh."

I also observed when plaintiff's exhibit 'I' was shown that you smiled—what is there about it?

"I cannot say that I laughed when I saw this exhibit or some other."

"Well, of course the smile is not on the records."

"Now, I understood you to say that you had not seen such writing as this before?"

Judge Hatch—Do we understand, Mr Boyce, that you propose to use this witness as an expert?

"No, your honor. I only ask the witness what he meant when he said that he had never seen writing of that kind before."

"Now, do you mean as to the form of the letter or the composition?"

"I meant that I never had seen this writing before."

"I ask you if that kind of writing is a kind you have never seen before?"

"I don't know that I ever saw any of this kind of writing, and I never did see this writing before."

"I understood you to say, when an exhibit was handed to you, that there was something in the phraseology that attracted you. What did you mean?"

"I saw a word or two there that I never saw in writing. There is the word 'Madame,' which I don't know. It isn't Spanish, nor English, and there is the word 'roue.' I don't know what that means."

"You don't know what that word means?"

"Well, I asked about it the other day and was told."

Mr Gutierrez' disposition to answer more than the questions called for led to a long explanation of how he had seen words of the writing if he had not seen the anonymous letters. He simply had seen a sentence or two of the ... Case letter, and remembered the words "madame" and "roue" which were not of his vocabulary and struck him because of his unfamiliarity with the words.

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MORNING SESSION.

Mrs. Susan McCaughey, the second witness called for the defense, testified that she now lived in Hope precinct, had lived in Santa Barbara about thirty years, and had known Mrs. Starke about four years.

Mr. Boyce—Do you remember the occasion when Mrs. Starke left Santa Barbara in the fall of 1898?

"Yes, sir."

"State how you happened to be familiar with the circumstances?"

"I saw in the papers that Mrs. Starke was arrested for perjury. I went to offer my services, and to go on her bond if necessary. I met Mrs. West at the door, and she said—"

Mr. Squier—We object to the witness testifying as to what Mrs. West said.

Mr Boyce withdrew the question in that particular, and the witness continued:

"Underslanding that she was willing to go on the bond with me, I went to Mr. Jackson's office and found Mrs. Starke and told her that myself and Mrs. West were willing to go on Mrs. Starke's bond."

"Did Mrs. West afterward refuse to go on the bond?"

Objection. Sustained.

"Did you have any interview with C. A. Starke at this time?"

"Yes, at least three or four conversations."

"He was the district attorney then and was prosecuting the charge of perjury against the defendant?"

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The Court—I do not care to make a blank ruling, but I do not believe these antecedents should be brought into this case. Here is an indictment; we must assume that indictment is a valid thing, and we cannot go back of it.

Mr Boyce—Do you hold that we shall not be permitted to show by our own witnesses facts surrounding the circumstances which stimulated this charge?

The Court—The question is whether or not this defendant is guilty of the charge in the indictment made.

Mr. Boyce—The mere fact that the grand jury was used as an instrument to find the bill, should not prevent us showing the circumstances under which the charge was brought.

The Court—Putting the thing into a nutshell, we must assume that the indictment is all right. Even if there have been animus and fraud we cannot go back to that.

Mr. Boyce stated further that he wished to show that C. A. Starke had stated to this witness that if the defendant

Objection. Sustained.

"Did you have any conversation with Grant Jackson?"

Objection, sustained. The defense excepted to all these rulings.

"During this time did you in the presence of this defendant and Grant Jackson and Mrs. West, as the representative of the defendant, bring to her attention a certain agreement or stipulation in the case of Starke vs. Starke, which was tendered to this defendant for her signature, upon the payment of a certain sum of money?"

Objection; sustained. Defense excepts.

"I will show witness defendant's exhibit No. 9. Did you ever see that before?

Objection; sustained. Defense excepts.

"During that negotiation was any stipulation presented to this defendant from C. A. Starke, the then district attorney, with the proposition that if she would sign that stipulation, being a dismissal of the divorce case and her claims for alimony, she would receive a certain sum of money; and with this a threat that if she did not sign the stipulation she would be prosecuted for writing these anonymous letters?"

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Mr. Squier—We object. It is leading and suggestive.

Mr. Boyce—I am laboring, your honor, very hard to propound a question that will be admissable.

The Court—Well, go ahead with your question.

"Did he not in that conversation, in regard to these anonymous letters, mention—"

Another objection was made at this point by the district attorney and sustained by the court, and the witness was excused without further attempts to establish by her the conspiracy alleged to exist against the defendant.

Edward Dixon was called to the stand. He said that he was the owner of the building known as the Dixon block, 527 and 527½ State street. That the defendant was an occupant of the building about two years and one-half. She left there in August, 1898. She occupied rooms Nos. 5 and 6 continuously, and part of the time had room No. 3 as a studio. In June, 1898, she had these three rooms.

Mr Boyce—What means were used for securing the doors of these rooms?

Mr Dixon—These were night latches, and she had duplicate keys.

"Did you have any keys to those rooms?"

"No, sir."

"Did the defendant have any keys to the outer doors?"

"She had; two."

"You had an office in that building?"

"Yes, sir."

"Were you in the habit of occupying that room on Sundays?"

"No, sir."

"Were you in that room on any Sunday in June, on Sunday, June 26th?"

"I think not."

"I will ask you if any application was ever made to you for permission to enter those rooms, or for any keys?"

Objection was made to the question, and was sustained on the ground that it was collateral and immaterial.

Mr Boyce—Does your honor mean that we cannot show that the testimony of the detective, Pomade, was false?

The Court—I do not think you can impeach a witness on immaterial matters.

The witness was excused.

County Clerk Hunt was called.

Mr. Boyce—I will show you defendant's exhibits 15 and 16 and plaintiff's exhibit No. 23 which bear upon their face evidences of having been filed in this court in the year 1892. You are famili-

... and plaintiff's exhibit "I" (The Press letter and the Independent letter) and ask you if after examination, from your experience as a newspaper man these letters indicate that they were prepared by one familiar with newspaper work?"

"I should say that they were not written by a person familiar with inside newspaper work."

"Kindly point out the evidences that lead you to that conclusion?"

"The first word in exhibit H 'Ed,' is one. No skilled newspaper man would abbreviate the word 'Editor.'

"Are there any other indications that lead you to this belief?"

"I do not think that an experienced newspaper man would use the word 'Sir' after the word 'editor.' It is considered superfluous, and I cannot recall a newspaper that follows that style. My first impression is that a person writing for the press would not be so precise in the matter of punctuation. The punctuation marks do not appear to be in keeping with the general style of the handwriting, and appear to have been added after the letter was written."

"From an examination of the matter contained in those exhibits, are you able to form an opinion as to whether or not some other person added the punctuation marks, after the letter had been written?"

Objection. Sustained.

"Is there anything in the location or position in which the punctuation is found in the matter to indicate to your mind whether the author was familiar with newspaper work?"

"I should say that the person who wrote this, unless designedly, was not familiar with newspaper work."

The witness explained that a newspaper man would not use three or four different kinds of punctuation points. "From my experience and observation I have known few newspaper men who were so precise in punctuation, whose punctuation seemed so studied. As to the paragraphing I could criticise it but little, it is largely a matter of taste."

"Let me call your attention to the Martha Case letter, and to the paragraph beginning 'more especially.' What do you say in regard to that appearing in the letter as it does as to familiarity with newspaper writing?"

"It clearly shows inexperience. No experienced writer would make a paragraph at that place. The general appearance of this letter does not give evidence that it was written by a person who understood newspaper work."

In the cross-examination, Mr Squier asked:

"Are you acquainted with the defendant?"

"I have a slight acquaintance with her." I have known her by sight three or four months.

"You were in the newspaper business in Santa Barbara?"

"For a brief time."

"Did you know the defendant while you were in the newspaper business?"

"She had been pointed out to me."

"Did you ever see any of the defendant's writing intended for publication?"

"No, sir."

"When did you first get acquainted with the defendant?"

"She came to my house or office, some

and characteristics."

The witness was asked to designate in detail the different points that led him to believe that a person not familiar with newspaper work, wrote The Press letter. Among other things he noted the word "dire hole" and said that to a newspaper man "dire" would have been considered sufficient, and 'hole' superfluous.

The Court—Mr. Davis, do you think that a person not used to newspaper work would be more apt to make use of that word than one who is?

The Witness—Yes, sir.

The Court—I do not think so.

Mr. Squier—(to witness)—Now, as to punctuation.

"The punctuation and paragraphing appears to be fairly correct in this exhibit.

"You have read a number of these exhibits, several times in the court room, since this trial commenced?"

"Some of them."

"You have read the one you hold in your hand?"

"Yes, sir."

"In exhibit "C" he said that there were forms that any professional newspaper man would use at his peril; "he would not hold his job very long."

"Isn't it possible for a newspaper man to disguise his handwriting?"

"I expect so."

"Do you think that a newspaper man would not disguise his hand writing?"

"I have known newspaper men who would not be above it."

Mr. Boyce—Now, Mr. Davis, you have stated as to the custom of paragraphing, etc. Is there not a general custom or practice known as 'the newspaper style?' "

"While every large newspaper office has its style, there are certain usages so common and well understood that they are reduced to written or printed form."

"Do these exhibits conform to those universal rules?"

"No, sir, they violate them in some particulars."

The Court—What would you say of the universality of the rule that no newspaper would accept a communication that is not accompanied by the name of the writer?

The Witness—No well regulated newspaper would accept for publication a communication that would reflect upon an individual, without knowing the name of the writer.

Ex-Sheriff T. H. Hicks took the stand.

Mr. Boyce—Do you remember an occasion when you drove the defendant out to see a witness in the Richardson murder case?

"Yes, sir.

"Was that at the time the detective, Pomade, was here?"

"Yes, sir."

"Do you know the day of the week?"

"I don't think I do."

"Do you know the day of the month?"

"I do not remember, Mr Boyce."

"How long were you gone?"

"I think about two hours, or two hours and a half."

"Did you use your ordinary conveyance?"

"I think, Mr. Boyce, I had a livery

(Continued to Fifth Page.)

"Did you not use your rental rig and go out and meet her?"

"I may."

"Do you remember meeting Tom Lee [illegible] on the road?"

"Yes, sir."

"You went to his house, did you not?"

"We stopped at Mr. Packard's, and then went on to Mr. Leslie's."

"You cannot remember the day of the week?"

"No, sir."

"It was not Sunday, was it?"

"No. I can say it was not Sunday."

Grant Jackson was the witness next on the stand. He said he had lived here about twelve years.

"You know the defendant?"

"Yes, sir."

"Did you ever act as her attorney?"

"Yes, sir."

"When did you first act as her attorney?"

"I think it was in 1891."

"In what litigation did you represent her?"

"In the case of F. A. Storke vs. Yda Addis Storke."

"When did you cease to act as her attorney?"

"Until she went away in August, '98. My name was on the record as her attorney until October, when it was stricken off on my motion."

"How did the relations as attorney and client cease?"

"She went away. She stated that she did not want me to represent her any more."

"When?"

"Just before she went away."

"Did she give any reason?"

"Not that I recall. I was tired of representing her, and I suppose she was tired of having me represent her."

"Do you remember what the defendant said to you, in the presence of witness, the reason she had for terminating the relationship?"

"What witness?"

"I ask you if you remember any such occurrence?"

"When and where?"

The Court—Did she ever state to you her reason for not wanting you to represent her?

"Well, she said, I believe, that she thought I was not loyal to her interests."

Mr. Boyce—When and where was that?

"I think it was in her room in the Trussell building, a day or two or three days before she went away."

"Have you not in your possession a written notice from her, dated November 10, 1897, dismissing you as her attorney?"

"I do not remember any such thing. I know I continued to act as her attorney after that."

A letter was handed witness, Attorney Boyce asking him if he had a copy of it.

He had not, he said, and he had no recollection of ever having seen the letter.

"Is it customary for you to destroy letters of this kind?"

"I think not."

"Will you state that you never did receive this letter?"

"I will say that I have no recollection of ever having received a letter of that kind."

Prosecuting Attorney Squier objected to further examination of witness in relation to the letter until the prosecution had seen the letter. It was given to the attorney to read, and then presented for identification.

"As Mrs. Storke's attorney in the divorce case, you had collected for her several sums of money, as alimony, had you not?"

An objection was sustained, when Attorney Boyce stated that the purpose was to show the termination of the relations between the defendant and witness. The ruling was allowed to stand.

"Did you take any steps in the case of Storke vs. Storke since November 10, 1897?"

"I think there were no steps taken by anybody since the spring of that year. It has been hanging fire since."

Judge Oster—Mr. Jackson, you like all attorneys, make a very bad witness. Do you or did you not take steps in this case since the time stated?

"No, sir."

Attorney Boyce—Were the relations between you interrupted prior to that time?

"They were somewhat interrupted, but I considered myself still her attorney."

"But, on in the year 1897, have the key to the outer door of the Trussell building?"

"Yes."

"[illegible] or less [illegible] to the [illegible] or [illegible] [illegible] [illegible] [illegible]

"[illegible] [illegible] [illegible] Petition in the month of June, 1898."

"Yes."

"Did you surrender your keys to the detective, Pourade, in the month of June?"

"I did not. I never surrendered the keys to anyone."

"Did Detective Pourade consult with you as to the object of his visit?"

"No, I never had a conversation with him of any kind."

Witness said that all of the correspondence that he had with Mrs. Storke and all notes that he had received from her in connection with her divorce case had been returned to Mrs. Storke before she left the city. He did not know where she kept the letters from him.

He said that he was familiar with Mrs. Storke's rooms in the Trussell building and had been there a great deal. He assisted in clearing up the apartments after Mrs. Storke left in August. He assisted Mrs. West.

"Did you know of the circulation of anonymous letters in 1897 and 1898?"

"Not in 1897."

"Did you in 1898?"

"Yes, I heard a great deal about anonymous letters in 1898."

"When did you receive an anonymous letter?"

Witness answered that he had received one of the anonymous letters and had given it to Sheriff Hicks.

"Are you acquainted with F. N. Gutierrez?"

"Yes, sir. I have known him ever since I came to Santa Barbara." Witness had not had business with Mr. Gutierrez. He had occasion now and then to go to Gutierrez' office, but he was never there alone with him, nor was Gutierrez ever in Jackson's office, so far as witness knew, within the past four or five years.

"Do you remember the months of April, May and June, 1897?"

"I do."

"Did not the defendant during that time pack up her things preparatory for leaving Santa Barbara, and did not you induce her to remain?"

"She talked a great deal about going away, but I did not persuade her to remain."

"Did you not persuade her to take employment on San Francisco papers and remain here during the time of the circulation of these anonymous letters?"

"I knew nothing about the anonymous letters until a day or two before I received one."

"Do you mean to say you did not persuade the defendant to remain here?"

"I did not."

"You had the key to her rooms?"

"Yes."

"You were at her apartments a great deal?"

"I was."

"You used to eat there?"

"No, sir. I did not."

"You made your headquarters there?"

"I did not, and you know it."

"You went there at all hours?"

"I went there in the evening, but never during the day unless on business connected with her suits."

"You mean to say that you did not, in combination with F. A. Storke, place all the obstacles you could in the way of Mrs. Storke's leaving here?"

"No. I never entered into a combination with Mr. Storke."

"You remember an incident in Dr. Winchester's office that you related to defendant when you said there were anonymous letters circulated. You remember a scandal on Dr. Winchester that you asked the defendant to write up for the San Francisco papers?"

"No, sir. I never asked her to write up a scandal."

"You remember that the defendant took quite an active interest in the anonymous letters?"

"Yes, sir, I do."

"Did you not suggest that Dr. Winchester might be the author of the letters?"

"No, sir. I did not." Jackson said that he asked Mrs. Storke if she knew that it was reported that Dr. Winchester was sending out the letters.

This took place in Mrs. Storke's apartments. She expressed herself for a moment, and then witness told [illegible] a great deal about the scandal and returned [illegible] interest [illegible]

Mr. Jackson denied that he had entered into a combination with Sheriff Hicks and Detective Pourade to get Mrs. Storke out of the way so that they might enter and search her apartments.

"Did you consult with the witness before the grand jury in regard to this case?"

"I may have had some conversation with Mrs. McGaughey in regard to the anonymous letter [illegible] but none other [illegible]

A specimen of writing that had been used before the grand jury was presented and identified by witness as writing that Mrs. Storke had shown him, saying it was the writing of Miss McGillivray. The bit of paper was marked "Miss McGillivray's handwriting," by Mrs. Storke, and was a part of her alleged detective work in connection with running down the author of the anonymous letters. Witness said that he had seen the paper, but once before, when it was shown to him by defendant.

"Did you have any motive in inducing Mrs. Storke to leave Santa Barbara?"

"The only reason that I had was that she was charged with perjury and was in ill health."

"Was nothing said about anonymous letter writing?"

"Yes. Something about that was said."

"Did you not say to defendant that she was charged with the writing of anonymous letters, and that so many persons here were opposed to her that they would convict her, whether or not she was guilty?"

Objection was sustained.

"Have you now any feeling of resentment against this defendant?"

"I can not help but feel a resentment on account of her actions since she left Santa Barbara."

"Didn't you in August want to get rid of this defendant because you were afraid of her?"

"No, I'm not afraid of her, nor of you."

Mr. Jackson in replying to further questions in this line said that he had never had any fear of Mrs. Storke. She had annoyed him upon her return to town by going to his house, and he had threatened to have her arrested if she went there again.

During this time Mrs. Storke appeared greatly agitated, and as the witness was leaving the stand, the court adjourning for the day, she arose and striking an attitude of defiance, followed Jackson with her eyes as he was passing out. When he was opposite her, Jackson stopped and faced about, the two for an instant glaring at each other. Sheriff Stewart stepped between them and told Jackson to move on, and the little drama closed.

Court adjourned until 10 o'clock this morning.

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TELEPHONE - - MAIN 18.

Official Paper of the City of Santa Barbara, Cal.

SANTA BARBARA, CAL., JUNE 15, 1899

For over two weeks past, the people of Santa Barbara have been quietly listening to evidence in the action charging criminal libel against the person now undergoing trial before our Superior Court.

Although the facts charged are of the most serious nature—hardly less in gravity than murder—we have seen no person yet show the least desire to do anything or say anything that could tend to deprive the person accused of every opportunity of proving innocence; we have seen no taxpayer who regretted the money expended, though this trial is of necessity very costly. Only one thing has seemed foremost in the minds of the people; find out the person guilty and let punishment be properly and lawfully meted out.

This trial, then, has been before the court for approaching three weeks; the jury has cost its $21 per diem and the expert Kitka has to be paid we do not know what. That is all right.

But new developments are showing up and we see the most patient of the people speaking decidedly their opinions. It is apparently not enough to have made so large a number of our people unhappy—*miserable*—over the receipt of the vile letters themselves; not enough that families are splitting up—have been hopelessly divided; not enough that not a few blameless and innocent women have been kept at home out of fear lest they meet men, who may have received communications purporting to have been written by themselves, and making suggestions beneath even the lowest and most shameless of an unmentionable class. That is not enough, it appears. The defense will now without cause and without reason seek to fasten the blame on others.

To this latter proposition even the patient citizens object and ask what next?

In Tuesday's proceedings it was made plain that the defense was "out fishing" and seeking to bring into the affair Grant Jackson as a party to the dastardly crime.

This new move lacks reason as the handwriting of Mr. Jackson is so different from the Case letter that the expert, Kitka, laughed outright as he brushed it aside. Mr. Jackson never wrote those letters. He was and is incapable of such an act. He may have been indiscreet in many ways, as are some other young men, but no one who knows the man will for even a moment believe Mr. Jackson ever wrote or was even aware of the disgusting letters.

Attempt is being made to bring in Frank N. Gutierrez in connection with Jackson in this matter with no more reason than in the other. Mr. Gutierrez was born and reared in this city and we hazard the assertion that not a decent man in the whole neighborhood believes even for a moment that Mr. Gutierrez could write such letters or be made a party in producing them.

It is an outrage to couple an innocent man with such a case. It seems like an attempt to cast a shadow over a man's life just out of spite; to blacken his reputation and blast his future.

We protest against the injustice of such work and denounce it as being inspired by hate with no tempering of justice. It seems a direct attempt to injure the man in this community, to impair his usefulness as a citizen and a lawyer. It lacks every element of an excuse and should be frowned on by all lovers of fair play and justice.

Any young man has plenty of trouble in establishing himself in any business or profession, in these days of hot competition and rivalry, without the handicap of having his fair name smirched or being accused of crimes which, to commit, any lawyer knows will eventually be ferreted out and made public.

Let the accused in this suit have a fair, impartial trial, but, in God's name, do not make the mistake of allowing innocent people being dragged into the affair simply to distract attention from the main issue.

MRS. STORKE SUES HER FORMER FRIEND.

Litigating for the Recovery of Certain Personal Effects Stored With Mrs. Anna E. West.

SANTA BARBARA, June 30.—Interest in the doings of Mrs. Yda Addis Storke has not died out here. Her appearance in a Justice Court this morning drew out as large a crowd as graced her presence in the Superior Court rooms during her long libel trial. The case to-day was one in which Mrs. Storke was suing a former confidential friend, Mrs. Anna E. West, for recovery of certain personal effects stored at Mrs. West's house some time ago, when being accused of writing the celebrated Storke anonymous letters, she left hurriedly for Mexico. The plaintiff asks for $20 on the goods and for $117 damages.

Mrs. Storke acted as her own attorney and conducted her case on the broadest principles. The court allowed the testimony to take its own course, and when the women quarreled with each other, let them quarrel.

Mrs. Storke Loses Her Case.

SANTA BARBARA, July 1. Yda Addis Storke sued Mrs. West, her former friend, for damages for the retention of certain goods stored by her at Mrs. West's while Mrs. Storke was in Mexico. The plaintiff alleges that goods amounting to $20 have been held unlawfully by the defendant, and $117 is asked for goods and $117 as damages sustained through their disappearance. The jury this morning decided the case in favor of defendant.

THE DARE THAT DIDN'T EVENTUATE

19

Attorney Boyce and Editor Lloyd Glower Fiercely.

A DEFIANCE IN COURT.

Barberenos Promised Themselves a Scrap, but Were Disappointed.

[Special Dispatch to "The Examiner."]

SANTA BARBARA, June 19.—The testimony of the Storke case is practically all in. When court adjourned this evening the prosecution said that only one more witness would be called to-morrow in rebuttal and that the examination would be a short one.

The day was, as usual, eventful, and, like most of the other days of the trial, saw insults very freely passed and passed over.

Mrs. Storke began the day by testifying as to the inks of various letters. She said the inks were picked up in various places in Santa Barbara, Los Angeles and in San Francisco. She renewed the charge that her mail matter had been stopped in the local postoffice and given to her enemies. Mrs. Storke stated positively that she had seen Jackson and Gutierrez coming from the latter's office in May, 1898, while the letters were being circulated, and said she had seen Jackson there alone a number of times. She said she knew Jackson's forms of expression, and said certain of the anonymous letters written in dialect were in his style. Certain words and phrases she picked out, saying the attorney used them habitually.

Jackson later denied ever using the expressions.

The defendant was shown the anonymous letters and denied ever having seen any of them before she was accused. Upon examination of the Marina Case letter, she found a number of words and letters that, she said, were so like hers that she believed them to have been traced from words written by her. Concerning two of the letters shown her, she said: "From the bottom of my soul I know he wrote them." The "he" was Jackson.

Mrs. Storke said that Lloyd, editor of the "Morning Press," Jackson and Sheriff Hicks had told her that some of the anonymous letters were typewritten, but all of these men denied in rebuttal having ever done so. No such letters are in evidence in the case.

A number of the envelopes, in which several objectionable letters were mailed, were shown the defendant, and she said she had used envelopes of exactly the same kind at the time the letters were circulating, and that she had some of them now. She also stated that at the time the letters were written she and Jackson had had their stationery in common and that he had often taken envelopes and stamps from her rooms.

The defense rested its case and Clio L. Lloyd, manager of the "Morning Press," was called in rebuttal. But a short time ago he was one of Senator Boyce's best friends, but now they do not speak to each other. Lloyd denied having ever gone to Mrs. Storke's rooms as she swore he did. He said she had repeatedly asked him to go to the rooms, but that he would never go. He said he had branded her assertion that they went there as an infamous lie, and then followed the storm of the day.

Boyce used the word "thing" in referring to Lloyd, and the editor, in great anger, dared the lawyer to use such language out of the courtroom. Boyce replied that Lloyd would see him about four minutes after the court adjourned, and the two glared fiercely at each other all through Lloyd's cross-examination.

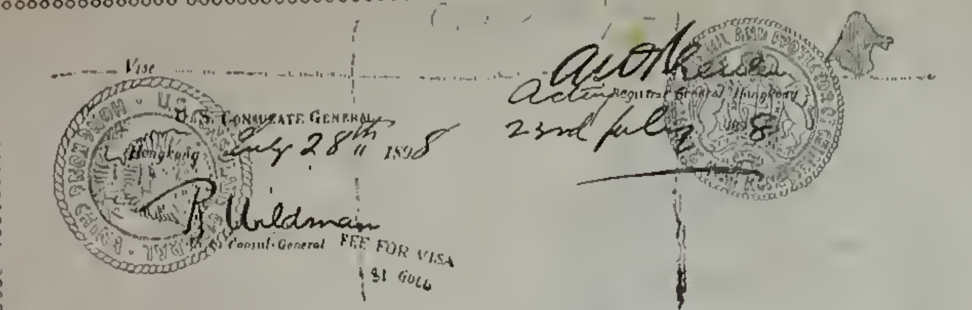
Jackson then went upon the stand and swore that, shortly after Mrs. Storke's arrest on the present charge, she had accused him of having betrayed her, and had said: "If I go down in this case we will go down together."

Mrs. Storke had already denied this very emphatically.

When court adjourned, the whole audience waited developments. Watches were out on all sides, and the four minutes counted off while there were offers of odds on both Boyce and Lloyd. Lloyd evidently did not enjoy his situation, but finally Boyce, accompanied by his wife, left the courthouse and the courthouse grounds, and no heads were punched. A number of the jurors showed signs of evident disappointment.

It is probable that to-morrow evening the jurors will have to decide upon the guilt or innocence of Mrs. Storke.

BOGUS SEALS AND FORGED SIGNATURES ARRANGED TO COMPLETE THE SCHEME TO GET INTO COUNTRY ON COUNTERFEIT CHINESE CERTIFICATES



Under an opinion of the U. S. Attorney-General, dated May 20, 1896, this certificate will be valid if signed by the proper officer of the Government in which the Chinese last resided, and the Registrar-General at Hongkong is recognized as competent to sign certificates for Chinese residents of that Colony of the exempt class. The Secretary of the Treasury has uniformly held that the omission from these certificates of any of the statements required in the Statute, is fatal to the sufficiency of the certificate, as showing prima facie right to enter the United States.

COPY FURNISHED THE ENGRAVER WHO MADE THE BOGUS SEALS.

Two Chinese ordered copies of the Consular stamp at Hongkong and of the one used by the British Registrar-General, on the plea that the ones in China were worn out. Their purpose undoubtedly was to use them in conjunction with fraudulent certificates.

FOLLOWING close upon the attempt in Oakland to procure the printing of 6,000 copies of certificates used for identification by Chinese merchants and students to obtain admission to America comes the counterfeiting of the official stamps employed by the United States at Hongkong and the British Registrar-General and protector of Chinese in the same city, to give authenticity to these documents.

Every Mongolian merchant or student who desires to come to America is required to establish his identity by the presentation of a certificate stamped and countersigned by both of these officials. Many efforts have been made to provide papers of this sort to coolies and laborers. It is so difficult to obtain genuine certificates that the Federal officials believe there is a great scheme afoot, engineered by Chinese and aided by whites, to issue a quantity of false documents signed with forged consular signatures and stamped with counterfeited seals.

Several weeks ago two Chinamen went to the office of S. O. Holmes, 423 Washington street, and gave him a copy of a genuine certificate upon which impressions of these two seals were stamped. They told him the dies in Hongkong had worn down so that they were nearly useless and that they desired to have new ones made to send over there.

Unmindful of the improbability of the United States Consul and a British official ordering new seals at the same time, from the same source, and above all through Chinese who refused to give their names, Holmes accepted the order and employed another engraver named Gillier on Montgomery street to cut the dies.

Gillier made them, and the one for the British Registrar-General was satisfactory. The other was too large, and the border had not been exactly copied. It was sent back again and Gillier fixed it over. The Chinese are to call at Holmes' office for it to-day.

Holmes says he has known the Chinese by sight for years, but not their names. They are described as young men of medium height, and are presumed to live on a small alley above Dupont street, just off Jackson.

Collector of Customs Jackson says there is no doubt that the Chinese procured the stamps as part of a scheme to illegally land a dozen of their countrymen. They intended to partly imitate the printed forms, impress them with the counterfeit seals and then forge the names of the two officials. In many cases these certificates would undoubtedly take their holders past the inspectors unless those officials had some knowledge that such a design was contemplated. But the Collector adds that while a crime is undoubtedly in contemplation, he can do nothing until it is consummated. It is not illegal to have unauthorized consular seals in possession, nor is it against the law to aid or abet Chinese to land fraudulently. This latter question was decided by Judge de Haven, who said that the statute could not be violated until the Chinaman had actually effected an illegal landing in America.

If the stamp is applied to forged certificates, then those doing it would be amenable. In the mean time under the law nothing will be done, although the Chinese bureau will undoubtedly take steps to secure information regarding the Chinamen who ordered the stamps, so that it can check any attempt to flood the country with coolies and laborers.

YDA ADDIS STORKE AND THE MAN SHE TRIED TO MURDER.

Attorney Grant Jackson.

TRIED TO KILL AN ATTORNEY.

Yda Addis Storke's Night Visit to Her Former Lawyer.

USED CHLOROFORM AS HE SLEPT.

HE AWAKENS BEFORE BECOMING UNCONSCIOUS AND A FIGHT ENSUES.

The Eccentric Woman Wields a Pistol, but Is Put in Jail and Charged With Attempted Murder.

Special Dispatch to the "Chronicle."

SANTA BARBARA, July 9.—Yda Addis Storke again languishes in jail, this time under the serious charge of attempt to commit murder. To-morrow she was to appear in the Superior Court for sentence for criminal libel, she having been convicted of this offense three weeks ago, a stay of execution having been granted while her attorneys could prepare their bill of exceptions and a motion for a new trial. Pending this she has been allowed her liberty on the nominal bond that had been accepted shortly after her first arrest, it being thought that she had not the nerve to carry out the supposedly idle threats that she had made against the lives of her enemies.

Last night, however, armed with two pistols, a bottle of chloroform, another of prussic acid and potassium, a glass cutter and a putty knife, two strips of narrow binding, eight or ten feet long, and a liberal supply of cartridges, matches and string, she entered the residence of Grant Jackson, her former attorney and now her arch enemy, and attempted, he claims, to chloroform and kill him. She was restrained only after a most desperate struggle, during which a pistol in her hands was discharged, but without damage, the ball passing harmlessly through the floor.

With her hands tied so that she could do no further injury she was closely watched by the one whom she had sought to kill until an officer arrived. She was then conveyed to jail. She refused at first to talk to the officers, but this afternoon she told her story freely to a "Chronicle" reporter, disavowing any attempt to injure Jackson by claiming that she had gone to his room as she had frequently done before at that hour, this time to get him to divulge the evidence she says he possesses that would clear her of the charge of writing the anonymous letters which led to her conviction for libel.

Jackson states that when he awoke shortly before daylight he had been disturbed by something tickling his mustache. He turned toward the window, and in the faint light saw an object sitting on the floor at the bedside, and a hand on which chloroform could be plainly detected was withdrawn from his face. He asked "Who is there?" and the person, whom he then recognized as Mrs. Storke, replied: "It is me. Have you got a gun?"

When Jackson answered that he had, she told him to give it to her, adding: "I've got the drop on you."

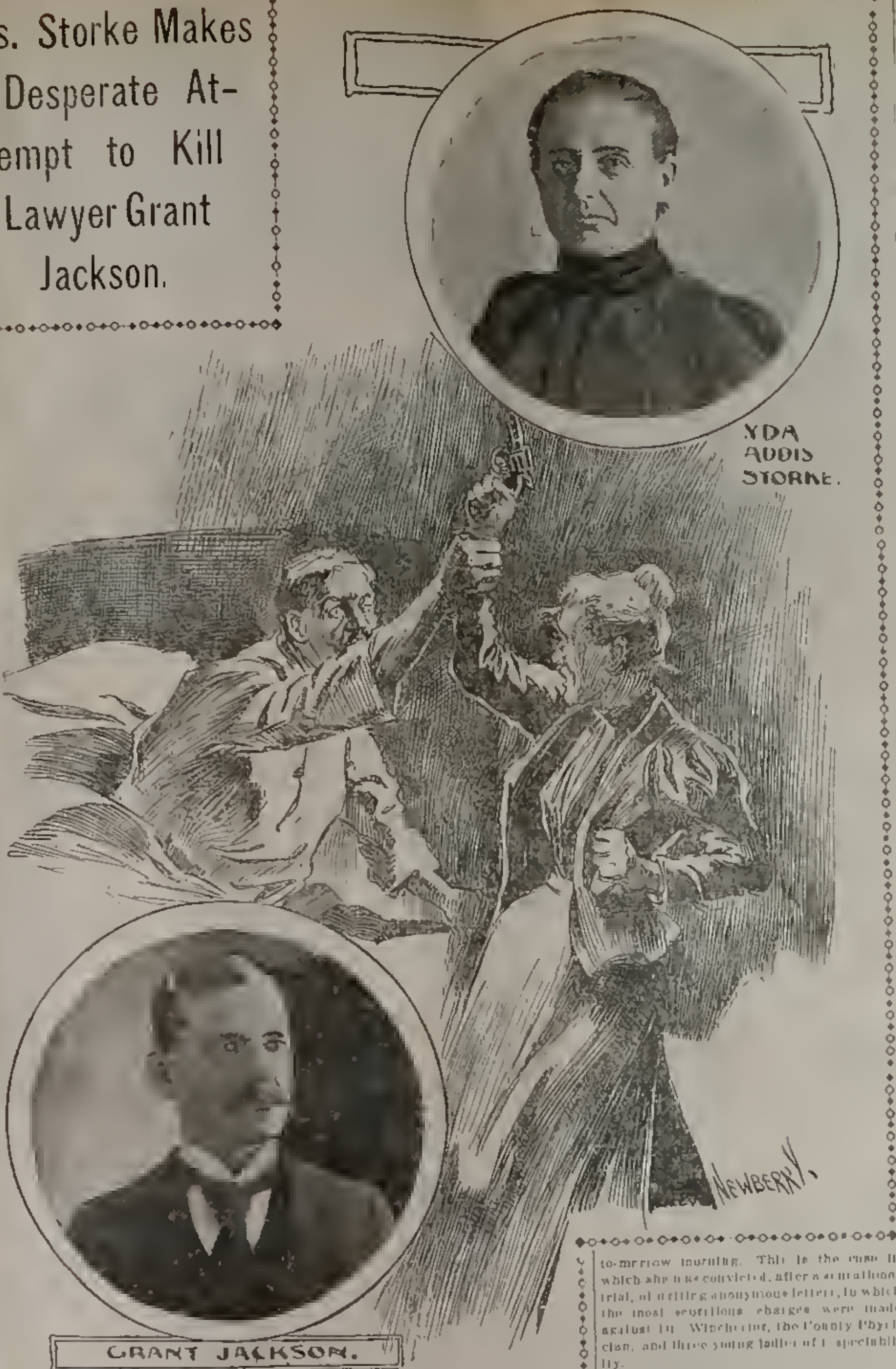
He could by this time plainly see a bulldog revolver pointing at his head and concluded the wiser course would be to deliver his weapon. Then, with one revolver in her hand and two others at her side on the floor, she ordered him to remain quiet. He tried to appear unconcerned and to draw her into conversation until after half an hour or more she told him to get up and lace in the screen, which she had cut in order to gain an entrance. Some one passing, she said, might think that a burglar was in the house and send officers to investigate. While he was going into the other room she kept him within close range of her revolver.

When the screen was removed he was ordered back to bed, but, grasping the only opportunity he had had, seized her unexpectedly by the waist and threw her over, gripping the gun at the same time. She struggled violently and it was several minutes before he had her under control. Then he tied her hands and the tables were turned, she lying quietly on the bed while he stood guard. A few minutes later, when, mistaking the quietness of his prisoner for weakness after her exertion, Jackson was a little lax in his watchfulness, she leaped from the bed and seized one of the revolvers in her two hands. He rushed at her, securing a tight grasp of her wrists, and held them down until the weapon was discharged.

After a short delay a neighbor was aroused and dispatched for an officer. Deputy Constable Shoup arrived shortly after 6 o'clock. Shoup says that Jack-

YDA ADDIS IN THE ROLE OF MURDERESS AGAIN STARTLES SANTA BARBARA

Mrs. Storke Makes a Desperate Attempt to Kill Lawyer Grant Jackson.



GRANT JACKSON.

DESPERATE STRUGGLE FOR MRS. STORKE'S PISTOL.

Yesterday morning Mrs. Yda Addis Storke of Santa Barbara, the generally known writer, cut her way into the room of Lawyer Grant Jackson, who had been her attorney and lover, and tried to kill him. She had two pistols and bottles of chloroform and prussic acid. In the struggle she fired one shot, but the ball went through the floor and did no harm. She is to be sentenced to-day on a charge of criminal libel, but probably will be examined as to her sanity before any punishment is inflicted on her.

SANTA BARBARA, July 8.—Yda Addis Storke has capped her strange career with an attempt at murder, an attempt so weird in its conception and so desperate in its intent as to leave little room for further doubt that the woman's proper place is in an asylum.

At about 3 o'clock this morning she cut her way into the house of Attorney Grant Jackson, formerly her lawyer and lover, but whom she accused of writing the anonymous letters for the writing of which she recently was convicted of libel. She took with her a glass cutter for the purpose of making her way into the house, two revolvers, a bottle of chloroform and a bottle containing a mixture of prussic acid and potassium cyanide. She carried death enough for an army.

Jackson gives a graphic account of the woman's attempt to kill him. He said to your correspondent this afternoon:

"I was aroused from my sleep at about 3 o'clock this morning. I felt something brushing across my face and turned over several times. Still the tickling continued, and then I raised and saw a woman standing on the floor beside my bed. It was Yda Addis, and I was looking straight down the barrel of a revolver. A pistol was under my pillow. I grabbed it and pointed it towards her, but she told me to hand it to her, as she had the drop on me. [illegible]

[illegible] side. She half turned her head and threw her pistol out of the range of my heart. At once I jumped from my bed and sprang upon her, seizing both her arms. Then she fought like a wildcat. I am a large man. She is small and looks frail and weak. But she had the strength of a mad woman, and we struggled up and down that room for ten minutes before I could master her. Once she pulled the trigger, and for an instant, as I smelled the powder smoke, I feared that I was shot. But the bullet went through the floor, and before she again could pull the trigger I had overcome her and obtained the pistol.

"As she wept hysterically I tied her securely, summoned assistance and sent for an officer, who arrested her and took her to jail. I hope never to have such an experience again."

On the floor, among the litter caused by the struggle of Jackson for his life were the two revolvers she had brought with her, a big bottle containing chloroform, which she evidently was trying to use when Jackson awakened, a smaller bottle in which was concentrated sudden death, the mixture of prussic acid and cyanide of potassium, a rattan handbag containing a hundred of pistol cartridges, a knife, matches and some [illegible] cord. Near by were two [illegible] strips of twisted bunting, apparently to be used with the cord for tying Jackson as soon as he was [illegible]

[illegible] to-morrow morning. This is the case in which she was convicted, after a sensational trial, of writing anonymous letters, in which the most scurrilous charges were made against Dr. Winchester, the County Physician, and three young ladies of respectability.

Through all the trial she preserved the demeanor of the huntress rather than the quarry. She has threatened and defied, promising all sorts of hair-raising revelations. She has called herself a fighter and a beat. Her manner has been vicious. But after the struggle and arrest of this morning she broke down. She sobbed hysterically and begged not to be taken to jail. Then she wailed that she was hungry, starving, that she could neither eat nor sleep, that she was in despair. A flood of tears quieted her somewhat.

When an "Examiner" correspondent called upon her at the jail she was lying at full length on a pallet in one corner of a cell reserved for crazy people. As the barred door opened she sprang to her feet, crying "Take him away! Take him away!" and then "Oh, no. He is my friend." She said she was Jackson's contract wife and had the right to go to him at any time.

"He is my husband," she said, "as any man is any woman's husband. I only went to him to force him to give up certain information he has that I would clear me of the libel charge. He knows who wrote the letter. I wanted to make him get me a new trial. I was armed. I always go armed, except when I am in jail. Oh, how sure I am all over! The chloroform I used on account of my heart. I suffer the most intense pain from heart trouble, and when I pour chloroform on a rag and hold it to my breast it stops the pain. I didn't buy the chloroform. I just picked it up somewhere."

Again she moaned over her bruised arms and a shin bad. She was in her stocking feet, but when captured at Jackson's bed [illegible]

A policeman asked if she would have a doctor sent her. This set her almost into hysterics again.

YDA ADDIS TRIES TO TAKE LIFE

ALMOST A MURDERESS

YDA ADDIS STORKE.

This notorious woman made an attempt to kill Attorney Grant Jackson at Santa Barbara yesterday.

SANTA BARBARA, July 8.—Yda Addis Storke, who became notorious through the libel suit brought against her by the county for having written anonymous letters attacking Dr. Winchester and certain women, now appears before the public in the role of a would-be murderess. Attorney Grant Jackson, at one time her best friend, but who gained her enmity by testifying against her in the libel suit, was the intended victim.

This morning at about 3 o'clock Mrs. Storke went to Jackson's house with the intention of "finishing him up," as she expressed it, but her attempt was unsuccessful. She gained entrance to a bedroom through the window on the southeast side of the house by cutting a screen. Once in the house she sat down on a bed to arrange her plans. First she opened the hand satchel she brought with her and took out a four-ounce bottle of chloroform, a bottle of prussic acid, and a bottle of cyanide acid and carefully arranged them on the bed. Then she selected the chloroform bottle, and carrying with it some bunting, which she had in the valise, she walked cautiously into Jackson's room.

The would-be murderess stooped over the sleeping form and arranged the chloroform bottle in such a position that her arm would not tire before her work was accomplished. The piece of bunting touched Jackson's nose and aroused him, but he merely turned restlessly on his couch and again fell asleep. He was aroused a second time by the same tickling sensation and sat up. He saw the woman standing over him and asked:

"Who are you?"

"It's me, Grant," Mrs. Storke replied. "Have you a gun?"

Jackson said that he had. Mrs. Storke drew a revolver from the folds of her dress and Jackson was commanded to hand over his weapon, Mrs. Storke saying she "had the drop" on him. He obeyed the command. He asked the woman what she wanted there at that time of the night. She exclaimed:

"That's my business. Don't talk too loud; you will awaken the rest of the house."

They entered into conversation and Jackson attempted to divert her attention. He watched for an opportunity to seize her, but she kept him covered with the revolver. Finally his chance came. She reached for her handkerchief which lay on the floor, and he instantly sprang upon her. They grappled for ten minutes before Jackson overpowered her. He tied both hands behind her back. Then he called E. Tallant, a neighbor, who summoned an officer, and Mrs. Storke was placed under arrest. She begged Jackson on her knees not to arrest her, assuring him that she would pay him a large sum of money if he would let her go. She was taken to the County Jail and a warrant for attempt to murder was served. When interviewed she said:

"I have nothing to say. I merely went to Jackson's room because I knew I would find him in a better mood and then could talk to him undisturbed. I went through the window because I have been accustomed to enter that way, as I have been in the house a number of times and at all hours of the night. The chloroform I had with me on account of heart trouble and why I carry the other articles is nobody's business."

Jackson's story is different. During the conversation at his bedside he asked why she was there and she answered:

"I am here to kill you and then commit suicide, so don't be in a rush—we've both got to go."

"She asked me for my pistol, which I handed to her," said Jackson. "I finally succeeded in striking up a conversation and branched off on to another subject altogether. She has prowled around the house very often, but never seemed desperate in any way. I saw my chance to grab her. I tied her hands and threw her on the bed and called for Ed Tallant, a neighbor. In the meantime she turned over, seized a revolver with both hands and discharged it, the bullet going through the floor. An officer came and she was placed under arrest."

A number of persons have believed themselves in danger since the trial for libel, and the attack upon Jackson will result in a vigorous attempt being made to place Mrs. Storke behind the walls of San Quentin.

Mrs. Storke was to have been sentenced in the Superior Court to-morrow for criminal libel. When Mrs. Storke was searched at the jail she was found to have a second revolver with her.

A MAN IS AT THE BOTTOM OF IT.

Handwriting Expert Kytka Says Mrs. Berg Wrote the Marysville Letters.

(From a Staff Correspondent.)

MARYSVILLE, July 11.—The exclusive publication of an article in The Report on Monday regarding the anonymous letters received during the month of May by the Misses Slattery, and the subsequent indirect charges against Mrs. C. Berg, a wealthy resident of this district, of being the author, has caused no end of excitement and gossip here.

Attorney Carlin, who has been retained by the Misses Slattery to represent them in the matter, was seen in his office, at Second and D streets, and reluctantly said:

"If Mrs. Berg is the author of those anonymous letters it will be a source of intense surprise to me. The evidence will have to be conclusive before I will be sufficiently convinced that she is guilty. I shall make a systematic investigation before being satisfied of her guilt. She is a woman of standing, whose reputation is good. Before any overt charge shall be made accusing her of being the author of the letters, a complete and thorough investigation will be made to the end that no injury should be done an innocent person. For myself, I have not yet arrived at the conclusion that she is guilty. The subject matter of the communications tend to limit the rule of possibilities. The person who wrote these letters certainly has a diseased mind.

"There is no possible reason why she should have written them. I understand, however, that Mrs. Berg and the Misses Slattery had had a misunderstanding which resulted in a difficulty."

"Have you seen the expert's report?" was asked.

"Oh, yes," he continued, "I have it right here. When I received it I showed it to Mrs. Berg, and she stated that it was erroneous, and registered a strenuous denial of knowing anything regarding the anonymous letters whatever."

"Do you not think that this report is damaging in the extreme?" was interrogated.

"I certainly believe it is," he said, "because Mr. Kytka is an expert of handwriting who has a reputation, and is known to understand his business. I saw the two exemplars, which were to be sent to the expert for comparison with the anonymous letters, and must admit that there was great similarity in the writing. These two letters, to which I refer were written by Mrs. Berg, but there is a possibility that the expert did not receive the identical exemplars that I saw. When they are returned to me I will be able to speak more fully in this matter. Mrs. Berg is not such an adept at handwriting that she can disguise it very much. Yes, I had a suspicion that she wrote the anonymous letters, otherwise I would not have laid the matter before her attorney originally. This is a serious matter, and redress can be had criminally as well as civilly, regardless of the United States postal laws. My clients are satisfied that Mrs. Berg is the author of the letters, but I will not permit them to speak as yet."

The report of Handwriting Expert Theodore Kytka, now in the hands of Attorney Carlin, reads:

"SAN FRANCISCO, July 1, 1899.

"MISS KATE SLATTERY, Marysville, Cal.

"Dear Madame—I have carefully examined the handwriting which purports to be written and signed by Mrs. C. Berg, dated April 30, 1899, and also May 11, 1899, and compared these letters with the five anonymous letters addressed to you and your sister, including the envelopes, and I here report to you that the five anonymous letters and envelopes were written by the same hand. I have marked with my seal all admitted and anonymous letters, including envelopes, for further identification. I find that the writing in the anonymous letters and also on the envelopes is a very clumsy attempt to disguise the characteristic handwriting of the writer. Very respectfully,

"THEODORE KYTKA, Handwriting Expert."

The statement that Mrs. Berg is a Protestant is a mistake. Both the Slatterys and Mrs. Berg are Catholics. Mrs. Berg's pew in the church is directly behind that of the Misses Slattery. Developments are now sufficient to warrant the statement that a male character is the principal in the case, and that the difficulty resulted over him.

All three parties are members of the best families in this section. Mrs. Berg is prominently interested in a number of charitable organizations.

SURGEON G. A. LUNG.

YDA ADDIS CLAIMS JACKSON AS HUSBAND

Declares She Was Long Ago United in Marriage by Contract to the Man She Tried to Kill.

Sentenced to a Year in the County Jail for Circulating the Defamatory Letters—She Receives the Sentence Unmoved.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, July 10.—Yda Addis had an eventful day of it. She was sentenced this morning on the libel suit, and this afternoon she publicly added the name of Jackson, the man she tried to murder yesterday, to that of Storke. She must now be called Storke-Jackson, with a hyphen between the two names.

The scene this morning at the opening of the Superior Court was weird and uncanny. Yda Addis appeared almost like a specter when she entered the crowded courtroom. An immense audience awaited her coming. Her exploit at Jackson's room added strength to the interest that would otherwise have surrounded her sentence. She was dressed in black, but with a white kerchief about her neck. Her face was pale as marble and absolutely without color. Her feet did not seem to move. She glided slowly to her seat and sat down. She glanced neither to the right nor to the left. Her attorneys took seats beside her. She answered C. F. Carrier's bow coldly, but neither she nor Boyce spoke.

Boyce opened the proceedings with a motion for a new trial. But he made no argument. He said that the conduct of the defendant had been such as to preclude his taking further steps in the matter.

Yda Addis moved not a muscle, though this move was a surprise.

Judge Oster read the indictment, going over the venomous Martha Carr letter, upon which the true bill was found.

Yda Addis then arose and spoke in her own behalf and said that she had fully expected to produce new evidence in the shape of affidavits tending to show that F. N. Gutierrez had written anonymous letters, and that he had practically confessed to the deed. These her attorneys should have procured.

Boyce, however, said he had seen no such papers, and thought none could be procured.

As to Boyce's desertion of her at the threshold of the jail, Yda Addis said to the court that Boyce was very unjust, as he had not even heard her version of the affair.

Judge Oster then reviewed briefly the case and said that the penalty affixed was one year of imprisonment or a $5,000 fine.

To fix a fine, he said, would be nonsense, and the year he believed to be an inadequate punishment. Nevertheless he imposed the year's imprisonment, with bail, pending appeal, at $1,000.

The condemned woman arose and moved slowly from the room, the people rising and fixing their eyes upon her. She walked slowly to the jail and was locked in her cell.

At 2 in the afternoon she was taken before a Justice to be arraigned for an attempt to murder Attorney Grant Jackson. The complaint was read and she was asked her true name.

"Yda Addis Storke-Jackson," said the woman. "Yes, that is my name. Yda Addis Storke-Jackson. There is a difference of opinion between Mr. Jackson and myself about my assuming his name. I claim that I was married to him by a contract signed before the abrogation of the contract-marriage law in this State. He claims the contract was signed later."

That was all. The examination on this charge will take place Thursday, with bail fixed at $5,000.

In the evening the woman was seen in the County Jail. She was cheerful and perfectly calm, and said:

"My mind has never been clearer than it is now, than it has been to-day. It is as clear as a bell. I am destitute, I have never before fallen so low, yet I feel myself above all this. Even here I can find good work to do for the uplifting of humanity."

Mrs. Storke, or Jackson, has already formed the friendship of a poor fallen Spanish woman whom she is going to teach. She will now devote herself to writing short stories and expects to paint small Spanish pictures to make money. She expects to appeal her case and repeated her former version of the Jackson affair of Sunday morning. She claims to have been married to Jackson under a contract early in January of 1895, and to have lived with him as his wife. The contract, she says, was stolen from her, but she believes that it is still in existence and that it was kept to prevent her from testifying against him should he come to trial over the anonymous letters.

Jackson was interviewed and laughed at the idea of a marriage contract or of any kind of a marriage. He denied that any relations of any kind had ever existed between them and grew angry when he spoke of her having taken his name. He was her attorney in the Storke case and her intimate friend for years. But he denies her right to the hyphen and to the name of Jackson.

Y, JULY 11, 1899.

SENTENCE OF YDA ADDIS.

Eventful Day for the Santa Barbara Woman.

GIVEN ONE YEAR FOR CRIMINAL LIBEL.

IN COURT SHE CLAIMS TO BE THE CONTRACT WIFE OF GRANT JACKSON.

Held for Attempted Murder Under Heavy Bonds—Only Once Did She Show the Least Emotion.

Special Dispatch to "The Chronicle."

SANTA BARBARA, July 10.—Yda Addis Storke, or, as she now calls herself, Yda Addis Storke-Jackson, may be by her own admissions the wife of two husbands. She claimed on the stand during her recent trial for libel that she did not know whether or not she had ever been divorced from C. A. Storke, that Storke claimed to have a decree of divorce, but she could not affirm or deny his assertion. To-day, when arraigned in the Justice Court on the charge of attempt to murder Grant Jackson, she asked that her name be entered as Yda Addis Storke-Jackson, as she had been married to Jackson by contract just previous to the enactment of the law forbidding such marriages. Jackson, she said, claimed that the contract was null and void, as it was made after the law had been passed. This would be something for the courts to determine hereafter, but she was Mrs. Jackson until it was proven otherwise.

Judge Oster of San Bernardino, who presided during the trial, was on the bench. When he announced that the time had come for passing judgment on the defendant State Senator Boyce, her chief counsel, arose and said: "I have here a motion for a new trial, which I will submit to the Court without argument. The statements in the motion come under the five heads. These I had purposed to argue at this time, but since the conduct of the defendant has been such as to preclude any such action by me, I will not ask any further indulgence from the Court." He also presented the bill of exceptions, and added: "I will now submit the matter without argument and state that I shall not have further connection with the case. My associate counsel, appointed by the Court, will follow the bill of exceptions and the appeal."

As he concluded, Mrs. Storke interrupted the Judge as he was about to speak and said: "This movement of the counsel takes me entirely by surprise. I shall ask the privilege of addressing the Court, and for physical reasons will ask to be permitted to remain seated."

Still sitting, Mrs. Storke remarked: "I would like to examine a copy of the motion for a new trial." She then read it to the Court, setting forth the different grounds for a new trial, including statements that the jury had received certain evidence outside the court, that there had been misconduct of jurymen, that there had been errors of court, that the verdict was contrary to law and that important new evidence had been discovered.

"I will now state," she proceeded in a clear, distinct voice, "that I had no advice that any change was to be made by counsel. I supposed that he had obtained affidavits in support of this motion. Since the trial I have discovered the identical type of what was called the 'curly que' letters, written by one other than myself and having no connection with myself. May I state whom?"

The Court: You may proceed as you like.

"The name is Frank Gutierrez. There are several reputable citizens who are ready to supply affidavits and to swear under the second qualification as experts that these letters are in the handwriting of Mr. Gutierrez, and one well-known and reputable man has told me that, upon receipt of a letter of this series, he knew that the writing was that of Gutierrez."

The Court: I have given every opportunity for you to present your evidence. If errors have been committed I believe they were errors in your favor. I gave you the benefit of the doubt and permitted you and your counsel to go fully into all the different phases of the defense. I see no reason whatever for granting the motion for a new trial or for granting further time to present evidence. I believe that counsel conducted the defense fully and well.

Mrs. Storke—I thought so up to this moment. I am in the hands of the Court.

The Court—The offense may be punishable by a fine not exceeding $5000 or by imprisonment in the County Jail for not more than one year. I believe the verdict a correct one, and I assume that the charge is substantiated by the evidence. So far as I am personally concerned I have no feeling except that of deep personal sympathy for one who has violated the law and is about to pay the penalty for such violation.

Mrs. Storke, slowly and with an even accent: "I have violated no law."

The Court—The jury has found otherwise and I am inclined to accept the verdict of the jury. To impose a fine would be impracticable. The limit of imprisonment is not restricted to be commensurable with the wrong done by writing letters of this character, but this limit is fixed by the Legislature, and it remains only for the Court to pass judgment. The defendant will be confined in the County Jail for the term of one year. The defendant is remanded to the custody of the Sheriff.

Yda Addis received the sentence with the same indifference that has characterized her demeanor throughout the trial. Her color did not change a shade and she looked steadily at the Court as the words were pronounced.

Attorney C. F. Carrier, who had been appointed by the Court to defend Mrs. Storke, and who was the associate counsel referred to by Boyce, then asked the Court to fix bail pending appeal. Judge Oster named $1000 as the amount of the bond, and Mrs. Storke was then conducted back to her cell.

At about 3 o'clock she was driven to Justice Whealon's court for arraignment on the charge of attempted murder. After the complaint had been read to her and she was asked if her own name was given therein she said, "My name is Yda Addis Storke, to which you may add Jackson."

The Justice hesitated to place it on the docket as she gave it, and after bail had been fixed at $500 and Thursday

MORNING, JULY 12.

RUMOR SAYS YDA ADDIS IS A MURDERESS

Gossip Connects Her With the Richardson Tragedy.

BUT LITTLE TO GO ON

Whispering Tongues Also Say She Is a Poisoner of Dogs.

[Special Dispatch to "The Examiner."]

SANTA BARBARA, July 11.—A suspicion has gained currency here during the past two or three days that Yda Addis may have had a hand in a crime far more serious than the libel matter, or the attempt to shoot or poison Jackson. It was whispered yesterday, and is now a matter of public gossip, that she was in some way connected with the murder of the Richardsons. Many people even go so far as to express the opinion that she murdered these women with her own hands.

The reasons given for this belief are various. In the first place, Mrs. Storke had the run of the Richardson home prior to the murder. The murder occurred at an early hour in the morning and when the officers from town arrived on the scene of the murder, Yda Addis was found on the grounds searching, or pretending to search, for evidence.

Her position with regard to the Richardson mystery has been the same as her stand in the anonymous letter case. When the letters were first circulated she went about Santa Barbara pretending to be seeking their author, and made all kinds of threats to make public the names of those who, she hinted, did the writing. She talked more about the letters than any one else in town and was the loudest in condemning their author. After a three weeks' trial she was convicted of having written them. During the trial she accused her enemies of having circulated the libels.

In the Richardson matter, Mrs. Storke took an abnormal interest at the time of its occurrence, and since then she has nearly hit the right days. She invented the story that one Trall, a druggist here, committed the murder and that he was backed by parties here who used the Richardsons' money in various sums amounting to some six or eight thousand dollars. Trall is dead, but Mrs. Storke still tries to impress everyone with his guilt.

The question is now asked: "Is the woman guilty, as in the letter matter? And is she not, as in that affair, trying to throw suspicion upon others to divert it from herself?"

This matter is upon the lips of everyone here. As a side issue Yda Addis is accused of being the dog poisoner who has wrought such havoc here of late. The cyanide with which it is thought she meant to have ended Jackson's life gives color to this suspicion, as where examinations have been made of the poisoned dogs, cyanide has invariably been found to have been the drug used.

MARYSVILLE SOCIETY BADLY TORN UP

Over Anonymous Letters Received by Ex-Mayor Slattery's Daughters.

July 10-97

(From a Staff Correspondent.)

MARYSVILLE, July 10.—A sensation has just been brought to light here that promises to eclipse the notorious Yda Addis Storke case of Santa Barbara, which has created so much attention in this State.

At the time of the conviction of Mrs. Storke for sending anonymous letters to residents of Santa Barbara, several prominent and wealthy people of this city also received anonymous letters.

During the early part of the month of May, the Misses Kate and Annie Slattery, daughters of the late ex-Mayor Slattery of this city, received anonymous letters at intervals of five days. The young ladies are prominent members of the Catholic Church, and are affiliated with several societies of the local church on Seventh street, in positions of trust.

The letters received by the young ladies charged them, it is alleged, with embezzlement of church moneys, immorality and with associating with disreputable characters. The communications were signed "A Friend of the Protest Church," and "A Non-Catholic."

Miss Annie Slattery worried over the anonymous communications, and was confined to her bed in the family home, 425 Seventh street, with nervous prostration.

About five letters were received altogether. The young ladies suspected a well-known and wealthy resident of the city, Mrs. C. Berg, 319 Seventh street, as the author of the letters.

Miss Kate Slattery consulted her attorney, W. H. Carlin, and upon his advice she procured copies of letters written and signed by Mrs. Berg. Counselor Carlin, armed with the communications, consulted M. E. Sanborn, attorney for Mrs. Berg, at Yuba City, and showed him the letters. Attorney Sanborn discussed the matter with his client, Mrs. Berg, and a few days later returned the letters to Mr. Carlin, stating that "there was absolutely nothing in it."

The letters were then sent to a hand-writing expert in San Francisco. On July 1 the expert filed the report of his findings with Miss Kate Slattery, stating that the anonymous letters had been written by the same hand which penned the two original exemplars bearing dates of April 30, 1897, and May 11, 1897, and signed "Mrs. C. Berg."

Attorney Carlin showed the expert's report to Mrs. Berg, but she strenuously denied knowing anything about the anonymous letters. She said she had placed the matter in the hands of her attorney.

Mrs. Berg is the widow of the late C. Berg, a wealthy hotel-keeper and owner of this county. The New Western Hotel, a valuable building on Second street, is part of the estate. Mrs. Berg has also large holdings in Sutter county. The Slatterys are also very wealthy. The matter has been spoken of only in the family circles, and the utmost secrecy is observed. A great deal of excitement has been occasioned here by the news. Mrs. Berg is prominent in the Protestant Church.

WALLACE W. WIDEMAN.

FEDERAL OFFICERS TO TAKE A HAND.

The Social Scandal at Marysville Promises to Grow to Large Proportions.

(From a Staff Correspondent.)

MARYSVILLE, July 12.—The excitement in the Slattery-Berg scandal grows more intense each day, and all the tongues in Yuba and Sutter counties have been set to wagging. The news has spread like wildfire.

Your correspondent visited the home of the Misses Slattery early Sunday morning, and the ringing of the doorbell was answered by a tall, prepossessing blonde.

"Does Miss Kate Slattery live here?" was asked.

"Yes, sir," was the retort, "but the young ladies and their mother went to the country early this morning." (It must have been at sunrise.)

"Could you tell me to what section of the country they have gone, and how long they are likely to stay?" was again asked.

"I haven't the least idea where they have gone," she answered, "and they may only stay two or three days, or may be ten days or two weeks."

I learned that the young ladies had gone to Lincoln, six miles from Marysville, and procured a horse and buggy, and drove to that section. A buggy was standing on the road, lettered "S," and it was decided to watch it. Shortly afterward two young ladies got into the vehicle and drove toward Marysville. Your correspondent followed. On Eighth or Ninth street I lost the trail, but after making several inquiries learned that the Misses Slattery were in church on Seventh street, between C and D streets. I left my team about a block from the house of worship, walked to the church and entered. Miss Kate Slattery was in the church.

Approaching her I said: "Miss Slattery, I believe?" She hesitated a moment, and then answered: "Yes. Well?"

"I called at your house early this morning, and was told that you, your mother and sister had gone to the country, and were not likely to return for several days."

"Yes, we were in the country—rather we had started, but we came back," she ventured.

I informed her of my mission, but she denied having any knowledge of the affair.

"Have you read the expert's report?"

"No, I must say that I have not," was the reply.

A copy of the report was produced, and I was about to read it when Miss Slattery said:

"I will not speak on this matter. You will please see my attorney, Mr. Carlin. The entire affair may result in libel suits all around."

Further than this she would say nothing. Shortly before noon I was informed that Attorney Carlin had also gone into the country with his team. Failing to get the desired information from Miss Slattery, I called upon Mrs. Berg in her beautiful home on Fifth street, early Monday. She was very nervous and wrought up over the affair. At first she declined to be interviewed, but finally said:

"I do not know why I should be charged in this manner. I deny writing the letters, and know absolutely nothing about them. I am well known in this county, and have been president for several terms of the Relief Society of this city. I have also done much for charity. I shall make a proper defense when the time comes. I cannot understand the idea of the whole affair. I shall not make any further statements, but will refer you to my attorney, Mr. Sanborn, in Yuba City. The matter is now in his hands. You will please speak low. I do not desire that my son or any one else in the house shall hear of this matter."

In the room with Mrs. Berg during the conversation was her daughter, who is the only other member of the family who was acquainted with the social scandal.

It has been learned that the man in the case is a prominent citizen here, and is known by the name "Frank." Miss Slattery recently showed the anonymous letters to a friend, and the latter, after perusing them, said: "Why a man figures prominently in this matter." Miss Slattery is alleged to have answered: "Well, Mrs. Berg can have him."

Throughout the anonymous letters this particular male individual was mentioned sometimes as "your friend," "you know who I mean," etc.

Attorney Carlin is now working on the case more diligently than ever. It is stated that warrants will be procured in a few days. The matter will probably also be brought to the attention of the postoffice inspectors.

WALLACE W. WIDEMAN.

THE QUEEN OF THE VOODOOS.

Remarkable Career of Mammy Pleasant and Her Wonderful Influence Over Men and Women.

MAMMY PLEASANT, the mild-mannered old Southern mammy of romantic newspaper [illegible], with her spotless white apron and neckerchief and her clinking bunch of keys and her general air of contrition for being so good, has been for many years the most discussed woman in San Francisco. Others have drawn public attention now and again and for a little brief space have dimmed her prominence, but Mammy seems to bloom perpetually.

Half a dozen times gossip has had her on the point of death; nineteen years ago the papers painted a painful picture of the old woman broken in health, her mind shattered and tottering on the verge of dissolution. She has been called a pauper, then a millionaire; a devout Catholic, a Methodist, a leader among the Baptists; the essence of truth and a perjurer, a friend of the poor and a woman who turned every human passion and foible to her own advantage, and who used the people that she chose to associate with as so many pawns on a chess board.

Mary Ellen Pleasant, for that is her correct name, has been all, and at the same time none, of these things. But in the whole of her career it is certain that she has never feigned a virtue or done a vicious thing that had not for its ultimate object something of benefit to herself. A woman with wonderful persuasive powers and something very like a hypnotic influence over weaker members of her own sex, she has been placed in dozens of positions of trust and has many times been administratrix of estates. Every property of this character that Mammy has controlled has faded into thin air. Charges of mal-administration, of helping criminals to escape from jails and of crimes far more serious than these have been brought against her, but in her whole forty-eight years of residence in California she has laughed at courts, defied the orders of Judges and has emerged somehow from every tight corner in which she has been placed.

A few weeks ago Mammy was adjudged an insolvent debtor. Last Monday she went to one of the attorneys for her creditors and asked him for a dollar with which to buy food. The following day she appeared at the house of a colored woman of her acquaintance, a noted gossip, and took away a loaf of bread with her, claiming she was hungry. That is Mammy's way of showing the world that she is a poverty stricken bankrupt. People who are in a

what means she took to practice her so-called voodoo art, and what properties she used in the business. A few days after her eviction from the Bell household, recently, the two rooms that she had occupied for many years on the second floor of the mansion were searched. They disclosed a miscellaneous mass of material, including powdered cork dust, hundreds of singed cock's feathers, also torn into very finest strips, a bottle of lampblack and numerous other articles, all of which she utilized in her secret practices.

This voodoo fad of Mammy's is the only sign of mental weakness or aberration that she has given in her whole career. Her tricks with the implements named, as told by the children of the house, were very simple and must have been the remnant of some myth handed down to Mammy when she was little more than a pickaninny on the Helmcken estate in Virginia, and along the narrow strips of calico she would draw grotesque images with the lampblack and then singe them and repeat [illegible] of them with burning cock's feather at the same time pronouncing her wishes in a mumbling voice and asking some unknown deity to help her out in her numerous enterprises.

An instance of her thorough belief in these gypsy superstitions came out during the trial of the famous Sharon case, when several witnesses swore that Sarah Althea, acting under the advice of Mammy, had gone to a graveyard on a May day and had planted a pair of Sharon's socks and one of the millionaire's shirts in the ground. Sarah Althea then had been informed by her colored guide that this was a sure way to win back Sharon's affections. Although the fact was proven in court beyond any doubt, Mammy brought in several witnesses, including Thomas Bell himself, to swear that on that day Sarah Althea had never left the Bell house where she was stopping. And a curious fact in connection with this attempted alibi has just come to light. It is that all of Mammy's witnesses to this particular testimony believed that they were tell-

done handsomely for herself through both of them. It has always been believed, although on a trial of [illegible] Mammy was acquitted, that she effected the escape of the [illegible] prisoners from the County Jail on Broadway. At any rate, it is known positively that [illegible] a week after their escape they were in hiding in the basement of [illegible] Washington street, a place rented by Mammy for their reception after they [illegible], and that she purchased the wigs with which they were to disguise themselves when they attempted to [illegible] the country. There is little doubt that Mammy received some thousands of dollars to effect this escape, and that the jailer who conveniently allowed himself to be gagged and [illegible] was well [illegible] for his little experience, leaving, however, a handsome profit for Mammy. One day she [illegible] down to the cellar [illegible] the Washington [illegible] and told the boys that [illegible] for their escape [illegible] to take them [illegible] her ranch on the San Jose road, [illegible] by way of Howard [illegible] keeping [illegible] would [illegible] getting them off [illegible] Half Moon Bay. [illegible] had been offered for [illegible] the brothers [illegible] their arms to Mammy at [illegible] station, reached the [illegible] and

for the furniture insurance in the house, which has been empty for the whole of that time.

William Tomlinson, familiarly known to everybody who ever visited the Bell residence on Octavia street as "Blind Billy the Butler," is a Scotchman who has been in the Bell employ for many years. He is totally blind. Three years ago he received a draft for $150 from relatives in Scotland. Mammy at once told him that she could pay him better interest than any bank, and got him to hand her the cash. Last week he stated that though he had asked her repeatedly for a few dollars he could get nothing.

A beautiful gilt dining-room clock that Mammy bought from a firm in this city for $150 she told Mrs. Bell cost her $500, and took that amount out of the estate money to pay for it. A few weeks ago, when she left the house, she took the clock with her.

John Player was up to the beginning of the present year one of Mammy's most devoted admirers. He has worked for her at one time and another since [illegible] in an humble way. Six months ago he notified Mammy that out of his small savings he had managed to pile up $250, and she advised him that the safest way to keep his money was to invest it in a good gold watch and chain, and offered to secure the article for him. He gave her the money and the next day was the proud possessor of a watch that Mammy told him was worth $[illegible], the balance of

easy to get a favorable decision out of him as it was to get a certificate of ill health from a doctor. In vulgar par-

the Bell home, made menials of them, paying for their keep with Bell money, and sold the estate property at the cor-

consequently, the only correct portraits of her that have ever been printed.

Mammy Pleasant and the House in Which She Lives.

[illegible] gossip and took away a loaf of bread with h[illegible]ng: she was hungry. That is Mammy's way of showing the world that she is a poverty-stricken bankrupt. People who are in a position to know say that she is worth considerably more than a quarter of a million dollars. This fact, however, will not help her creditors very much. When she was posing for a photograph the other day for the "Chronicle" she was asked what she intended to do with her creditors.

"Do," she replied. "Why, I am jes' sitting looking on. If they find anything, I'll get up and take it away from 'em. But they ain't going to find anything, so I won't need to disturb myself nohow."

Just thirty years ago, when Mammy was in high favor with the wealthy young mining men of San Francisco, she established a resort on the old San Jose road, and called it Geneva cottage. What happened there during the first year of its occupancy may best be passed over without comment, but after that, when the old negress found herself without proteges, and when visitors to her vine-covered roadhouse had begun to drop off in consequence, she became a rancher, and went in for raising hogs and chickens. Every morning, dressed in blue jeans and an old woolen shirt, with a slouch hat on her head, she would drive a team into town and dispose of her produce at the old Washington market.

A few weeks ago, driven out of the Bell mansion and seeking an abiding place where she might rusticate till the storm of her insolvency proceedings had blown over, she thought of Geneva cottage, and taking with her as much of the Bell furniture as she could gather up at short notice from the various residences of the millionaire's estate, she moved out to the old place and went back along the San Jose road to live.

Room in plenty for a pathetic bit of word painting here—the swing of the pendulum after thirty years with Mammy, at the latter end broken down, poverty stricken, surrounded by enemies and in her last stitch. But unfortunately for the picture, Mammy at 84 is as stalwart and unbending and as keen-witted as she was at 40.

Even with a complete knowledge of her career, in which she has bent hundreds of people to her will, and a thorough insight into her cunning and treacherous nature, you cannot help feeling some measure of admiration for this tall, spare negress as she faces you, erect as a girl of 20, with vigorous mentality displayed in every move she makes and every sentence she utters.

In order to avoid attendance at court it has been necessary for her several times of late to feign sickness. She has become an adept at this kind of deception, though there is something humorous in the thought of a woman over 80 years old being compelled to make a pretense of physical ailments. But this is actually what Mammy has to do, for nature has been more than kind to her, and she has had very little experience in actual bodily suffering in her long life. Her imitation sickness takes two forms. To use her own words they are "dizzy spells" and "spasmodics," and among other things she boasts that at no time in the last fifteen years has she been without three or four doctors' certificates of ill health, signed in blank to be used whenever it is inexpedient for her to answer an order of court. On these occasions, to quote her again, "I gen'ally writes down dizzy spells in the blank part, and the Court jes' has to whistle."

It has always been a great mystery to Mammy's friends and acquaintances [illegible]ing the truth, but the woman they really saw in the Bell house was Emma Sterrett, painted to resemble Sarah Althea. Both women looked very much alike under natural conditions anyway, and people who had only seen them a few times were very easily deceived.

Whatever effect Mammy's voodoo art may have had upon her victims can never be known, but it is certain that she has shown wonderful power of persuasion that compels one to credit her with some sense outside of mere ability to argue. Many people who know her best claim that she possesses hypnotic powers in a remarkable degree. The long story of Mrs. Theresa Bell's life, which has already been told in detail in the "Chronicle," proves that some incomprehensible power existed, and it is also known that Thomas Bell himself, always reckoned as a shrewd man of affairs, was deceived and tricked a thousand times by Mammy's false representations to him. Once when she was badly in need of money for one of her numerous deals she sent Mrs. Bell over to San Leandro, and, after keeping her there a week, announced to Thomas Bell that she had gone on to New York for a vacation and asked for $25,000 to be forwarded to her. Bell paid the money, and, ten days later, Mammy went to him again in great agitation and stated that Mrs. Bell had been robbed of all her coin in New York, telling him it was absolutely necessary to forward an additional $25,000 to New York. Bell gave this money to Mammy and the following day Mrs. Bell returned to the house.

The trapping of Bernard Saville, himself a polished schemer, now serving a term of imprisonment in San Quentin, is another instance of Mammy's persuasive art. She tricked him so completely that the day before his intended marriage to Mrs. Bell he went to Mammy, put his arms around her neck and thanked her for all she had done for him, promising to provide well for her as soon as he was Mrs. Bell's husband. Inside of twenty-four hours Saville was in the hands of the police, and Mammy was never afterward threatened with the loss of Mrs. Bell through the success of any suitor for her hand.

The well-known Brotherton brothers, who were convicted in this city in May, 1870, of felony, fell under Mammy's all-seeing eye and before she had finished with them and cast them off she had [illegible] Howard streets where her hack was to be in waiting for them, they found Chief Crowley, Captain Lees and half a dozen police officers with shotguns.

While the Brotherton boys were serving their term of [illegible] they were very much talked about people, both were young, fine-looking men and much sympathy was felt for them in the community. Mammy, always with an eye to her pocketbook, saw that when they were released from jail they would be drawing cards to any [illegible]. In the face of their belief that she had trapped them she actually went to San Quentin and got them to consent to a scheme whereby she should open and furnish a saloon and restaurant at 23 Geary street, managing the business herself and letting [illegible]. When they came out they did this, and for a year the [illegible] Mrs. [illegible] was called, was the most prosperous resort in San Francisco. Then when their popularity began to wane Mammy sold the place out at a big profit, and the Brothertons [illegible].

Instances of Mammy's "[illegible] ways," as she terms them, are innumerable. Here are a few new and true ones. She has been telling Mrs. Bell [illegible] for the last two or three years that the five carriages belonging to the estate, including two elegant landaus and a victoria, were being kept at Black's Livery Stable, where they were looked after, and every month she drew from her mistress $25 as payment to Black for this service. In reality, all the carriages were sold to Shaum & Co. years ago by Mammy, who pocketed the proceeds.

Samuel H. Whittington was a [illegible] in the Bell mansion, who owned considerable property in the Leonard tract in Berkeley. She [illegible] trouble between Whittington and his wife, and then, pretending to be his friend in securing a divorce, told him the best thing he could do was to deed his property to her temporarily and leave the country. Whittington did so, [illegible] his property since.

The house at 1110 Fourteenth street, in East Oakland, is the property of the Bell estate, and eight years ago it was completely furnished with beautiful and costly goods from local stores. The following month Mammy sold this furniture. Ever since that time, however, for the past eight years, she has been collecting money from Mrs. Bell to pay the purchase money she had paid out of her own pocket because of his faithful years of service. Last January Ployer, having left her employ and being nearly penniless, decided to pawn his watch. He then learned that it was worth only $1.

In the face of these incidents, and they are only similar to hundreds of others that might be mentioned, it would be hard for one not understanding Mammy's methods to realize how she could ever have obtained the name of being a generous woman. Her method of getting people to believe this of her, however, was simple enough. Often in a Sutter-street car, full of ladies and merchants returning to their homes, Mammy would ostentatiously give a conductor a $5 gold piece and tell him to keep the change. She had a little basket with which she made almost daily trips down to Washington and Kearny streets, and would stop all her acquaintances on the way to notify them that she was bound on some errand of charity.

Mrs. Bell's own foolishness and easy stultification have been responsible in great measure for Mammy's alleged "honor." Her white apron alone, to say nothing of the bunch of keys that always dangled from it, was worth thousands of dollars a year to her in making people believe that she was nothing but the honest old Southern nurse of the story book and a faithful [illegible] of a millionaire family.

Much of her reputation in this respect, too, was based on her magnificent promises. There is hardly a colored man or woman in the city that Mammy has not at some time or another promised a share in her property when she died. This has always been one of her greatest confidence operations. In fact, many of her dupes still fondly imagine that they are "remembered in Mammy's will."

Another gift that Mrs. Pleasant possesses, in a remarkable degree, is the faculty of evading a pointed question, whether asked her privately or in a courtroom. For many years she has confused Judges of all kinds, and there are very few attorneys of prominence in this city who have not at some time or another had a tilt with her, and given up in despair all hope of pinning her down to any deliberate statement of her affairs. A recent decision handed down by Judge Coffey, who has probably had more wordy battles with her than any other member of the bar or bench, practically declares her a perjurer. But Mammy does not mind a little thing like that.

It will be remembered that two years ago it was proved that Mammy had made a statement to the effect that Judge Coffey was only on the bench to do what she told him, and that it was as [illegible] Judge Coffey didn't do a thing to Mammy when she appeared before him in connection with this affair, but the next day she was around telling all her friends that people had been getting too suspicious with her connection with Department No. 9, and that she had ordered Coffey to make a "bluff" in order to straighten things out.

This, by the way, is another of her favorite schemes. When she was charged the other day with having swindled "Blind Billy" out of his money, this was her reply: "It's too bad about that Billy. The poor fellow worships the very ground I tread on, but it is to my interest to make people believe that we are enemies, so I tell him to abuse me and lie about me all he can. It breaks the poor fellow's heart though every time he has to do it."

The story of Mammy's connection with Rebecca Boone and the way in which she has used that woman to bleed the Bell estate out of over $100,000 is still familiar to "Chronicle" readers. In every residence in this city belonging to the Bell estate, Mammy has installed negresses in charge, and has gradually depleted the Bell mansion on Octavia street of almost everything of value it possessed, by scattering the articles around among the other houses from which they have mysteriously disappeared from time to time. These houses, one at 719 Sutter, another at 1210 Pine, and a third at 49 Clara street, have all been furnished up with Bell money, but Mammy's colored retainers have rented rooms to clerks for business houses and banks to them for years, dividing up the proceeds with Mammy, even the rent of the residence becoming a charge on the Bell estate.

Since Mammy first started to spin her spider's web forty-eight years ago in this city she has by some means or other become the administratrix of several estates. The well-known Park estate, consisting of property on Church street and other streets in this city, is one of these. Park, who was in the employ of the Postoffice Department, and a very weak man physically, had been persuaded by Mammy, with an eye to the future, years before his death, that she was a distant relative. Park left a widow and five children. Mammy prevailed on Mrs. Park to borrow $6000 from the Hibernia Bank on her property "to loan to Mrs. Bell." Of course Mrs. Bell never saw the money, and a year ago the Hibernia Bank foreclosed on the Park family, who are now living here absolutely penniless.

The Ridder estate was another property manipulated by Mammy in somewhat the same manner. The Hall estate went into Mammy's clutches without much difficulty. She was appointed administratrix, four colored children being the heirs. She got them all into [illegible] ner of Clay and Jones streets to Major Rathbone. She took the money and informed the Halls that it had all been eaten up in educating and keeping them, and turned them out.

The Harris estate, over which there has been much litigation, went in the same way, and property which was converted into cash for over $8000 has never got out of Mammy's hands. The two young daughters of the Harris family are now leading degraded lives in Sacramento.

The Susanne estate, of which Mammy had herself made the executrix, and which consisted of three three-story houses and lots at 29, 31 and 33 Stone street, was transferred by her to Mrs. Boone, who made over in place of it a little shanty at the top of Pine street worth about $200. Mammy declared to the two Susanne children that she had done her best—that the "Villainous Mrs. Boone" had got the best of her in a trade and that there was no good crying over spilt milk.

The Taylor estate was left in Mammy's charge by Monroe Taylor, who at one time was a well-known water front character, having control over all the restaurants at the ferries and on the Oakland boats. The property consisted of land in East Oakland. Mammy agreed to trade with Mrs. Taylor for $9000. The property was deeded, and at once sold by the old woman, but instead of the $9000 Mrs. Taylor was put into a residence on Sutter street adjoining one of the Bell houses. Six months later she and her four children were turned out on the street by the real owner of the house, who knew nothing whatever of the transaction, except that Mammy was paying him the rent. Mrs. Pleasant persuaded Mrs. Taylor that her actions in the matter had been perfectly honest, but that Mrs. Bell was demented and that the poor creature was responsible for the whole business, although she had not meant any harm by it.

All of the above mentioned estates were left by colored residents of this city.

Mammy is not a wanderer. "My proverb is," she says, "that a rolling stone gathers no moss. It is better to be a bump on a log, anyway, even if you do get creditors to bring insolvency proceedings against you. I will be here and alive, honey, when all them creditors is dead and gone."

Since her eviction from the Bell mansion at the corner of Octavia and Bush streets, that establishment has ceased to be "The House of Mystery." It has undergone a thorough renovation and complete change, and all of the members of the family have been reunited under its roof.

The photographs of Mammy Pleasant which illustrate this article are the first for which she has ever sat and are,

LINKING YDA ADDIS WITH THE RICHARDSON MURDER

YDA ADDIS STORKE, WHOM RUMOR ACCUSES OF ATROCIOUS CRIMES

Circumstances That Arouse Suspicion in the Minds of Santa Barbara People That She May Have Been Connected With the Atrocious Crime of Three Years Ago.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, July 12.—During the past few years there has been a series of terrible murders committed in the city of Santa Barbara. Of all these the worst by far was the murder on July 6, 1896, of two defenseless women, Mrs. Richardson and her daughter Ethel, at a house on a lonely suburban road. On the evening after the tragedy Officer W. W. Hopkins shot and killed Cyrus Barnard, who was then supposed to have been the author of the double crime. At the time of Barnard's death while there were some who believed him the true criminal, there were many who believed that he was not the guilty party, or at least not the only guilty party.

The evidence at the house where the horrible affair took place was very meager, furnishing little upon which the officers could found an opinion. Of the two women [illegible]

[illegible] and a blood spattered shirt were found lying under a culvert half a mile from the scene of the murder.

Barnard's death took place in the evening of this affair. Deputy Sheriff W. W. Hopkins, suspecting him, went to his house. Barnard was within, and as Hopkins addressed him, he [illegible] the officer. Hopkins returned the fire and instantly killed his man.

Public feeling was satisfied. But there were a few people who insisted that the murderer was not dead. These persons [illegible] their suspicions all but one. That one person was Yda Addis Storke, the letter writer who has ruined the peace of Santa Barbara. This woman [illegible] murder [illegible] she has claimed that the murder was not done by Barnard, but by others, by persons who were her own personal enemies [illegible] who could have [illegible]. This tale has at last [illegible] Yda Addis herself [illegible]

[illegible] and her foot is very small. Barnard was also a small man, exactly Mrs. Storke's height [illegible] while short, was very [illegible]. The sheriff himself said this after [illegible] that the small tracks looked like those of a boy's [illegible]. Yda Addis wore small [illegible] made her recent attack upon Attorney Jackson [illegible]. The conclusion is simple.

The overalls and blouse were considered no strong evidence against Barnard. They were of the same size as the [illegible] found in his house. The [illegible] from the [illegible] to the bottom of the [illegible] was the same in Barnard's clothes as in the overalls. The [illegible] of the sleeve of the shirt [illegible] Barnard's [illegible]. But Yda Addis was exactly Barnard's height [illegible] would naturally have [illegible] at the same place that [illegible] Addis.

[illegible]

[illegible] the night of the tragedy. There was no evidence to show how the murderer entered the house. Storke believed that the person who did the killing entered the house as a friend and committed the dreadful crime in the night. He was one of the first who examined the tracks and was the one who found the overalls. He believed to him that Yda Addis is either the murderess or that she was an accomplice and knows who the actual murderer was. He it was who identified the loaded cane as Barnard's. But he says that he places no weight upon this evidence, as Barnard, who often drank heavily, was in the habit of leaving his stick in all sorts of public places.

Above all other things, however, that have attracted suspicion to Yda Addis is the attitude she has taken in persistently accusing E. H. Pratt of having committed the crime. In Pratt is found a counterpart to Gutierrez, whom Mrs. Storke accused of having written the anonymous letters. Mrs. Storke claims that Pratt's people, knowing him to be a murderer, gave out the story that he was dead and buried a fake body. But the man was buried here with Masonic burial services, and all of the Masons in the city saw the body on the day of the funeral.

Further evidence is being looked up in this old murder mystery, and its true solution may yet be found.

APPEALS FROM THE SUPERIOR COURT'S ORDER.

Mrs. Nellie R. Craven-Fair Seeks to Enforce Her Claim to a Widow's Share.

Mrs. Nettie R. Craven-Fair has appealed to the Supreme Court from the order made by Judge Troutt of the Superior Court denying her petition to be permitted to interplead in the contest for the late Senator James G. Fair's will.

Judge Troutt held that the lady was too late to enter the case in that way, that if she ever had any rights it was her duty to enforce them within the time prescribed by law, that the statute of limitations had run against her, so he shut her out of all participation in the Fair estate as widow of the testator. It is from this order that Mrs. Craven has appealed.

MRS. CRAVEN AND THE FAIR ESTATE

More Suits Filed by Her for Her Share of the Property.

Another chapter in the history of the claims of Mrs. Nettie Craven to the Fair estate was written Saturday afternoon when Mrs. Craven began another battle for her rights.

She filed a petition against the Fair heirs to determine who are the real heirs. In this petition she claims and asks to have set apart to her one-third of all the Fair realty, one-third of its rents and profits and one-third of the personal property after all debts are paid.

Mrs. Craven also filed an objection to the distribution of personal property to Charles Fair and also a petition to vacate the decree of distribution of realty to Charles Fair.

Mrs. Craven recently spent some time in San Rafael, where she expected to gather some new evidence to establish her claim as the widow of the late millionaire. Whether or not these new suits are the result of Mrs. Craven's search in San Rafael is not known.

SAYS THE NOTE IS A BOLD FORGERY.

Philippe Maysounave's Defense to the Suit for $800 Instituted by John Lapique.

When John Lapique asked for judgment for $800 against Philippe Maysounave in Judge Hebbard's court yesterday he was met with the response of the defendant that the note on which the claim is based is a forgery.

The note set forth in the complaint is as follows:

> SAN FRANCISCO (Cal.), Nov. 15, 1895.
> $800. Three months from date I promise to pay to the order of Louise Lagurde eight hundred dollars for value received, with interest at 7 per cent per annum until paid, both principal and interest payable in United States Gold Coin.
> PH. MAYSOUNAVE.
> Indorsed: Louise Lagurde.

Attorney P. A. Bergerot, representing the defendant, suggested that some investigation ought to be made in regard to the making of the note, and read from his client's answer in which it was stated that Maysounave had money in bank at the time the note is said to have been executed, that his business was paying and that he had no need of borrowing money. In addition, the defendant declares under oath that the woman, Louise Lagurde, is a pauper who never had any money to lend, and that as a matter of fact she is still indebted to him for lodging. He says he never saw the note until it was presented to him and he refused to pay it.

Judge Hebbard requested Lapique to submit samples of his penmanship and he did so, writing his own name, the name of Maysounave and of Miss Lagurde.

"Where is this Lagurde woman?" asked the Judge, and no one was able to answer, except that there was an impression that she had left the city.

After examining the specimens of Lapique's chirography, Judge Hebbard intimated that judgment would probably be given for the defendant unless Miss Lagurde appears in court and proves that Maysounave signed the note.

Mr. Maysounave complains that he has been seriously inconvenienced by this suit, which he says has no valid foundation. His property at 1311 Stockton street was attached twice. Lapique was given a week in which to secure the testimony of Miss Lagurde.

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(Special Dispatch to "The Examiner.")

SANTA BARBARA, July 12.—During the past few years there has been a series of terrible murders committed in the city of Santa Barbara. Of all these the worst by far was the murder on July 6, 1896, of two defenseless women, Mrs. Richardson and her daughter Ethel, at a house on a lonely suburban road. On the evening after the tragedy Officer W. W. Hopkins shot and killed Cyrus Barnard, who was then supposed to have been the author of the double crime. At the time of Barnard's death, while there were some who believed him the true criminal, there were many who believed that he was not the guilty party, or at least not the only guilty party.

The evidence at the house where the horrible affair took place was [illegible], furnishing little upon which the officers could found an opinion. Of the two women murdered the mother was the first attacked. She was shot in cold blood as she lay in her bed and was cut with a pocket knife and beaten with a club. But this was not enough for the murderer. Attracted, no doubt, by the shots Ethel Richardson, a young and innocently beautiful girl, just graduated from the High School, rushed from her room where she was in the act of retiring and ran to her mother's door. There she in her turn was shot, but was not killed. Horrified at the sight she beheld, the girl ran down a stairway, opened a front door, pushed open a wire screen and ran down a path for a hundred yards. In a stubble field, her assassination was horribly completed. Here she was found in the early dawn.

The only evidence in the case was next to nothing. The tracks of the assassin or assassins were found as they pursued the girl in her race for life. There in the dust followed her naked footprints, which grew closer and closer as her strength and speed failed. Near the body was found a bloody cane. A week later a pair of bloody overalls and a blood-spattered shirt were found under a culvert half a mile from the scene of the murder.

Barnard's death took place in the evening of this affair. Deputy Sheriff W. W. Hopkins, suspecting him, went to his home. Barnard was within, and as Hopkins addressed him he fired at the officer. Hopkins returned the fire and instantly killed his man.

Public feeling was satisfied. But there were a few people who insisted that the true murderer was not dead. These persons [illegible] put their suspicions—all but one. That one person was Yda Addis Storke, the letter writer who has ruined the peace of Santa Barbara. This woman, [illegible] of the murder, has talked of little else. She has claimed that the murder was not done by Barnard, but by others, by persons who were her own [illegible], by persons who could have no motive [illegible]. This tale has at last produced its result. Yda Addis herself is now accused of being the murderess. She has developed her character before the people of Santa Barbara in such a way that the great body of the town people believe her capable of the crime. And the evidence seems to point more clearly to Yda Addis than to any other person.

In the first place, her conduct toward the murder mystery has been the same as her conduct toward the letter case. She was the first person here to denounce [illegible] libels. Her mouth was the first to tell about the town that the libellous letters were being circulated. She followed the case and kept it alive until at last she was convicted of it. She has [illegible] convicted of the Richardson murder, but she alone has kept it alive.

The tracks are a strong evidence against her. Two sets of tracks followed Ethel Richardson to her death. One was made by a long, pointed shoe, a No. 8 or No. 10. The other tracks, those which were thick about the dead body, were small and narrow, made by a [illegible] or No. 4 boy's shoe. These small tracks correspond exactly to the dimensions of Yda Addis's foot. She is a small woman, but five feet tall. Her foot is very small. Barnard was also a small man, nearly Mrs. Storke's height [illegible] white shirt, overalls [illegible] could be called this after [illegible] tracks looked like those of a boy's shoe. Yda Addis wore small boy's shoes when she made her recent attack upon [illegible] Jackson Addis. The conclusion [illegible] simple.

The overalls and blouse were considered [illegible] evidence against Barnard. They were of the same size as the trousers found in his house. The distance from the leg [illegible] to the bottom of the [illegible] as in the overalls [illegible] at the elbow of the shirt [illegible] with the [illegible] in Barnard's [illegible]. But Yda Addis was exactly that [illegible] height. Her knees would naturally have [illegible] at the same place that his [illegible].

[illegible] that it was [illegible] to go about the [illegible] of night in [illegible] clothes disguised [illegible].

[illegible] to throw light on the murder [illegible] woman was in the habit of [illegible] about other people's business in outlandish [illegible] not these overalls and shirt [illegible] fitting exactly [illegible] dimensions have been her clothing worn perhaps over her ordinary attire, to [illegible] the crime was committed?

There [illegible] a dabbed paint on the overalls. Yda Addis is an artist. Moreover, the woman was among the first in town who knew of the murder and was at the Richardson house among the first [illegible] out from [illegible]. J. S. Miller, a prominent local Mason, who lived near Yda Addis's lodgings, said this afternoon that while Mrs. Storke usually came out upon the streets at about 10 o'clock in the morning, she was seen by [illegible] on the morning of the murder.

Peter [illegible], a local policeman, says he has always suspected Mrs. Storke of the murder. On the day of the occurrence he suggested her as the murderess, and after working for some time on the case, was assured of her guilt. His theory is that the murderer slept in the Richardson house on

APPE[illegible] SU[illegible]

MRS[illegible]

More[illegible]

SAY[illegible]

HOW DOES THE EXPERT KNOW

It Was Boyce's Purpose to Learn by Cross-Examination.

SOME VERY SHARP FENC[ING]

Witness Is Satisfied [as to] Authorship of Letters b[ut Will] Leave That [to] the Jury.

THE MORNING PRESS, SATURDAY

Cross-examination of Expert Kytka occupied nearly all day yesterday in the Yda Addis Storke trial. The expert stood up well under the fire from Attorney Boyce for the defense, honors being even, or if anything in the expert's favor when court adjourned at 5 o'clock, with the cross-examination not completed. Other witnesses for the state have been recalled, and there is no telling when its case will be finished. That the trial will continue well into next week is now evident, and it may consume the greater part of the third week.

MORNING SESSION.

The writing of the name "de la Vina" was another point illustrated by Expert Kytka Friday morning, in proof of his assertion that Yda Addis Storke wrote the anonymous letters circulated so freely in this city one year ago. The capital "V" in three of the exhibits, both admitted and disputed, was considerably above the line, while the small letters following touched the line.

The expert then, by a diagram on the blackboard, indicated the different styles of final double "l's" found in both admitted and disputed writings. The predominating style was with the first letter shorter than the second; there were 20 of these in the disputed exhibits, and 34 in the admitted. There were two instances in the disputed writing where the letters were of the same height, and two in the admitted. There were three instances in the disputed writing where the final "l" was shorter than the first, and two such cases in the admitted exhibits.

One of the last points illustrated by the expert in the direct examination was a freak "f" which he had found in a very few of the exhibits, but in both admitted and disputed.

"Gentlemen," he concluded, "these are some of the chief reasons why I believe the disputed and admitted writings were written by the same person."

Mr. Squier—You stated that these anonymous letters were written in a disguised hand, in an attempt to disguise. Could they have been written by any person who attempted to imitate the writing of the person who wrote the standards?

Objection. Sustained.

Mr. Squier—You have given your opinion that the standards and the disputed writings were written by the same person. In your opinion were the disguised writings written by any person who attempted to imitate the handwriting of the defendant, or of the person who wrote the standards?

Mr. Kytka—No, sir, they couldn't be. A writer that has the ability to discover characteristics in a hand that is fixed and place them in a writing looking entirely dissimilar to the writing he is attending to imitate, would have the ability to imitate more closely than the disguised exhibits."

The witness and Attorney Boyce at this point exchanged some pointed remarks, and Kytka explained at greater length his meaning. It was necessary to refer to the exhibits, and the witness discovered a strong point he had previously overlooked. It was the disguised capital letter "Y" in one of the disputed exhibits, and the same letter in the signature of the defendant in one of the admitted exhibits, and they were submitted to the jurors for comparison.

Mr. Squier—Mr. Kytka have you examined the ink with which these disputed letters were written, and the ink with which the standards were written?

"Yes, sir."

"Have you compared them?"

"Yes, sir."

"Were any of the disputed letters written with the same ink as the standards?"

"Yes, sir. The Taggart letter was written with two different kinds of ink, and with two different pens. One was a black ink with a yellow tinge, the other a black ink with a blue tinge. The blue ink also appears in the Dr. Martha Case letter, in the Independent letter, the Tallant letter, the Rieglus letter, the La Vies letter, the Ruiz letter—"

Mr. Boyce—You mean the one signed by Ruiz?

"No; it was signed [Ruiz], not by Ruiz," interrupted K[ytka].

He had found [two] kinds of ink used, the third being a blue black, with a greenish [tinge].

M[r. Squi]er—Are these anonymous letters the only letters of the class written in the same kind of ink as the latter portion of the Taggart letter?

"All that I have examined; some of the later exhibits I have not examined."

The witness indicated on the blackboard, by means of colored chalk, the different kinds of ink used.

CROSS-EXAMINATION.

Mr. Boyce—Mr. Kytka, what do you claim to have established by the past four days of testimony?

The Witness—I would like to leave that to the jury.

"But you were called as an expert?"

"That is what they call me."

"But you know what your qualifications are?"

"I know I have been a witness in different courts of California, as an expert, and the lawyers never object to my testifying as such."

"What is your occupation?"

"I am a microscopic photographer and a man who studies handwriting."

"Then you are an expert?"

"Yes, sir."

"Is photography a necessary branch of the profession?"

"No, sir. Most experts have others do their photographing. I do my own. Others have failed to establish points because their photographers did not thoroughly understand chemistry and had no knowledge of handwriting."

Then followed some questions as to the instruments used by the expert in making measurements. Kytka said he had none with him, but could procure some. An ordinary foot rule was handed him and he was asked to measure the word "acknowledged" as it appears in the Martha Case letter.

"I can teach you a much more accurate way," said Kytka. "I know what you are driving at."

"I am not asking you for instruction; I am asking you to tell me how long the word 'acknowledged' is in the Martha Case letter."

"It is three and three-sixteenths inches."

"Now multiply that by 110 and see how much that makes."

"It makes 352 inches."

"How many feet is that?"

"Something over 29 feet."

"Now, did you testify on Monday that the diameter of the photographic enlargement of the word 'acknowledged' was 110 times the size of the original?"

"No, sir. I testified that the enlargement was 110 times the size of the original."

While the attorneys were looking for the stenographer's report of Monday's proceedings, Kytka measured the photographic enlargement with his rule. Attorney Boyce asked what the witness was doing.

"I wanted to see if I told the truth when I said it was eleven diameters," said the expert.

"I ask you now if you did testify on Monday that the word 'acknowledged' was magnified 110 times?"

"I did."

"Was it true?"

"It was."

"Please explain to the jury how it is so."

"I will do so. It is very simple."

Kytka was drawing a diagram on the board, when the court announced the adjournment for the noon recess.

AFTERNOON SESSION.

When Kytka resumed the stand at 2 o'clock, he continued his explanation:

"I am illustrating what I meant by ten diameters. I mean by ten diameters ten times across. By multiplying the sides you have ten times ten—100." This was demonstrated by a drawing on the board.

Mr. Boyce—I will ask you if on Tuesday, June 9th, in this court, you did not testify referring to the photograph, "the upper one is an enlargement 110 times the size of the original?"

"I said 'about 110,' I say now it is a little more. I had made a rough measurement. I have since made a more careful measurement, and find it is a little more than 110 times the size of the original."

"Do you still insist that the photograph is an enlargement 110 times the size of the original?"

"Yes, sir, or more. You can get at it very simply. If you take the word 'acknowledge' and cut out pieces the size of this word as it is in the original, 110 or 120 of them, it will just cover the large photograph." Then, addressing Mr. Boyce: "I don't know how it was you got mixed up."

"I again ask you, what do you claim to have established in this case?"

"I claim to have enabled the jury to establish whether the person who wrote the standards wrote the disputed writings."

"Would you testify that the defendant wrote these papers?"

"No, sir; because I didn't see her write. I do not want the jury to take my opinion, but to weight the points I brought out."

In reply to another question, Kytka said: "It is my belief upon the examination of the details of these exemplars, that the party who wrote the standards wrote every one of the disputed writings."

"What do you find in the standard writing indicating any capacity on the part of the writer to write all three different kinds of writing in these exhibits?"

"That is what I have been doing for the past three days."

When the question was repeated in a little different form, the expert indicated, by a peculiar way of holding the pen, that the base line could be shaded, as in one of three classes. The different class was created, mainly by simply changing the position of the pen.

The meaning was more fully demonstrated on the board.

Mr. Boyce—To produce letters of that character must the pen be held in a particular way?

"Yes, sir."

"Then I will ask you to point out in the standards, letters made by holding the pen in that way."

This was done in one of the exhibits and the attorney passed to the second class of anonymous writing, which the expert called the "cramped hand" or finger movement. Kytka was also asked to point out a similarity between this class and the standards. In looking over the exhibits for this purpose, the witness came upon something that he had not demonstrated before, and which he said if he had to base his opinion upon the one comparison as to who wrote the disputed and admitted exhibits in question, his conscience would be clear. It was the word "Miss." The manner of making the two final letters was the strong characteristic to which he particularly referred; the heavy unconscious stroke.

"That is what you base your opinion upon, that the defendant wrote all these letters written in the cramped or finger movement?"

"It is not a 1-100th part. This is one of the points."

"What is the next one?"

The word "yellow" was selected by the expert as the answer to this query. He said the first letter "y" had been retraced, as if to cover up the characteristics of the writer.

"Did you subject this word to a microscopic examination?"

"Yes, sir."

"How were you able to determine which line was made last upon the page?"

"The simplest thing in the world. If a farmer plowed a furrow through his field and another came along and plowed a furrow across the first furrow, how would you know who made the last furrow? It is the same with the ink furrows. The last stroke is a little darker because it was written slower."

"Did I understand you to say that the last line was the darker?"

"No, sir. I referred to the intersection."

"Did I say anything about an intersection?"

"No, sir. Because you can't comprehend it, even."

The court rapped for order, as the audience broke into a laugh.

"Now, I have asked you several times what there was in the capacity of a writer to enable him to write the third class you have spoken, the small writing?"

Witness presented an exhibit showing the forming of the letter "s" in anonymous. He was not allowed to illustrate it.

"Now, Mr. Kytka, you have stated that you have had a great deal of experience as an expert?"

"Yes, sir, and I am still a young man."

"Is your opinion as an expert based upon evidence as presented in the exemplars?"

"That is all upon which I base my opinion." Witness said it was the limit of his duty as an expert.

"What is there about handwriting that makes it capable of identification?"

"If I may answer in my own words may I can explain to you," said Kytka, when he explained it was an individuality such as would be found in a class of boys, all given the same advantages. When they grew up they have selected different occupations, each that to suit his character, but that character or individuality was formed in youth and one there. The character is shown in every act, but not more clearly than in handwriting. The nerves play a part; the movement, the manner of holding the pen. It is something that no expert can analyze. The person of an artistic temperament can do more than others. Yet he has seen some artists whose writing had no character.

"Do you establish the identity of the writer by the dissimilarity of the writing?"

"No, sir. No two letters are made here exactly alike, but there is always a similarity."

"What do you mean by a characteristic handwriting?"

"Any person who writes must have a characteristic. You can't go a thousandth part of an inch from that statement."

"All movements of the pen depend upon muscular movement, do they not?"

"Yes, but it is not that upon which we place our opinion. The person who wrote these exemplars has the capacity to write the combined movement and the finger movement."

"Is there anything about the writing which determines the authorship without a detailed analysis?"

"No, sir. From a mere glance at the writing there is nothing to know."

Kytka said that he made his first complete report on the examination of exemplars March 24. On March 28 he arrived at Santa Barbara, but the case being postponed, and he left.

"Have all the papers that have been submitted to you been in court?"

"There is a signature in a box, that I have seen that I did not study. I have had so many I didn't care for more."

"Did you see a letter addressed to O'Connor, Moffat & Co.?"

"Yes, sir."

Attorney Boyce called for an envelope containing newspaper clippings and words written in ink. He asked the district attorney to produce them. When found Boyce called witness' attention to a small slip of tissue paper containing a written word and pasted to a newspaper clipping.

Kytka said the ink used was the same as used in other writing in exemplars, but he had not examined the writing for identification. Another slip he said was in the same ink, but because the writing on this paper was so blotted he would not identify it. He would not pronounce an opinion on the blotted writing on one of the newspaper clippings.

Kytka rather exploded the stories of princely compensation he is to receive for his services here by saying that he gets $25 and his expenses.

"Do you not as an expert occupy something of a judicial position? Is it your practice in the investigation of cases of this kind to first ascertain what evidence is required?"

"No, sir."

"It is your duty to reach an opinion on the evidence presented?"

"Yes, sir. Sometimes I go dead, square against my employers."

"Then there is no difference between you and me as to your duty?"

"I don't know, I am sure."

"Now, to determine handwriting and the authorship, is it necessary to know the anatomy of the hand?"

"No, sir."

"How do you distinguish between a natural or a simulated hand?"

In replying to this Mr. Kytka asked to be allowed to illustrate. There was a long series of fencing between the attorney and expert as to the discovery of characteristics in writing. The illustrations were not made.

The attorney handed witness the Martha Case letter and asked if the date was written by the defendant.

"Yes, sir. It is in the defendant's writing," answered Kytka, illustrating on the board the points upon which he based his opinion.

"Is there any word, line or figure in the letter that does not remind you of the writing of defendant?"

Witness made the letter "t" saying that parts of the letter differed from writing of defendant, though other parts of it were discoverable in other writings.

Illustrations of this sort were in progress when court adjourned.

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Morning Press.

SANTA BARBARA CALIFORNIA, SUNDAY MORNING, JUNE 18, 1899. VOL. XXXIX, NO. 312.

CAN'T FIGHT IN THE COURT ROOM

Jackson and Boyce May Do all They Want Out Side.

JUDGE OSTER WON'T OBJECT

The Lie Passed and Other Things—Mrs. Storke on the Witness Stand Denies State's Testimony.

For three long and weary weeks the Yda Addis Storke libel trial has occupied the superior court, and the chances are more than even that another week will be passed before the case is given to the jury and decided. Evidence of the defense the past two days has been of the most objectionable character. It has gone to show the inner life of the defendant and others connected with the case and makes plain why a witness for the state told on the stand that she wanted to have nothing to do with the matter, because it was "dirty."

Grant Jackson was again a witness yesterday. The examination was conducted on the lines followed Friday, resulting in the witness being provoked to passing the lie to Senator Boyce and such sharp exchanges between the attorney and witness that Judge Oster had to remind them that if they had any fighting to do they must settle it out of the court room, when he did n't care how much they fought.

Mrs. Storke was called as the next witness. She was on the stand until court adjourned, her testimony being all in direct denial of that given by witnesses for the state.

MORNING SESSION.

The direct examination of Grant Jackson by Attorney Boyce was resumed Saturday morning at 10 o'clock.

Mr. Boyce—Mr. Jackson, I'll show you this paper, and ask you to examine it, and ask if this is the one you referred to yesterday as larger in size than the one shown you yesterday.

"I think this is the paper."

Mr. Squier—We object to this paper being offered in evidence.

The Court—It has not been offered as yet, has it?

Mr. Boyce—I was about to offer it. I will state that this is a duplicate of a paper offered by the prosecution. We expect to draw some inferences as to them. The paper is a retraction of the charge of perjury; the theory is that the portion of the paper relating to C. A. Storke and his son Thomas Storke, had been cut out; it had been mutilated and changed, when offered by the state.

The Court—The objection will be sustained. The exhibit was offered as a sample of handwriting, pure and simple, and the jury will be instructed to pay no attention to the contents.

"You tendered your services in this case to assist in the defense, did you not?"

Objection. Sustained.

"You had some connection with the prosecution of this case, did you not?"

"No, sir."

"Do you mean to say that you did not contribute money toward the employment of an expert in this case?"

"No, sir, and if you say I did, you lie."

The Court—Mr. Jackson, that will not do in this court.

Mr. Jackson—I beg the court's pardon.

Mr. Boyce—Do you mean to deny that you stated to Mr. Currier, my associate, that you had given Dr. Winchester money toward paying Pancake?

"Yes, sir; I never told Mr. Currier that. Now, I will tell you what I did tell Mr. Currier. A few days after I received my anonymous letter I met Dr. Winchester and he said they were about to employ a detective to ferret out this matter, and asked me if I would be willing to contribute $5 toward paying the expenses of the investigation. I said I would do so, but from that time to this I have never had any conversation with him, and he has never called for the $5 as he said he would.

"Did Dr. Winchester name the party whom he suspected at that time?"

Objection. Sustained.

Witness was handed the note introduced by the defense as a sample of Jackson's handwriting, and he stated that it was his handwriting.

"Do you recognize this paper?" (showing witness the justice court complaint in the case of Yda Addis Storke vs. Mrs. Anna E. West.)

"Yes, sir."

"When did you see it before?"

Objection. Sustained.

"I will ask you, Mr. Jackson, if you have been in consultation with the district attorney in regard to the conduct of this case, and the evidence to be submitted?"

"No, sir."

"Do you mean to deny that you furnished the district attorney samples of your handwriting, and that you wrote at his dictation the words 'profession and professional?'"

"I do not deny that I did furnish samples of handwriting, and if you call that furnishing evidence, why I did to that extent. And I would like to add that I furnished these specimens after you had accused me of writing three anonymous letters."

These specimens were produced, and Mr. Jackson testified that Mr. Squier and Mr. Kytka had come into his office and requested him to write the words referred, and he had done so. He had written a sentence twice, once in ink and once in pencil. The word "Nell" he had written three or four times as he sometimes made the capital letter "N" in different ways.

"Did they state any reason why they wanted you to write?"

"No, but I knew that I had been charged by you with being an author of these anonymous letters."

"At the time that Mr. Squier came there was there exhibited to you any of the exhibits in this case?"

"No, sir. Not a one."

"Prior to this time had you ever seen any of these exhibits?"

"I think I had seen two."

"Which ones?"

"I do not know. I think I can pick them out."

Witness examined the exhibits, and said he had seen the Independent, the Press and the Dr. Martha Cass letters.

"I saw these documents in the office of the clerk, about ten days ago, since the trial of the case began."

"It was a matter of curiosity on your part?"

"It was a matter of curiosity, except as to plaintiff's exhibit 1, 1 and 2. I looked at that letter at the permission of Mr. Hunt. I had seen the letter unopened in the hands of the postmaster at the time I received the anonymous letter."

"I will show you defendant's exhibit Nos. 12 and 1 and 2, and ask you if you ever saw these exhibits before?"

"No, I never saw that exhibit in my life. I never saw that."

"Positive of that?"

"I am just as positive of that as I am that I am talking to you."

"Did the district attorney have this letter with him when he dictated the words he wanted you to write?"

"No, sir. He dictated them from memory and said that he wished he had brought the letter that he might dictate the whole of it."

"Did he say anything about the peculiar way of spelling 'profession' and 'professional?'"

"No, sir. He didn't say anything about the spelling."

"One of the letters was referred to in the discussion, and Mr. Jackson, in the hour that followed, remarked that he would ... pen and pencil, and I did."

"You did not know when you wrote this sample that this was a letter that you had been charged with writing?"

"No, sir, not that individual letter. I had been informed that you had said in court in reply to a query from Mr. Squier that you expected to show that F. N. Gutierrez and myself were the authors of these letters."

"I will now call your attention to the last six lines of defendant's exhibit No. 12, and ask you to kindly write and copy those lines on a piece of paper."

Mr. Squier—We object, as it is incompetent.

Mr. Boyce—We think that as the prosecution has gone into this, we have a right to follow it up.

The court overruled the objection, and Mr. Jackson took his seat at the clerk's desk and wrote the lines at Mr. Boyce's dictation. These samples were then introduced.

"Now I understood that you stated yesterday that the defendant had gone down to your house, and that you made a complaint to the marshal?"

"Yes, sir."

"At that time did not the defendant accompany you to your house?"

"Yes, sir."

"You did not say so yesterday, did you?"

"You did not ask me."

"Do you remember stating to Mr. Currier that you knew the defendant did not write these letters, and was as innocent as a child?"

Objection. Sustained.

Mr. Boyce stated that the purpose of the question was, if the witness did so state to Mr. Currier, to follow it with a question as to his reasons for having his belief.

"You know, Mr. Jackson, that this defendant did not write the letters charged against her?"

Objection. Sustained.

"You know that during the month of September, 1897, the defendant was confined to her room and bed?"

"I know she was sick at about that time; I am not certain as to the day."

"Do you know where the defendant was in the month of April, 1898?"

"She was in Santa Barbara."

"Where did you see her?"

"In Santa Barbara. In the court room, in her rooms, on the street."

"Where was she in the month of June?"

"In Santa Barbara."

"During that time did you occupy the relation of contract husband to this defendant?"

Mr. Squier objected to the question, and was sustained, but Mr. Jackson succeeded in getting in a very emphatic denial, adding: "You must not judge me by yourself, Mr. Boyce." He was called to order by the court.

Mr. Boyce—Do you now state that you had no motive in inducing her to leave Santa Barbara in August?"

"I stated yesterday my reason, do you want me to repeat it?"

"You told her also that she might be charged with sending letters through the mail in violation of the federal law?"

Objection. Sustained.

"Did not the defendant threaten to bring suit against you on the ground that you had embezzled some of the money collected as alimony for her?"

Objection. Sustained.

CROSS-EXAMINATION.

Mr. Squier—When did you first come to Santa Barbara?

"In May, 1887."

"Where had you lived prior to that time?"

"In Lompoc, this county."

"What occupation did you follow when you came to Santa Barbara?"

"I went into Mr. Stratton's office as a law student and remained there until I was admitted to practice."

"When were you admitted to practice?"

"In October, 1891."

"When did you first get acquainted with the defendant in this case?"

"In January, 1891."

"How did you get acquainted with her?"

"She came to my office to consult me as an attorney as to a suit brought against her by C. A. Storke for divorce."

"Do any of your relatives reside in this city?"

"Yes, sir."

"How many?"

"Three sisters and a brother."

OOM PAUL MUST BE CAUTIOUS

England Champions Every Cause of the Uitlanders.

SOUTH AFRICAN PLOT THICKENS

Kruger Must Make Concessions or Something Will Drop—Chamberlain's Position Not Popular.

By the Associated Press.

London, June 17.—The Transvaal situation is still the all absorbing topic of discussion in Great Britain and even the continent has caught the disease, although in a less virulent form. The publication of the Transvaal blue book with emphatic denunciation of Transvaal methods, setting forth in measured paragraphs the alleged political, financial and judicial incompetence of the administration of President Kruger and adopting as a part of the government's program all of the grievances of the Uitlanders, is of highest import. It was an unmistakable warning to Transvaal as well as an indication to the people of South Africa generally that the government has arrived at a fixed decision, impossible to recede from, and there are not lacking indications that the hint has not been lost at Pretoria.

Unless the talked of concessions are speedily inaugurated, momentous consequences are expected.

The position in England of the secretary of state for the colonies, Mr. Joseph Chamberlain, however is rapidly declining, and an emphatic suggestion is heard in influential quarters to transfer the conduct of negotiations from the colonial to the foreign office.

REGULARS TO THE FRONT.

Nearly 4000 Men Sail to the Philippines This Week.

By the Associated Press.

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Jeffries and Sharkey Will Fight.

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JUDGE OSTER WON'T OBJECT

The Lie Passed and Other Things—Mrs. Storke on the Witness Stand Denies State's Testimony.

For three long and weary weeks the Yda Addis Storke libel trial has occupied the superior court, and the chances are more than even that another week will be passed before the case is given to the jury and decided. Evidence of the defense the past two days has been of the most objectionable character. It has gone to show the inner life of the defendant and others connected with the case and makes plain why a witness for the state told on the stand that she wanted to have nothing to do with the matter, because it was "dirty."

Grant Jackson was again a witness yesterday. The examination was conducted on the lines followed Friday, resulting in the witness being provoked to passing the lie to Senator Boyce and such sharp exchanges between the attorney and witness that Judge Oster had to remind them that if they had any fighting to do they must settle it out of the court room, when he didn't care how much they fought.

Mrs. Storke was called as the next witness. She was on the stand until court adjourned, her testimony being all in direct denial of that given by witnesses for the state.

MORNING SESSION.

The direct examination of Grant Jackson by Attorney Boyce was resumed Saturday morning at 10 o'clock.

Mr. Boyce—Mr. Jackson, I'll show you this paper, and ask you to examine it, and ask if this is the one you referred to yesterday as larger in size than the one shown you yesterday.

"I think this is the paper."

Mr. Squier—We object to this paper being offered in evidence.

The Court—It has not been offered as yet, has it?

Mr. Boyce—I was about to offer it. I will state that this is a duplicate of a paper offered by the prosecution. We expect to draw some inferences as to them. The paper is a retraction of the charge of perjury. The theory is that the portions of the paper relating to C. A. Storke and his son Thomas Storke, had been cut out; it had been mutilated and changed, when offered by the state.

The Court—The objection will be sustained. The exhibit was offered as a sample of handwriting pure and simple, and the jury will be instructed to pay no attention to the contents.

"You tendered your services in this case to assist in the defense, did you not?"

Objection. Sustained.

"You had some connection with the prosecution of this case, did you not?"

"No, sir."

"Do you mean to say that you did not contribute money toward the employment of an expert in this case?"

"Yes, sir, and if you say I did, you lie."

The Court—Mr. Jackson, that will not do in this court.

Winchester and he said they were about to employ a detective to ferret out this matter, and asked me if I would be willing to contribute $5 toward paying the expenses of the investigation. I said I would do so, but from that time to this I have never had any conversation with him, and he has never called for the $5 as he said he would.

"Did Mr. Winchester name the party whom he suspected at that time?"

Objection. Sustained.

Witness was handed the note introduced by the defense as a sample of Jackson's handwriting, and he stated that it was his handwriting.

"Do you recognize this paper?" (showing witness the justice court complaint in the case of Yda Addis Storke vs. Mrs. Anna E. West.)

"Yes, sir."

"When did you see it before?"

Objection. Sustained.

"I will ask you, Mr. Jackson, if you have been in consultation with the district attorney in regard to the conduct of this case, and the evidence to be submitted?"

"No, sir."

"Do you mean to deny that you furnished the district attorney samples of your handwriting, and that you wrote at his dictation the words 'profession and professional?'"

"I do not deny that I did furnish samples of handwriting, and if you call that furnishing evidence, why I did to that extent. And I would like to add that I furnished those specimens after you had accused me of writing these anonymous letters."

These specimens were produced, and Mr. Jackson testified that Mr. Squier and Mr. Kytka had come into his office and requested him to write the words dictated, and he had done so. He had written a sentence twice, once in ink and once in pencil. The word "Nell" he had written three or four times, at the same time, made the capital letter "N" in different ways.

"Did they state any reason why they wanted you to write?"

"No, but I knew that I had been charged by you with being an author of these anonymous letters."

"At the time that Mr. Squier came there was there exhibited to you any of the exhibits in this case?"

"No, sir. Not a one."

"Prior to this time had you ever seen any of these exhibits?"

"I think I had seen two."

"Which ones?"

"I do not know. I think I can pick them out."

Witness examined the exhibits, and said he had seen the Independent, the Press and the Dr. Martha Case letters.

"I saw these documents in the office of the clerk, about ten days ago, since the trial of the case began."

"It was a matter of curiosity on your part?"

"It was a matter of curiosity, except as to plaintiff's exhibit 1, 1 and 2; I looked at that letter at the permission of Mr. Hunt. I had seen the letter unopened in the hands of the postmaster at the time I received the anonymous letter."

"I will show you defendant's exhibit Nos. 12 and 1 and 2, and ask you if you ever saw those exhibits before?"

"No, I never saw that exhibit in my life. I never saw that."

"Positive of that?"

"I am just as positive of that as I am that I am talking to you."

"Did the district attorney have this letter with him when he dictated the words he wanted you to write?"

"No, sir. He dictated them from memory and said that he wished he had brought the letter that he might dictate the whole of it."

"Did he say anything about the peculiar way of spelling 'profession' and 'professional?'"

"No, sir. He didn't say anything about the spelling?"

"One of the letters was attached in the dimension, and Mr. Jackson, in the hunt that followed, remarked that he would like to have it found as Mr. Boyce ought accuse him of "swiping" it. Some personalities were exchanged, until the two were called to order by the court, who said:

"I don't care how much fighting you gentlemen do out of court, but I don't want any in here."

"Were you informed by the district attorney that the spelling of the letter was in an unnatural manner?"

"No, sir. He told me nothing about the letter. He told me to give Mr. Kytka a sample of my natural handwriting in

"I will now call your attention to the last six lines of defendant's exhibit No. 12, and ask you to kindly write and copy those lines on a piece of paper."

Mr. Squier—We object, as it is incompetent.

Mr. Boyce—We think that as the prosecution has gone into this, we have a right to follow it up.

The court overruled the objection, and Mr. Jackson took his seat at the clerk's desk and wrote the lines at Mr. Boyce's dictation. These samples were then introduced.

"Now I understood that you stated yesterday that the defendant had gone down to your house, and that you made a complaint to the marshal?"

"Yes, sir."

"At that time did not the defendant accompany you to your house?"

"Yes, sir."

"You did not say so yesterday, did you?"

"You did not ask me."

"Do you remember stating to Mr. Carrier that you knew the defendant did not write these letters, and was as innocent as a child?"

Objection. Sustained.

Mr. Boyce stated that the purpose of the question was, if the witness did so state to Mr. Carrier, to follow it with a question as to his reasons for having his belief.

"You know, Mr. Jackson, that this defendant did not write the letters charged against her?"

Objection. Sustained.

"You know that during the month of September, 1897, the defendant was confined to her room and bed?"

"I know she was sick at about that time; I am not certain as to the day."

"Do you know where the defendant was in the month of April, 1898?"

"She was in Santa Barbara."

"Where did you see her?"

"In Santa Barbara. In the court room, in her rooms, on the street."

"Where was she in the month of June?"

"In Santa Barbara."

"During that time did you occupy the relation of conjugal husband to this defendant?"

Mr. Squier objected to the question, and was sustained, but Mr. Jackson succeeded in getting in a very emphatic denial, adding: "You must not judge me by yourself, Mr. Boyce." He was called to order by the court.

Mr. Boyce—Do you now state that you had no motive in inducing her to leave Santa Barbara in August?

"I stated yesterday my reason, do you want me to repeat it?"

"You told her also that she might be charged with sending letters through the mail in violation of the federal law?"

Objection. Sustained.

"Did not the defendant threaten to bring suit against you on the ground that you had embezzled some of the money collected as alimony for her?"

Objection. Sustained.

CROSS-EXAMINATION.

Mr. Squier—When did you first come to Santa Barbara?

"In May, 1887."

"Where had you lived prior to that time?"

"In Lompoc, this county."

"What occupation did you follow when you came to Santa Barbara?"

"I went into Mr. Stratton's office as a law student and remained there until I was admitted to practice."

"When were you admitted to practice?"

"In October, 1891."

"When did you first get acquainted with the defendant in this case?"

"In January, 1894."

"How did you get acquainted with her?"

"She came to my office to consult me as an attorney as to a suit brought against her by C. A. Storke for divorce."

"Do any of your relatives reside in this city?"

"Yes, sir."

"How many?"

"Three sisters and a brother."

"Have any of them been subpoenaed by this defendant?"

"My two sisters were subpoenaed by this defendant."

The witness was then handed the anonymous letters, and he stated that he had never seen them before except as stated in his testimony just preceding.

He was asked by the district attorney if he had ever procured any person to write or mail any of these letters.

"I never procured any person to do

(Continued to Second Page.)

SOUTH AFRICAN PLOT THICKENS

Kruger Must Make Concessions or Something Will Drop—Chamberlain's Position Not Popular.

By the Associated Press.

London, June 17.—The Transvaal situation is still the all absorbing topic of discussion in Great Britain and even the continent has caught the disease, although in a less virulent form. The publication of the Transvaal blue book with emphatic denunciation of Transvaal methods, setting forth in measured paragraphs the alleged political, financial and judicial incompetence of the administration of President Kruger and adopting as a part of the government's program all of the grievances of the Uitlanders, is of highest import. It was an unmistakable warning to Transvaal as well as an indication to the people of South Africa generally that the government has arrived at a fixed decision, impossible to recede from, and there are not lacking indications that the hint has not been lost at Pretoria.

Unless the talked of concessions are speedily inaugurated, momentous consequences are expected.

The position in England of the secretary of state for the colonies, Mr. Joseph Chamberlain, however is readily declining, and an emphatic suggestion is heard in influential quarters to transfer the conduct of negotiations from the colonial to the foreign office.

REGULARS TO THE FRONT.

Nearly 4000 Men Sail to the Philippines This Week.

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The cause of the explosion is a mystery. One theory is that the sudden ignition of powder from spontaneous combustion caused the disaster, but the generally accepted explanation is that the explosion was caused by carelessness.

Jeffries and Sharkey Will Fight.

By the Associated Press.

New York, June 17.—A match was arranged this afternoon for a 25 round bout between Jim Jeffries and Tom Sharkey to take place in the latter part of October before the club offering the largest purse.

Imp Won the Suburban.

By the Associated Press.

Sheepshead Bay, June 17.—The Suburban handicap was won by Imp by two lengths, Warrenton third. Time, 2:05 4-5. lengths, Warrenton third. Time, 2:05 4-5.

YDA ADDIS TRIAL

[Continued from First Page.]

anything with one of them, to write them, or mail them, or publish them, or anything else. And I never wrote them myself."

Mr. Boyce—Why did you think it was necessary to add that you never wrote them yourself?

"Because I have been informed that you accused me of writing them; and I know it isn't true. And you know it isn't true."

Mr. Boyce—Do you want to make any further explanation?

Mr. Jackson—When I want to make any further explanation I'll make it loud enough for you to hear.

Mr. Boyce—And you won't have to walk very fast when you want to see me to tell me about it.

The Court—Gentlemen, when court adjourns you will find the back yard out there. You are excused, Mr. Jackson.

City Attorney Thomas McNulta was called. He testified that he had lived here about twenty-six years. He had known the defendant, had been associated with Mr. Jackson and Mr. Crow in her divorce case.

"Have you ever seen the defendant write?"

"Yes, sir."

"Have you during that time acted upon writing written by her?"

"Yes, sir."

"Now, I will show you plaintiff's exhibit 'A' and ask you if you believe that to be in the handwriting of this defendant?"

"I do not."

In the cross-examination he was asked by Mr. Squier:

"Have you seen much of her writing?"

"Not a great deal. I have seen a number of exhibits she copied and a number of affidavits that she prepared, but I am sufficiently familiar with it to have the character impressed upon my mind."

"Have you examined the exhibit you have in your hand?"

"Yes, sir, for twenty or twenty-five minutes."

"Did you examine that letter with sufficient care to be able to say that it was not in her handwriting disguised?"

"Yes, I had that in mind when I examined it. I do not believe it is her writing disguised."

Court then adjourned until 2 o'clock.

AFTERNOON SESSION

Judge P. B. Wright testified that he had known the defendant since the commencement of the suit against Mr. Stork in '91 or '92. He had seen her write, had received letters and notes from her very many; he believed he had a knowledge of her handwriting. He did not believe that the Martha Crow letter was written by the defendant.

Cross-examination by Mr. Squier:

"You are taking a great deal of interest in this case?"

"Not particularly."

"Are you not on Mrs. Storke's bond?"

"Yes, sir."

"Haven't you expressed your feelings regarding the case pretty freely?"

"I did before the trial commenced. I don't think I talked with more than two or three individuals."

He had examined the writing since the trial commenced. Mrs. Storke had brought it to his office, and he had examined it for a few minutes.

YDA ADDIS TESTIFIES

The defendant took the stand, and was sworn. "I so swear," she added dramatically after the oath had been repeated by the clerk.

Mr. Boyce—You are the defendant in this action?

"I am."

"Where do you reside?"

"In Santa Barbara."

"How long have you resided here?"

"Intermittently, since the last of 1890, the periods of absence extending at one time to nearly a year in 1893."

"What has been your profession?"

"Since the early '80's, since I left off teaching up to the time I married Mr. Storke, newspaper and literary work; since my marriage, I could not well follow that, and have been living hand to mouth, working at what I could, teaching, typewriting for attorneys, sewing."

"Where were you in September, 1897?"

"I was in bed, in my rooms in the Tyron block."

"Did you from the first part of September, until the month of October, go upon the streets of Santa Barbara?"

"I think not at all, possibly during the last fortnight, once or twice."

"Where were you in the months of May and June, 1898?"

"In Santa Barbara."

"Did you hear anything about anonymous letters circulating in Santa Barbara?"

"Not in May. The first I heard was on Saturday, the 11th of June."

"When did you first hear anything on that subject?"

"I do not think I know what you mean."

"Explain to the jury the circumstances under which you heard and what you heard at that time."

"In the evening of that day, between 9 and 9:30, Mr. Jackson came to my room. He said: 'Say, you remember that scandal you told me the other day about Dr. Winchester?' I flared up and told him I had told him nothing about any scandal. He repeated rather cruelly, and I replied as before, and I told him it was time I went out to collect my budget.'

"What did you mean by budget?"

"I was sending items to the Call and Chronicle by telegraph, and I went out and went down to The Press office, with which I had made, through Mr. Jackson, a connection. I was to hand in what locals I could find, and they were to tell me what news they could for my telegraph work. I asked Mr. Lloyd if he had heard anything about anonymous letters. He said 'yes, I will tell you for I think you ought to know.'"

(Continued to Third Page.)

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Tonic Port

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We Sell It

J. T. C

10c

Ricksecker's' Draft

Quick relief and sure cure for all local pain

Price 10c

We are not having a Floral Carnival but we do have a

Procession of Tools

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Builders' Hardware

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Builders' Hardware

Now that you are Building and Repairing
Guaranteed Paint. We have the latest thin
wires are parallel and will not sag.

Coal Oil and
Gasoline

Of all grades
Orders promp

E. E. PACK
613 State Street.

YDA ADDIS TRIAL

(Continued from Second Page.)

"Tell what he said?"

"He told me he had received two, one a solicitor of The Press, and one in his private capacity, and that they reflected upon Dr. Martha Case. I inquired as to whom Dr. Case was, and he told me she had taught school in the northern part of the county when he taught there and had afterward studied medicine, and had come here a short time before, and was in the office of Dr. Winchester; that she was an irreproachable young lady and that the letters were an infamous outrage.

"Mr. Lloyd asked me if I would not help look into the matter; I said I would; in the first place as a newspaper reporter, and as an outrage was being perpetrated against a woman, I wanted, as another woman, to aid in bringing the guilty one to justice.

"I think I said I hated to meddle with it for one reason, for Dr. Winchester was concerned in it, but I thought I might as well face it and go through with it. So I asked Mr. Lloyd if I could use his phone to talk to Dr. Winchester."

"What was your purpose in calling up Dr. Winchester?"

"To get his version of the story. I said: 'Dr. Winchester, I have heard a scandalous story in which you are concerned. Do you know what I mean?' He said 'yes.' I said 'I am reporting for the San Francisco papers and I want to get your side of it. We are not good friends, but I do not want to send it without asking you.' He said, 'I do not know that we are not good friends.' I said, 'Well, we are not.'" The witness said that the doctor promised to come and see her next day and tell her about the affair, and then he asked her to call Mr. Lloyd to the 'phone. Mr. Lloyd said very little.

"All I heard was when Mr. Lloyd said 'Yes—yes—yes—yes,' she's here. I asked him what Dr. Winchester said about it."

"Did he inform you?"

"No."

"Nothing more was said about the subject?"

"No."

"What action did you next take in regard to the anonymous letters?"

"Monday afternoon I went up town, to a number of places; to Mr. Jackson's office. He said he would show me one of the anonymous letters. He did. One addressed to Mr. Grant Jackson."

"Did you procure a copy of it?"

"That night Mr. Jackson let me take the letter."

"I went to try to find Dr. Case. I went to Mr. Newman's to her office in the Hopkins block, and finally learned that she was living in the Tilted cottage. I went there and saw her.

"I felt a good deal embarrassed at speaking to her about it, it having been reported that she was sending out invitations to men, but I finally summoned up courage and told her I was a newspaper man and told her also that I had talked with some of her friends who were very indignant, and wanted me to help look into the matter." She described the case very graphically. Dr. Case had shown her two letters, and witness had found a short yellow-reddish hair in one of them, and had told her she had better keep it. Dr. Case had given her a list of the letters received. The witness was here handed a copy of the list and a copy of the Kushline letter, which she said she had made at the Case house. They were identified by her.

She said she had written an account of the affair for the Chronicle, but did not know whether it was published. She had continued her investigation, asking various persons if they knew anything about the facts. She kept the copy of the letter and the list for about two weeks. One day two ladies came to her house and told her three names of parties who were suspected of writing the anonymous letters, and she made a memorandum on the back of the copy, and they still appear there. Sheriff Hicks had asked her to get samples of the handwriting of a certain lady, and she had endeavored to do so.

The witness when asked when she had seen the copies last, said she had emptied them out of her handbag on the table in her room, one Sunday morning when she was going to Esperanza to a barbecue. Grant Jackson knew she was going, as she had told him during the week that she wanted to go, and he had urged her to go as he wanted to run for district attorney and wanted her to get votes for him among the Californian voters.

She went, intending to return by the evening train, but had had an offer of a ride by private conveyance, and had arrived home sooner than expected. She got to her rooms about dark. She had

Objection was sustained, but the witness got in the word "Money."

"When did you first know the letters were not in your possession?"

"When Mr. Jackson told me they were stolen from me."

"When was that?"

"At the time I was arrested for perjury for having Mr. Tommy Storke arrested for trying to get a money order that belonged to me. Mr. Jackson told me that Mr. Storke and Dr. Winchester had tried to have me indicted by the federal grand jury for writing these letters; and in the effort to settle this on me, they had had my rooms burglarized, and had found evidence against me. I told him they did not find any evidence against me, as there was none. He was trying to intimidate me into going away, and I wouldn't be bluffed, and told him to have them produce the evidence. He said they had found a list of letters and a rough copy of one of the anonymous letters. I smiled at him, and told him I could knock that testimony into a cocked hat, as I had copied that letter in the presence of Dr. Case and Miss McGilvary and had done it and made the list with their permission. I may have been a little saucy, but I was worked up about it."

"Prior to your going away had you any other intimation that you were suspected of writing those letters?"

"On the 25th of July, Mr. Hoop was talking on the street with me, about Mr. Storke's treatment of me—"

Objection. Sustained.

"Do you now on recollection of events, know that you were suspected of being the author of those letters by any other party than Mr. Jackson?"

The defendant's statement as to what Mr. Hoop said was stricken out.

She was asked to explain the circumstances under which she left in August.

"I had a running fight with certain parties who were trying to bluff me into leaving town. Finally this plea was made, that I was ill and could not work up the case as no one would talk with me, as I was the interested party. But if I would go away for awhile they would push the investigation and vindicate me."

She said that the parties she referred to were Mrs. West and Mr. Jackson.

The stipulation alleged to have been submitted by Mr. Storke to the defendant by which she was asked to accept a certain sum of money and to dismiss her claim for alimony was shown witness, and she said:

"Mrs. West brought it to me, with the requirement that I sign it or go to jail."

"Did you send a representative to him in regard to the matter?"

"Not with my authority. Mrs. West had the whole matter arranged before she told me anything about it."

"You heard the testimony of Mrs. West?"

"I heard it."

"Was that a correct statement of facts as you remember it?"

"She first volunteered to go on my bond when Mr. Storke had me arrested for perjury, and without telling me why, she refused to go on the bond and then kept telling me that I was going to be arrested. Mrs. West promised to straighten all the affairs."

She was told finally, the witness said, that all of her affairs would be looked after and she would be sent out of town for a year or more. Before going away she gave Mrs. West specimens of her writing and other matters intended to establish her innocence of the charges against her, but she did not give up all the evidence she had. She left here August 13, and much against her will went to Mexico, as a through ticket had been taken for her.

She was in Los Angeles after her return from Mexico, with the exception of a trip or two into the country to look up evidence in the Richardson murder case, and a trip to San Francisco on the same mission. When she first heard of the indictment by the grand jury she was all with pneumonia.

"What did you do then?"

"Do? Why, I kept on coughing."

"How long before you wrote to the sheriff?"

"It must have been two or three weeks, when I had recovered sufficiently to be about."

The letter to Sheriff Stewart was read, in which Mrs. Storke asked if she had been indicted. The letter was of somewhat a startling nature. She wrote that she intended to return to secure the arrest of Detective Pomade for burglarizing her rooms and other "good citizens" of Santa Barbara for aiding him. Also she wanted the sheriff to be sure and not allow to be lost a calico shirt and a pair of overalls, that in some mysterious way were important evidence in the Richardson murder case. She also pro

ing interviewed by former Sheriff Hicks?"

"He called at my rooms. He walked into my rooms without knocking and I called him down for it."

"Did you ever have an interview with Detective Pomade?"

"He called several times."

Several questions in relation to the calls of the sheriff and detective on Mrs. Storke and the conversations that took place, whether about the anonymous letters or other matters, were objected to and the objection sustained.

Mrs. Storke said that she was very familiar with the writing of Grant Jackson, she had seen him write hundreds of times during a period of four years. She was shown a specimen of writing that she pronounced it was her belief was in the writing of Grant Jackson. When asked upon what she based her belief she replied that she did not want to tell what. She said later that it was her familiarity with the writing that led to the belief.

Attorney Boyce in explaining the purport of a question to which Mr. Squier objected and was sustained, relative to other specimens of Mr. Jackson's writing, said it was to show that evidence which the defense had in its possession had been abstracted since the trial began or within the last five days. No further explanation of the stolen evidence was given at this time.

"Do you remember the testimony of Mrs. Gates?"

"Yes, sir."

"Do you remember that she testified that on one occasion she was in your room and you were in a very bitter spirit, and that you said you hoped to live long enough to accomplish Dr. Winchester's downfall?"

"I did make the statement, but not of Dr. Winchester. I said that I hoped I should live long enough to accomplish the arrest of the Richardson murderer, and I hoped to contribute toward bringing him to the gallows."

Mrs. Storke denied the evidence of Mrs. Gates in relation to disguising handwriting.

"Do you remember the testimony of Mr. Sands, as to two conversations he had with you?"

"I remember his account of them."

She denied that she had spoken to Mr. Sands about the anonymous letters in the manner that he testified. She had not said that she could not disguise her gait, but that she had done so on many occasions when about the streets at night as a little Chinese boy or a Spanish boy, but she never made the statement that she wrote three distinct hands and one could not be distinguished from another.

The Martha Case letter was handed to Mrs. Storke.

"Did you write that letter?"

"No, sir. I never did."

She replied in like manner in answer to the question if she wrote The Press letter and others of plaintiff's exhibits.

Court adjourned till Monday morning at 10 o'clock.

Yda Addis Storke Found Guilty of Criminal Libel

Jury Returns a Verdict that Brands Her Author of Anonymous Letters Upon Which Indictment of Grand Jury Was Based.

Guilty is the verdict returned at 8:25 last night by the jury in the Yda Addis Storke criminal libel case. The jury was out five hours and twenty-five minutes, but long before they announced readiness to report they had actually reached an agreement and held back the announcement only because they did not want to make it before the crowd that remained in the court room all the early hours of the evening, wishing to spare the accused woman as much as possible.

That the verdict meets the almost general approval of all who heard it last night was apparent. There was a look of relief on many faces when the announcement was made, as if they felt that a just punishment would now be meted to the person guilty of one of the most atrocious of crimes.

There were six ballots taken by the jury, which stood from the first eleven for conviction and one for acquittal.

When the verdict was being read Mrs. Storke leaned on the table at which she has sat during the trial and gazed with a fixed stare at the jury, but made no outward movement to betray her feelings.

Attorney Currier for Mrs. Storke announced that he will make a motion for a new trial, the court giving until 10 o'clock this morning to hear the motion and to pronounce sentence. The maximum sentence for the crime of criminal libel is one year in the county jail.

There was a larger crowd than ever in attendance at the Yda Addis Storke trial yesterday, the last day of the notorious libel suit. From early morning till the arguments of the attorneys were concluded and the jury had received its instructions from Judge Oster and retired, at precisely 4 o'clock, the court room was full to overflowing.

Seldom if ever has any case tried in the local court excited as much interest as has this, and but few have been fought as bitterly. When the trial began, Monday, May 29, it was expected that it would occupy at the most four or five days, but instead twenty full days have been spent in the hearing and volumes upon volumes of testimony has been introduced that at the beginning could have been thought to have little bearing on the case.

Yesterday Senator Boyce spoke an hour and thirty-five minutes, making four hours occupied by him in the two days in presenting his argument. District Attorney Squier then replied for the prosecution, his speech continuing until near 3:30 o'clock, when the instructions to the jury were read and the case was given to the jury.

When the jury had retired, instead of the court room being vacated by the spectators, they lingered, expecting or hoping that an agreement would soon be reached and a verdict announced. But in this they were disappointed, for the hours passed and the jury failed to return. Many anxious glances were cast at the clock, and with the passing of each minute after 4:30 speculation as to the probable verdict grew more animated. At first the majority of spectators seemed of the opinion that a conviction would be the result and that it would be but the work of a few minutes of the jury to come to such a conclusion, but as the time passed this opinion gave place to a feeling that there would be a disagreement, and the crowd began to dwindle.

As if for entertainment of the spectators, a few minutes after the conclusion of the libel trial, Mrs. Storke threw off the role of prisoner before the bar of justice and assumed that of attorney. The case of Storke against Storke in which C. A. Storke is cited to show cause why he should not be held for contempt in not obeying an alleged order of the court to pay Yda Addis Storke alimony, was called before Judge Oster, Mrs. Storke appearing as her own attorney in the case. Mr. Thomas acted as attorney for Mr. Storke. The case was heard and taken under advisement.

At 6 o'clock the jury had failed of any agreement and were taken out to dinner in charge of Sheriff Stewart. Again they were locked up and the balloting upon a verdict recommenced.

One of the twelve jurymen stood out for acquittal until after 8 o'clock when he gave in to the majority.

Because of Mrs. Storke's known reputation as a desperate woman, a special officer was detailed last night to watch the house in Figueroa street in which she has lived during the progress of the trial. It was feared that she might attempt to escape from the house in some one of the many disguises she is known to have assumed when out on her self-styled detective excursions and do some mischief to persons she considers her enemies.

BERTILLON, THE EXPERT, LOSES HIS POSITION

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PARIS, July 5.—"The Dreyfus case," says the Figaro, "has made yet another victim. M. Bertillon has been deprived of the position he held as head of the anthropometrical department. At the sitting of the Municipal Council, Andre Lefebure questioned the Prefect of Police on the subject of M. Bertillon's appearance as an expert in handwriting. M. Lepine urged his past services, and begged that he might be rendered and left in his post; but the majority thought otherwise, and he lost his position."

ATTEMPTED TO KIDNAP A GIRL

In the Heart of the City a Man Tries to Steal Child From Its Mother

Great excitement was occasioned at the junction of Market and Third streets late this afternoon by the attempt of a middle-aged and stoutly built man to kidnap a seven-year-old girl from a woman who passed. The man appeared as if he was waiting for the woman to pass.

Handwriting Expert Kytka was on a passing car, and hearing the woman's cries leaped from the car and made for the man. The little girl was crying loudly and Mr. Kytka struck the man. He started to run and Kytka pursued him. Seeing an officer the man was given into charge of Peter Brown of 748 Howard street, and Kytka ran for the officer. The man was placed in a patrol wagon, but had not reached the Central Station up to the time of going to press.

FAIR WILL CASE IN THE SUPREME COURT.

Attorneys Argue as to the Validity of the Trust, But no Decision Is Arrived At.

The arguments in the contest of the will of Senator James G. Fair were heard before the Supreme Court yesterday, and were concluded late in the afternoon. Judge H. P. Hayne, Garret W. McEnerney and William Pierson represented the trustees, Goodfellow, Angus and Crothers, Judge Van R. Paterson, the minor heirs, children of Mrs. Oelrichs, and Charles E. Wheeler and Judge John Garber the children of the deceased. Judge Hayne opened the argument, maintaining that the decision of Judge Slack was erroneous, and that the trust made by the deceased was valid and permissible under the laws of the State of California. Mr. Wheeler, for the other side, contended that the trust was certainly void, and that the testator did not have the power to alienate his property as set out in the will.

This matter was argued before the Supreme Court last August, but the court could not conclude the opinion and asked for a reargument.

Postponing McGlade's Trial.

Peter W. McGlade was arraigned in Judge Carroll Cook's court yesterday on three charges of forging demands on the Street Department fund while McGlade was bookkeeper for the former Superintendent of Streets. The defendant was allowed until next Friday in which to enter his plea or to demur. It is expected McGlade's trial will be postponed for two months for the reason that former Senator Patrick Reddy, his attorney, will be absent in Idaho, where he is engaged in defending some of the Coeur d'Alene miners. This will not cause delay, as Judge Cook's calendar is crowded with cases ready for trial.

as well face it and go through with it. So I asked Mr. Lloyd if I could use his phone to talk to Dr. Winchester."

"What was your purpose in calling up Dr. Winchester?"

"To get his version of the story. I said: 'Dr. Winchester, I have heard a scandalous story in which you are concerned. Do you know what I mean?' He said 'yes.' I said 'I am reporting for the San Francisco papers and I want to get your side of it. We are not good friends, but I do not want to send it without asking you.' He said, 'I do not know that we are not good friends.' I said, 'Well, we are not.'" The witness said that the doctor promised to come and see her next day and tell her about the affair, and then he asked her to call Mr. Lloyd to the 'phone. Mr. Lloyd said very little.

"All I heard was when Mr. Lloyd said 'Yes—yes—yes—yes,' she's here. I asked him what Dr. Winchester said about it.

"Did he inform you?"

"No."

"Nothing more was said about this subject?"

"No."

"What action did you next take in regard to the anonymous letters?"

"Monday afternoon I went up town, to a number of places; to Mr. Jackson's office. He said he would show me one of the anonymous letters. He did. One addressed to Mr. Grant Jackson."

"Did you procure a copy of it?"

"That night Mr. Jackson let me take the letter."

"I went to try to find Dr. Case. I went to Mr. Newman's, to her office in the Hopkins block, and finally learned that she was living in the Eldred cottage. I went there and saw her.

"I felt a good deal embarrassed at speaking to her about it, it having been reported that she was sending out invitations to men, but I finally came plump out with it and told her I was a newspaper man; and told her also that I had talked with some of her friends who were very indignant, and wanted me to help look into the matter." She described the visit very graphically. Dr. Case had shown her two letters, and witness had found a short yellow-reddish hair in one of them, and had told her she had better keep it. Dr. Case had given her a list of the letters received. The witness was here handed a copy of the list and a copy of the Knibbe letter, which she said she had made at the Case house. They were identified by her.

She said she had written an account of the affair for the Chronicle, but did not know whether it was published. She had continued her investigation, asking various persons if they knew anything about the facts. She kept the copy of this letter and the list for about two weeks. One day two ladies came to her house and told her three names of parties who were suspected of writing the anonymous letters, and she made a memorandum on the back of the copy; and they still appear there. Sheriff Hicks had asked her to get samples of the handwriting of a certain lady, and she had endeavored to do so.

The witness when asked when she had seen the copies last, said she had emptied them out of her handbag on the table in her room, one Sunday morning when she was going to Carpinteria to a barbecue. Grant Jackson knew she was going, as she had told him during the week that she wanted to go, and he had urged her to go as he wanted to run for district attorney and wanted her to get votes for him among the Californian voters.

She went, intending to return by the evening train, but had had an offer of a ride by private conveyance, and had returned home sooner than expected. She got to her rooms about dusk. She had been there but a little while when Grant Jackson walked in. He had keys to her room. He was greatly surprised to see her and exclaimed "My God," or "good God" or "Great God, are you back already?"

"I did not like his tone, and gave him a rap for it. He stayed nearly all evening; he went out during the evening to the Mascarel to 'see a man.'"

"Did you miss the papers that night?"

"No, I was looking for something else."

"What was it?"

... presence of Dr. Case and Mrs. McGillivray and had done it and made the list with their permission. I may have been a little saucy, but I was worked up about it."

"Prior to your going away had you any other intimation that you were suspected of writing those letters?"

"On the 28th of July, Mr. Roop was talking on the street with me, about Mr. Starke's treatment of me—"

Objection. Sustained.

"Do you now on recollection of events, know that you were suspected of being the author of those letters by any other party than Mr. Jackson?"

The defendant's statement as to what Mr. Roop said was stricken out.

She was asked to explain the circumstances under which she left in August.

"I had a running fight with certain parties who were trying to bluff me into leaving town. Finally this plea was made, that I was ill and could not work up the case as no one would talk with me, as I was the interested party. But if I would go away for awhile they would push the investigation and vindicate me."

She said that the parties she referred to were Mrs. West and Mr. Jackson.

The stipulation alleged to have been submitted by Mr. Starke to the defendant by which she was asked to accept a certain sum of money and to dismiss her claims for alimony was shown witness, and she said:

"Mrs. West brought it to me, with the requirement that I sign it or go to jail."

"Did you send a representative to him in regard to the matter?"

"Not with my authority. Mrs. West had the whole matter arranged before she told me anything about it."

"You heard the testimony of Mrs. West?"

"I heard it."

"Was that a correct statement of facts as you remember it?"

"She first volunteered to go on my bond when Mr. Starke had me arrested for perjury and without telling me why, she refused to go on the bond and then kept telling me that I was going to be arrested. Mrs. West promised to straighten all the affair."

She was told finally, the witness said, that all of her affairs would be looked after and she would be sent out of town for a year or more. Before going away she gave Mrs. West specimens of her writing and other matters intended to establish her innocence of the charges against her, but she did not give up all the evidence she had. She left here August 13, and much against her will went to Mexico, as a through ticket had been taken for her.

She was in Los Angeles after her return from Mexico, with the exception of a trip or two into the country to look up evidence in the Richardson murder case, and a trip to San Francisco on the same mission. When she first heard of the indictment by the grand jury she was ill with pneumonia.

"What did you do then?"

"Do? Why, I kept on coughing."

"How long before you wrote to the sheriff?"

"It must have been two or three weeks, when I had recovered sufficiently to be about."

The letter to Sheriff Stewart was read, in which Mrs. Starke asked if she had been indicted. The letter was of somewhat a startling nature. She wrote that she intended to return to secure the arrest of Detective Ponvale for burglarizing her room and other "good citizens" of Santa Barbara for aiding him. Also she wanted the sheriff to be sure and not allow to be lost a calico shirt and a pair of overalls, that in some mysterious way were important evidence in the Richardson murder case. She also proposed to make it warm for a certain burglar, whom she accused of having committed several abortions on girls of the city.

She received a reply from the sheriff informing her that the grand jury had indicted her. She wrote again from San Francisco, when she went there about the Richardson murder. She understood there was no warrant for her arrest, or she would have come here at once.

"Now, going back to a week after you called on Dr. Case, do you remember the

JURY WILL GET THE CASE TODAY

Testimony In Yda Addis Libel Trial Has All Been Heard.

PROBABLE DECISION BY NIGHT

One Witness Called Yesterday--Gutierrez Exonerated--Summing Up by Attorneys Begins.

Taking of testimony in the Yda Addis Storke trial ended yesterday morning and the attorneys' arguments began in the afternoon. District Attorney Squier spoke briefly in summing up the case for the state, when Senator Boyce for the defense took the floor and for two hours and twenty minutes reviewed the evidence of both sides, pouring veritable floods of oratory into the ears of the jury and a court room crowded full with spectators. And the senator had not finished when court adjourned at 5 o'clock, but will be at it again this morning.

A principal feature of yesterday's proceedings was the striking out of all evidence introduced by the defense in the effort to make out that F. M. Gutierrez was author of the anonymous letters upon which the indictment of Mrs. Storke for criminal libel is based. This was done upon motion of the prosecuting attorney, on the grounds that no evidence had been produced in support of the defendant's allegation that the letters were written by Gutierrez.

There is hardly a doubt but the speech-making will be finished before adjournment today, and the case given to the jury and probably decided.

Public interest in the trial increased as it was nearing the end, and yesterday it took a decided leap. The court room was crowded to capacity during both sessions and many came who were turned away, for there wasn't standing room to be had during the afternoon when the speeches were in progress. There is a great deal of speculation as to the verdict of the jury, some bets even having been made as to what the twelve wise men will find from the evidence presented. The guesses range from acquittal to conviction, with a great many expressing the belief that the jury will fail to agree.

Stenographer Gerrin completed the transcript of the evidence yesterday. It makes 1000 typewritten pages, or about 4000 folios.

THE LAST WITNESSES.

The first witness at the Tuesday morning session, called by the defense, was F. M. Selores, who testified as to a concert reported by Mrs. Storke for The Press. He was shown a note to defendant, signed "L. L. Lloyd per S," which he identified as his handwriting, asking Mrs. Storke to furnish a report of the concert. He testified that it was his recollection that some one in the office had told him that Mrs. Storke wished to report the concert for a ticket or tickets, and that he had consulted Mr. Lloyd, and it was agreed that Mrs. Storke should be asked to give the report. He had left the note at Mrs. Storke's door, she not being in at the time. So far as he had known she had received no other compensation than the tickets, the witness adding that he considered it a trivial matter at the time, and the details were not very vividly remembered.

Mrs. Storke then took the stand and testified that she had received no tickets from The Press, but had admission to the opera house on an annual pass from the San Francisco Music and Drama, in the name of William Newell, which had been turned over to her by William Newell when he left the city.

After waiting half an hour for a witness who was then not called, the attorneys announced that the testimony was closed, and court adjourned until 2 o'clock for the arguments.

THE ARGUMENTS.

District Attorney E. W. Squier made the opening address to the jury, occupying about thirty-five minutes.

"In my opening statement," he said, "I stated that you were about to investigate the details of a crime that was certainly disgusting, but I had not supposed that the investigation would consume so much time."

The libel, he said, was based upon the Dr. Martha Case letter, and he believed that the defense would not claim that this letter did not constitute a libel.

Then the district attorney proceeded briefly to review the case, and read instructions that were to be presented to the jury by the court, outlining the crime of libel, and the extent to which they should entertain "a reasonable doubt" as to the guilt of the defendant.

Mr. Squier referred to testimony of the witnesses who had fixed the authorship upon the defendant: Mrs. E. J. Thompson, whom the defendant's attorney had attempted to browbeat, but whose testimony remained unshaken. Mrs. West, had been charged with prejudice, and in support of that claim they had shown a complaint in a case brought by Mrs. Storke against Mrs. West. "That suit was not begun," said Mr. Squier, "until a short time before this trial, and when the defendant knew what Mrs. West could give testimony that would injure her." Frank Sands had been charged with prejudice, but it was not reasonable that a man in his position would stoop to perjury because he might have some ill-feeling against the defendant. Mr. Stevens was an unprejudiced witness, and he and the others had sworn that in their opinion, based upon familiarity with the defendant's handwriting, she had written the libelous letters.

Counsel for the defense, continued Mr. Squier, will tell you that the testimony of Expert Kytka should be most cautiously considered. But he has shown the jury by thorough demonstration where the similarity exists between the admitted and disputed writings. He received not one cent from any private individual, but he was employed by the authorities of this county, the same as other officers are employed, and he was asked to give an honest opinion. This opinion he has given, that this defendant wrote the letter to Dr. Martha Case, and other letters of the same nature.

Of Pinarde's visits to Mrs. Storke's apartments, Mr. Squier said that the little piece of tissue paper picked up in her room amounted to nothing of itself, but that piece of tissue paper was of the same texture as a piece of tissue paper found in one of the letters to Winchester, and constitutes a circumstance that must, with others, be considered.

The first thing the defense did was to drag Frank Gutierrez into this case, a meek and inoffensive man, who twenty-five years ago was in the county recorder's office, and for nearly twenty years was city clerk. They did not establish the slightest foundation to the charge that Gutierrez wrote a single one of these letters, and the court has stricken out all records introduced here by the defense against Gutierrez. They have not hesitated to lay open the relations of Grant Jackson with this defendant for no other reason apparently than that the defendant is carrying out her threat to drag him down with her. The attempt to connect Grant Jackson is too flimsy to support any supposition that he wrote a line of the letters, and the effort to drag him into the case was made to ruin him, and she must have known, and her counsel must have known, that by his ruin they could not help her.

That woman has disputed every witness who was introduced by the prosecution. If she has told the truth, then every witness for the people must have lied. It is proper for the jury to consider all of her testimony with great caution.

It seems to be a theory of the defense that Grant Jackson wrote these letters to throw the blame on this defendant. There is absolutely no foundation in the charge. The counsel for the defense will appeal for sympathy because the defendant is a woman. But her conduct in this trial, no matter how skillful and eloquent the attorney may be in his argument, will give the appeal no weight with you in the consideration of this case.

Mr. Boyce in his argument spoke in part as follows:

"I listened with some interest to the remarks of my young friend, the district attorney, after seventeen or eighteen days in introducing evidence for your consultation as jurors to reach a conclusion in this case. He has seen fit to scatter over some points which he has sought to establish, and he asks you in the performance of your duty to base your conclusion upon the remarks he has made.

"I shall attempt to call your attention to some of the evidence, and to endeavor to refresh your memories, and ask you, as honest men, to review the evidence free from anything that has touched you or entered into your mind in any other place.

"We have come to the ultimate tribunal, to which the defendant looks for protection. You represent one of the greatest and proudest results of a long period of Anglo-Saxon development; you represent the rock against which the powers of kings fell down, and the mutual freedom which the United States set forth as an example to man. There have been other men here in the court of justice, when the weak and the timid, without a friend in the world, have asked not sympathy, but they have appealed to a jury of their countrymen for justice.

"You are called upon here to do what? To convict that defendant? Is it your duty to follow out the motives, wishes and efforts of those who have been instrumentalities of those who may have motives of the darkest kind?"

"It is hardly necessary for me to remind you of the peculiarities surrounding a case like this. I refer to the case as it is in the abstract, as it is in this court, and how it may have come here. Reflect for a moment on the fact if yourselves were charged with writing an anonymous letter, what would be incumbent upon you to cast off suspicion that may be directed to you.

"There is but one thing that is absolutely consistent with itself, and that is truth," continued Senator Boyce. As he proceeded in the argument he grew in force, and at times indulged in flights of oratory that were worthy of any cause. As to the crime charged, in the mere matter of writing anonymous letters there is no crime, he said, but in the Martha Case letter there is contained not only a libel, but four distinct libels. Senator Boyce announced that he would read the letter to the jury, when immediately there was an exodus of ladies from the court room, particularly of the younger ladies present, but they all returned after the reading. The four libels contained in the letter, said the attorney after reading, are directed at Dr. Winchester, Hiram Pierce, L. G. Waterman and Dr. Martha Case.

"To whom is the greatest insult lodged? To Dr. Winchester? No, for he is a man, and while every man regards his reputation as sacred, we know as a fact that no man feels the insult of such an attack as does a woman. The person most assailed in that letter is Dr. Martha Case." He paid a high tribute to the character of Miss Case, pointing in strong terms the injury that has been done her, concluding: "If you find this defendant guilty of this crime, the limit of punishment fixed by the law is too small to be inflicted upon her."

After reviewing other evidence of the state, in which Detective Pinarde was pictured in the light of the lowest of his profession, characterized as a crack thief, hired to spy on a defenseless woman, he told of his honest belief in the innocence of Mrs. Storke. It was admitted that the circumstances looked dark against her, and he for several days had felt the influence that later he described as "that mysterious influence that surrounds like the circumambient air. That feeling of disgust toward this defendant wrought by that mysterious something, descending cloud-like—public opinion." He asked the jury if they have not felt this influence since they were called to serve in this trial, and cautioned them against it. Turning to the testimony of Theodore Kytka, the handwriting expert, Mr. Boyce attacked severely the admission of such evidence. He drew a striking pen picture of the present state of the French republic, nearly rent by the Dreyfus scandal, telling that it was through the testimony of government handwriting experts that the crime was fastened upon the unfortunate captain. He said that the expert, like the attorney, was hired to promote a purpose, and for the same reason that it is said that the attorney for neither side can be believed, so the testimony of the expert should be suspicioned.

The attorney was still on the subject of expert testimony when court adjourned at 5 o'clock until 10 this morning, when the argument will continue. Senator Boyce was speaking constantly from 2:40 o'clock till 5.

PROF. KYTKA SAYS MRS. BERG DID IT.

Handwriting Expert Indignant at the Imputation That Has Been Cast Upon Him.

The first arrests in the Slattery-Berg scandal of Marysville will probably be made in a few days, and every movement or action is being watched with intense interest by residents of Sutter and Yuba counties.

Attorney Carlin's statement that he did not know whether or not Handwriting Expert Kytka had seen the original admitted exemplars is given little credence.

Theodore Kytka, the expert, on Thursday morning said to a Report representative: "I saw the telegrams in The Report on the Marysville scandal, but I am not yet privileged to speak. Now, since Attorney Carlin has given out my report for publication, I do not care to draw the detail studies of my work, but I would like to state that I have been very careful in my examinations, and I find that the writing ought to be easily recognized by any intelligent person. There is hardly any attempt to disguise the handwriting. The examination was certainly the easiest one that I have ever had in all my experiences. All my exemplars, disputed or admitted, are stamped with my dies, and these I have made myself, and they cannot be imitated. I have no fear in this regard. Mrs. Berg's alleged handwriting was not the only style that I examined. A bunch of communications written by various suspected persons were sent to me, and I picked out the letters purporting to have been written and bearing the name of Mrs. Berg, without any trouble. So plain and so identical were the anonymous letters, and these communications that it did not require an expert to connect them.

"The detailed report that I rendered, and which was published in The Report is correct in every detail. Only one word was not exactly right. 'Here' was published instead of 'hereby,' as in the original."

Speaking of the notorious Storke case, Mr. Kytka said: "My experiences in this line of work have taught me that a young woman or a girl will write one anonymous letter; that is, a saucy, impertinent note to another person, and then send no further communications.

"When a woman attains the age of 40 years or over, and starts to write anonymous letters, she does not cease writing after sending the first one. She persistently sends these anonymous communications until such time as she is apprehended."

Mrs. Berg is, apparently from her appearance, over 40 years of age.

Mr. Kytka's studio has been furnished with scientific appliances at a cost of nearly $30,000, and judging by the diligent and careful manner in which he prosecutes his work, one may believe that he is not guilty of making errors in his findings.

MRS. CRAVEN LOOKING FOR NEW EVIDENCE

A Mysterious Week at the Marin Hotel, San Rafael.

HER CASE IS ON APPEAL

Emissaries Have Approached Gilligan, Who Drove Fair in His Hack.

Still fighting for a share of the millions of the late Senator Fair, Mrs. Nettie R. Craven, who calls herself his widow, has been in San Rafael for a week past, mysteriously searching for evidence to strengthen her case before the Supreme Court, where it is now on appeal.

All of her movements have been attended by the greatest secrecy. She registered at the Marin Hotel, the name of which used to be called the Hotel Francaise, and Jacob Schneider, the proprietor, was told that on no account must anyone know of her presence there. Mrs. Craven asked for Room No. 1, and it was given to her. It was in this room that the famous deeds, giving her so much of the Fair estate, were alleged to have been signed. In this room she swore she spent part of her honeymoon with the late millionaire. During her latest stay at San Rafael she remained close in it, only venturing out after dark to take a gallop out into the country.

Each morning she has remained for several hours in consultation with her attorney, School Director L. F. Dunand. As a result of these conferences emissaries have been sent to gather what evidence they could to be presented to the court.

After Judge Slack decided that the deeds purporting to be signed by Fair, which gave her hundreds of thousands of dollars worth of property, Mrs. Craven, still maintaining that she was Fair's widow, began suit for that portion of the estate to which she was entitled, if she could prove she had ever been married to him. But the suit failed in the Superior Court, and was at once appealed. In the upper court, questions of law only are considered excepting some new evidence can be presented as ground for asking a cause to be sent down for retrial. That is why Mrs. Craven is making such a diligent search in San Rafael and other places, hoping to find something by which she can establish her marriage. If she can do this, she will receive half of the community property, and one-third of the separate property of her husband, which would amount to millions.

An effort was made to see Mrs. Craven yesterday, but word was brought back that she had gone to San Francisco. Mr. Schneider seemed greatly chagrined that her presence had been discovered.

On the first trial, when the deeds were discredited, a great many residents of San Rafael testified in her behalf. They swore they had been in Room 1 of the famous old Hotel Francaise when the deeds were signed by Fair. Since Mrs. Craven has been there the last time, she has devoted many hours to the study of the old register, and has made many notes from it.

One of the witnesses whose testimony was greatly against Mrs. Craven, was Matthew Gilligan, now a shoe merchant of San Rafael. When the honeymoon was alleged to have taken place he was proprietor of a hack. He swore that at the very time it was claimed the deeds were signed, he was taking Fair for a ride in his hack. During the past few days Gilligan has been approached by a number of strangers. After making some small purchase, they would try to get Gilligan to talk about the Fair case and to express himself regarding its merits. But Gilligan would not talk. He said he again might be a witness and he preferred to wait till he got upon the stand before saying anything further. Then the emissaries, probably agents for the Craven side, would go away visibly disappointed.

MRS. LUNG SAYS SHE STILL LOVES THE MAN WHO ASKS DIVORCE

SHE AND HER HUSBAND REMAIN LOVERS.

"THERE are four women of whom I have reason to be jealous, and yet I do not want to get a divorce from my husband," said Mrs. Elizabeth Lung, wife of Dr. George A. Lung. "I don't think it would be right for me to consent to a divorce, because he needs my help in his life work. He needs my companionship. Very few know Dr. Lung as I do. They do not know his moods and nobody else can minister to his mental and spiritual wants as I can. He is of a very morose disposition, and this will come as a surprise to many of his friends who have imagined that they knew all about him.

"I could illustrate this with a great many stories of his peculiarities, but it will suffice to tell of his going away from home in a row boat one night with only a dog as his companion, and remaining out all night. He said nothing to me or any other living person about where he was going and I was left to fear until he returned.

"There was no reason for his going away in that solitary manner, except that he was suffering from depression on account of a fit of the blues. I learned afterwards that he went to the house of an old colored man and sat and talked all night upon the most trivial matters. That was while we were stationed at Port Royal. Until midnight I supposed that he was engaged in his professional duties, but after that I could not rest until assured of his safety by his return."

"Some people ask why I still cling to my husband after what I have suffered," said Mrs. Lung. "That is clear enough to one who knows a woman's heart. I do not want to separate from him, because I love him. When we were married I was a mere girl, and I can think of no one else in this world. Besides, I fervently hope for a reconciliation with my husband. I am sure that if our enemies would let us alone we would get along all right. There would not be the slightest difficulty between us.

"Some of my friends have advised me to let him go and for me to get a divorce on the ground of desertion, but I couldn't conscientiously do that, for he has never failed to support me. To be sure he has cut my allowance down to $30 a month in place of $80, but I can stand that and will. What I want is my husband. He loves me yet—he showed that by the way he broke down in court the other day, while our letters were being read—and I love him, so it would be outrageous to divorce us. All we ask is to be let alone, and we'll be reconciled all right in a short time."

Mrs. Lung showed a photograph of Honolulu harbor, portraying the celebration of the flag-raising when Uncle Sam took possession of Hawaii.

"I was there at my husband's invitation, and you can see that the cruiser Philadelphia, with which he is connected, was far out in the stream. He met me at the boat landing, took me out in the launch, and was with me an hour before he even thought that I had been drinking, so it can't be possible that I was much under the influence of liquor. In fact, I had taken only one small glass of sherry, but his anger caused me to have a hysterical attack, and so I was blamed for the trouble he caused.

"Now, I want to say that there is no truth in the charge made by Mr. Humphries that I called Mrs. Humphries a flat-nosed Chinawoman in Honolulu, but if I had I don't see how that would be a valid ground for my husband to get a divorce from me. I knew Mrs. Humphries when she was Miss Marie Afong, and if her nose is flat I can't help it, but I didn't say so. Her father has gone back to China, his native country."

Mrs. Lung introduced several witnesses to dispute her husband's assertion that she was addicted to the use of stimulants at Vallejo and other places. Miss McEneroey testified that she always considered Mrs. Lung a charming woman of correct habits and good principles, and a perfect lady in every sense of the term. Mrs. Newcomb corroborated this view, as did Messrs. Gomez and Edgerton of the naval pay office. All of these had opportunity to observe Mrs. Lung's conduct daily.

Mrs. Lung denies that her husband's residence is in California, but says that if he wishes to press his suit for divorce he must go to their home, Onondaga, N. Y.

Judge Murasky requested counsel for Dr. Lung to submit authorities in support of the claim of plaintiff's residence in California, and on the point as to what constitutes habitual intemperance, that being the only charge against Mrs. Lung.

SHE CALLED HIS WIFE A FLAT-NOSED CHINESE

THE DEFENDANT AS SHE APPEARED IN COURT.

Dr. George A. Lung, surgeon of the United States cruiser Philadelphia, has sued his wife for divorce on the grounds of drunkenness. She denies all the things he has attempted to prove.

DR. GEORGE A. LUNG'S suit for a divorce from Elizabeth Lung was called for trial by Judge Murasky yesterday afternoon, and the testimony of Dr. Lung, who is the surgeon of the United States cruiser Philadelphia, was taken.

The story of Dr. Lung is that for several years his wife has been addicted to excessive indulgence of her appetite for liquor, that she has appeared aboard the Philadelphia in an intoxicated condition; has used boisterous language in the presence of his brother officers of the navy, and has caused him great humiliation and mental agony. He said that their marriage occurred in Philadelphia, January 1, 1885.

Answering questions by Attorney P. G. Halpin, the husband said that Mrs. Lung had spoken rudely to him in the presence of others.

Mrs. Lung's answer was presented, in which she denies all the charges made by her husband, and informs the court that after the dates mentioned in her husband's complaint they lived together as husband and wife, implying that if he hitherto thought he had cause for complaint, all of her alleged offenses had been condoned.

On her behalf there was introduced a letter written by A. Barnes, in which he said he believed Mrs. Lung is the victim of a conspiracy; that she is a good woman, and that all the accusations against her are unfounded.

Several depositions bearing on the case were introduced. In the affidavit of A. S. Humphries are several statements tending to corroborate Dr. Lung's complaint. Mr. Humphries swears that he saw Mrs. Lung intoxicated several times in Honolulu, that she drove to his house while his wife was entertaining at dinner a party consisting of Mrs. Neville Castle, Mrs. Clarence G. Follis and Mr. Brayton; that when Mrs. Humphries declined to call the deponent to the door, Mrs. Lung swore at her and said: "You are a flat-nosed Chinese woman, and I intend to see your husband before I leave."

Mr. Humphries says the only way in which the incident was ended was by ordering Mrs. Lung's driver to leave the premises.

Dr. Dwight Dickenson deposed that he was called on to quiet Mrs. Lung one day aboard the Philadelphia, in the harbor of Philadelphia. He found her lying on the floor of her room, screaming and yelling, and that she seemed to be under the influence of liquor. The depositions of Charles H. Rockwell, Patrick Wall, J. Surman and W. A. McKenzie were that they had seen Mrs. Lung under the influence of liquor at Port Royal, S. C.

Attorney George D. Collins, attorney for Mrs. Lung, said he would present testimony on behalf of Mrs. Lung at the next hearing of the case.

SCANDAL AT BRANCH JAIL.

June [illegible] 1899.

Guard Moore's Story Is Confirmed by Gately.

KIRSCHBAUM'S FOE AND GAY MRS. BOTKIN.

FORMER SUPERINTENDENT SAYS HE REBUKED BURLY McFARLAND.

He, Too, Declares That the Assistant Was in the Habit of Carrying a Deadly "Black-Jack."

Guard Maurice W. Moore's story of the tragedy at County Jail No. 3 on Sunday night, a result of which may yet be the death of Guard Louis Kirschbaum, was amply confirmed yesterday, in spite of the efforts of the Sheriff's office to keep the truth from the public.

The truth in this case is bad for Assistant Superintendent Frank McFarland, who is in jail because of the fracturing of Kirschbaum's skull, and it is bad, also, for the Sheriff's office, inasmuch as it reveals a scandalous condition of affairs in the women's department of the County Jail.

As related in yesterday's "Chronicle," Guard Moore stated that McFarland's attentions to Mrs. Cordelia Botkin were at the bottom of the trouble between McFarland and Kirschbaum, and that the assistant superintendent was constantly breaking the rules which govern the relations of officers and prisoners.

Moore said also that he had not doubt that the blow which is likely to cost Kirschbaum his life was struck with a slungshot, which McFarland habitually carried. Evidence in abundance is at hand that Moore's statement is trustworthy, and, further, that the truculent assistant superintendent once had a quarrel with former Superintendent James Gately, in which he made as if to draw his ugly and unlawful weapon.

McFarland's history since he came into his present position in January last, as given by Gately and by his wife, who was the matron at the jail, is such as to show him to be unfit to hold any position of public trust. According to them his conduct with women prisoners of the jail was a matter of scandal before his fancy had turned toward Mrs. Botkin. Gately said yesterday:

"I resigned my position as superintendent of the Branch County Jail and my wife resigned hers as its matron on March 15th solely because we both saw that we would have continual trouble with this man McFarland and that we might at any time be dragged into scandal by his actions. On two different occasions I took McFarland to task for his conduct with women prisoners. The second time I referred to his behavior toward Mrs. Botkin, which was becoming the talk of the jail. Both times he flew into a passion, and once I thought that he was about to strike me with a murderous black-jack, which it was his custom to carry. I told him that if he made a move to injure me one of us would never leave the jail alive. The man counted on his pull, and as he was upheld in the Sheriff's office in spite of my protestations, I thought it time to remove myself and my wife from an atmosphere which was a continual insult to her and which might develop a scandal at any moment.

"When McFarland went to work at the jail in January he told me he was unmarried. I have since found that this was untrue. Soon I had cause to reprove him for his actions toward two women prisoners who were employed in the dining-room. Later I had reason to reprove him for his bearing toward Mrs. Botkin.

"I read the statement of Guard Moore in to-day's 'Chronicle,' and it is the truth in every particular. The only trouble with it is that it does not tell a great deal else that might be told. As long ago as March McFarland sought the company of Mrs. Botkin on various pretexts. It was he who drove her back and forth from the jail to the courtroom and ran all her errands. Often he has given me trouble by coming up into the dormitories, where his visits were unnecessary."

Mrs. Gately concurred in all that her husband had said, and substantiated without reservation the story of Guard Moore. "My husband reported McFarland's misdemeanors to Sheriff Martin," she said, "but he was ignored. We knew then that some such scandal as has now cropped out would arise, and, on account of our positions in the jail, reflect severely upon us, so we decided to resign. This was shortly after my husband had rebuked McFarland for his attitude toward Mrs. Botkin."

Sheriff Martin declined yesterday to discuss the charges against McFarland. "I regard the matter as an administrative one," he said, "and it will be investigated at the proper time. I don't think it is a matter about which the public has any right to be informed through the newspapers at this time." Asked whether he had received any complaints as to McFarland's conduct toward the women prisoners, the Sheriff said: "I have no information whatever to give."

Under Sheriff Dave Martin expressed horror that anyone could be found who would asperse the character of so model a prisoner as Mrs. Botkin. He said: "That woman has been slandered. Why, she would not have anything to do with one of the subordinates out at the jail. She holds herself far above them. They are rough men drawn from every quarter of the city, and a woman like Mrs. Botkin, who takes a bath nearly every day and whose laundry bills must be something enormous, would hardly hold any communication with an underling at the jail. Mrs. Botkin has been a model prisoner, uncomplaining and apparently satisfied with her treatment. She will feel deeply hurt at the attack that has been made upon her, and I presume that this office will receive from her soon a letter protesting against it."

McFarland, who is still in the City Prison, refused to speak about the matter. All he would say of the star prisoner at the jail was: "Mrs. Botkin is a lovely woman."

Study of the Storke Woman, Who Has Stirred U

Brilliant Writer Who Has Lost Her Balance And Instinctively Does Deeds of Malice.

Santa Barbara, July 15.

AN entire community arrayed against one little woman, one little woman fighting a whole city—is the extraordinary situation that Yda Addis Storke and Santa Barbara present. If this were the days of Cotton Mather, and Santa Barbara were Salem, Yda Addis Storke would be burned at the stake as a witch possessed of seven devils, and no one who so has [illegible] and alarmed and harrowed and [illegible] and entangled and, indeed, terrorized this otherwise cheerful community?

This one little woman, this one fragile, little, ninety-pound, five-foot high woman, has set the whole city by the ears. She has frightened half the men into being good or at any rate into being half-decent, and set half the women trembling for their reputations. Santa Barbara's attitude toward her is not without resemblance to the attitude of pedestrians on a crowded street down which a mad dog is running and yelping and snapping indiscriminately. In self-protection the hand of the community is against her. There are not a dozen people who believe her innocent of the anonymous letters that upset the peace of the city, and there is not one to champion her cause or lift a voice in her defense. The feeling against her is so bitter that here and there it runs to extravagant excess, and in the gossip that flies back and forth she has been accused of everything from poisoning dogs to having a hand in the shocking murder of the Richardsons. In discussing the [illegible] poisoning feature of her mischief-working, one plain citizen said, with as much earnestness as [illegible]:

"Why, all she need to do is spit on a dog, and she'd kill him, she's so devilish."

And this woman, who has stirred a city into ferment, who has shattered domestic peace and smirched reputations and pointed an accusing finger at [illegible] citizens, who has been adjudged guilty of writing the vilest letters imaginable, and capped the climax by an apparent attempt at sensational murder and suicide, what manner of woman is she? Just a tiny, fragile, bright-eyed little creature, not much bigger than a twelve-year-old girl.

I found her in jail getting rid of the third day of her year's sentence for sending the disturbing letters—a little figure, cuddled up in a corner on a gray blanketed cot with plenty of reading matter and a few woman's trifles about her, looking out of her barred window with lofty contempt on Santa Barbara passing by. An unlovely dragging gown of gray wool with red yoke and cuffs was her garment and a coarse gray blanket was swathed about her legs. Her dark hair, silver threaded, was brushed straight back and hung in a little braid. She gave her height as exactly five feet. I guessed her weight at ninety pounds. She was without ornament or the slightest attempt at toilet, yet despite her small size, her [illegible] dress and her prison surroundings there was undeniable distinction in that little figure, an exceptional intellectual brilliance flashing out of the small white face, and the not to be imitated stamp of breeding in manner and speech. Whatever of mischief or crime or maliciousness may be laid at Yda Addis Storke's door, eye and judgment must concede she is a lady—a most relentless and [illegible] wicked little lady, perhaps, but still a lady.

Locked in with her in the room adjoining is a poor fallen young Spanish girl who is effectively conceded her [illegible]. She serves Mrs. Storke as maid [illegible] much deferential willingness [illegible] ever maid served grand dame in [illegible] and Mrs. Storke, cuddled up on her [illegible] by the barred window, accepts [illegible] with the grateful condescension of a little Queen in durance vile.

Yda Addis Storke, in the flower of her youth and her palm [illegible] must have been a beauty, yet even in her [illegible] and the hour of her tribulation she is piquant, fascinating, brilliant [illegible] delicacy and insidiousness [illegible]. Something of the character credited to her lies in her face, in the quiet, bright flame of her big brown eyes and in the thin, delicate, beak-like nose. There is something very suggestive of the cruelty and watchfulness of a hawk. Her mouth is rather small with excessively thin lips, the merest line of red. Her ear is very small; her forehead is broad and high and full; her top head is good, and a weak little chin slips away [illegible] in her collar. She has extremely small, beautifully-shaped hands and a pretty little foot she takes a certain pride in.

She is a younger looking woman than the camera makes her. She gives her age at forty and does not look it by four or five years. Time has traced fewer trails on her than the [illegible] of [illegible]. She is just a tiny body out of balance with its sharp of mind and nerves. Her linguistic power is unusual. She is fluent, fearless, emphatic, picturesque and exact in speech, and her spoken word has much the same exquisite appropriateness and keen edge as Mr. [illegible]'s written word, but her spoken word, as well as her written word, however much it is feared, is given little credence in Santa Barbara nowadays, so her own story of her whole stormy life and her troubled career here must be taken as it is written on her unsupported word.

To lay a ghost it is necessary first to raise it, and it is as true of scandal and suspicion as it is of the unpleasant visitor from behind the [illegible], which is why the strange tale that Yda Addis Storke tells is spread in black of printer's ink. [illegible] Santa Barbara, which has guessed and [illegible] about her for years, does not know the [illegible] certain whether Addis Storke [illegible] the street [illegible] those who have known her well or ask twenty to tell you who she is and you will get twenty different [illegible] of them the story she tells [illegible] each, mayhap, with a grain [illegible] from here [illegible].

"There is not," she said, [illegible] a drop of Spanish blood in me, although perhaps because I am dark and

EXHIBITS IN THE JACKSON SHOOTING CASE.

The small pistol, discharged in the fight, as the large one, which was laid down, cartridges, hatchet and knife, large bottle of chloroform, small bottle of cyanide and prussic acid, strips of bunting, glass cutter and putty knife, bag in which articles were found.

[illegible]d Up Santa Barbara.

She Has Become Strangely Vindictive And Runs Down All Who Come In Her Way.

GRANT JACKSON AT HIS DESK.

[illegible] speak Spanish. It has often been stated that I am partly Spanish. I was born in Kansas, of French Huguenot stock on both sides, although my people for four generations are American. Mother's great-grandfather was Colonel James Harrod, who built the first white man's habitation in Kentucky and in whose honor Harrodsburg was named. So my [illegible] come of good old Indian fighting stock, which may account for my [illegible] [illegible] myself [illegible] to fight to the end [illegible]

[illegible]

"[illegible] little [illegible] of my troubles. When I was [illegible] young my father took [illegible] Mexico, where he owned mines. [illegible] came to California and settled in Los Angeles. I was educated at home chiefly and had altogether less than four years' schooling in the public schools of Los Angeles. My special talent seemed to be for languages, and I learned French, Spanish and German, a little Italian, some Chinese and a smattering of Indian dialect. I had no talent for music. There is no more music in me than in a tea kettle, but I could paint, and it is by painting and teaching that I have managed to support myself for the past eight or nine years here. My art feeling found expression in writing, and while I was still at school I dressed myself with my pen. I taught in the public schools of Los Angeles for six years. Then I went with my parents to Mexico. My social position was of the best in Los Angeles, and even after the [illegible] matter it remained unimpaired, and, indeed, was stronger than ever.

"Sunny Santa Barbara, ideal city of the [illegible] a place whose picturesque, dreamy beauty has been for years the inspiration of poet and painter, the favorite lounging ground of the wealthy globe-trotter and the last hope of the luckless invalid, [illegible] chosen home [illegible] of her who apparently [illegible] Zola character [illegible] or a brute from [illegible] Keith's pastoral [illegible] canvases.

The Rev. Frank Forbes, pastor of the First Congregational Church of Santa Barbara, has made a careful study of Yda Addis' psychology. "But I am unable," he said, "to come to a conclusion as to her sanity. She should undoubtedly be brought before a lunacy commission. But she is such a brilliant woman that she might turn about and convict the commissioners. As to her guilt in writing the anonymous letters, I can simply say that I have every confidence in the men who composed her jury. She has stirred up this community beyond all belief. Something should surely be done to secure her."

Attorney Henry P. Starbuck, one of the leading lawyers of Santa Barbara, was appointed as one of Mrs. Storke's counselors to act in the libel case. He drew out of that matter because he could not agree with Mrs. Storke as to which of the two should run the case.

"The woman is a nuisance," was his remark concerning her. "She is not physically dangerous, perhaps, but she is dangerous to attorneys. She will probably keep the attorneys of this bar at work for the next ten years as appointees to defend her in her altogether too numerous troubles. It's a pity the woman can't be got rid of. The town would be much better off without her."

"Would you have put her under a bond and told her to leave the country?" he was asked.

"No, for she wouldn't have gone away. But it's too bad the town can't be done with her."

W. B. Metcalf, County Treasurer and cashier of the Commercial Bank, has had hard work to make up his mind as to the woman's sanity. "I can't express any opinion as to the woman's character or motives," said the Treasurer. "She puzzles me. I cannot see why she should do so many things to disturb the peace of the community. Lack of motive leads me to believe her insane."

Dr. Ida V. Stambach, the lady physician who went upon Mrs. Storke's bond in the libel matter, absolutely refused to say anything as to the woman's character. Friends are scarce with Yda Addis.

Alfred Poett, a leader of the Santa Barbara "400," and a prominent engineer, took the charitable view of the woman's case.

"The vindictive side of her nature has been gradually developed," said he. "From shock or injury to some nerve center, she has lost her nervous balance, and this tendency has become greater until she is [illegible] these deeds of malice. She is a [illegible] brilliant woman, but has lost her balance, so that her mind runs only along one line. That line has been [illegible] time."

The Rev. A. H. Ramsay, rector of Trinity Episcopal Church, said: "I haven't followed the trial closely. I know only what I read in the newspapers. But if she is guilty of having written those letters, she deserves everything she has got, and more, too. Such a person is a menace to the peace and happiness of a community."

Ex-Mayor Frank M. Whitney said: "Public sentiment here is much against Mrs. Storke. I cannot see how her trial could have ended in any way but as it did. She has an appetite for prying into the relationships of men and women, and too readily puts an evil interpretation upon the most innocent circumstances. In this way she has acquired a considerable reputation as a [illegible]-maker and busybody."

Theodore Kytka brought back from the country recently a young coyote. His uncle owns large ranches in Southern California, which he hunted upon a great [illegible] during his vacation. While on one hunt during his [illegible] trip he was fortunate in capturing the youngster.

MRS. BOTKIN WILL GET A NEW TRIAL

Precedent Established by Supreme Court in Hoff Case.

COURT'S INSTRUCTIONS

Judge Cook Followed Ex-Judge Murphy's Formula Regarding Motive.

"If the decision of the Supreme Court granting a new trial in the Hoff case is final, then the granting of a new trial to Mrs. Botkin must follow as a matter of course," said Judge Carroll Cook yesterday.

This was the conclusion reached by Judge Cook after making a careful comparison of his charge in the Hoff murder case with the charge which he gave in the trial of Mrs. Botkin. His attention was directed to the matter by a representative of "The Examiner," who assisted in the comparison, and the language in each instance was found to be identical on the question of motive for the perpetration of the crime charged against the prisoner.

Judge Cook said he had been informed that District Attorney D. J. Murphy, formerly Judge of the Superior Court, is preparing a statement on which to base a petition for a rehearing, and the position of the Court may be modified upon a further presentation of all the points involved in the case.

"In dealing with the subject of motive, when the case rests mainly on circumstantial evidence, I followed the definition given by former Judge Murphy, now District Attorney of this city and county," said Judge Cook. "I assumed that anything which had passed muster in the Durrant case might be accepted as settled. Accordingly I copied ex-Judge Murphy's language, word for word, placing the same in quotation marks to show that I had borrowed that part of the charge to the jury from a learned jurist who preceded me on the bench, but of course adopting and using the same as the charge of the Court in each particular case. I employed the same motive in the Figel case, the 'Little Pete' case, the Williams and Abrahams cases, and ex-Judge Murphy took identically the same course as I have intimated in the McNulty and Durrant cases."

The substance of the language used by Judge Cook is as follows:

It is undoubtedly a truism that all sane persons committing crime are actuated by some motive. Therefore, the presence or absence of any motive to commit the act of homicide, if homicide was committed as charged against this defendant, is a circumstance to be considered by you in connection with all the evidence in the case. An accused person has the right to have every fact and circumstance in his favor weighed by the jury. Motive for the killing is an important, essential fact in a trial for murder, particularly so when the [illegible] is sought to be established solely by circumstantial evidence. If upon a review of the whole evidence no motive is apparent or can fairly be imputed to the accused for the commission of the crime charged against him, then this is a circumstance in favor of innocence, and should be so considered by you. The motive may not be apparent in many cases of homicide; there may be no motive discernible except what arises at or near the time of the commission of the act [illegible]

[illegible]

which they claim are based and founded upon the evidence, and it is for you to determine from all the evidence in the case whether or not any motive existed for the commission of the crime charged against the defendant in this [illegible].

With regard to the grounds from which motive may be inferred, the law has never limited them. Therefore, it is immaterial whether the motive be hatred, wealth or the gratification of desires or passions resulting from any other cause, so long as the motive exists. You must bear in mind that motive, being an ancillary fact from which, if established, in connection with other necessary facts, the main or primary fact of guilt may be inferred, it may be established by circumstantial evidence the same as any other fact in the case.

To this objection was made by Attorneys Schooler & Simpson, who defended Albert F. G. Vennewalchockochhoff, commonly known as Hoff, and the Supreme Court sustained the objection, saying:

[illegible] might not be able to prove it, the defendant may have had a "hidden design of vengeance of some [illegible] to be satisfied." This was not the statement of the rule of law, but an argument against the defendant as to [illegible].

Twice in the course of his charge Judge Cook used this language:

You will distinctly understand that in this charge the Court is by no means or form [illegible] or desiring to express any opinion on the weight of the evidence, or any part of it, or on the truth or falsity of any witness' testimony, or that any alleged fact in the case is or is not proved. With the questions of fact, the weight of the evidence, the credit that you should give to any witness sworn in the case, the Court has nothing to do. These are matters entirely within your province and which you, as jurors, under your oaths, must determine for yourselves.

This the Supreme Court indicates does not cure that which is assigned as error in the other part of the charge to the jury. District Attorney Murphy said:

"I have not compared Judge Cook's charge in the Hoff case and the Botkin case with the charge given by myself in the Durrant trial, but I am informed that they are identical. My charge in the Durrant case was the same as I had given in other cases for ten years whenever the matter of motive was a vital question to be decided by the jury. It was prepared with great care and embodied my understanding of the law touching that proposition. Other Judges have used substantially the same language in many cases, and this is the first time that I have heard that it was successfully attacked."

CHILD THIEF FOUND GUILTY

Judge Mogan Will Sentence George Howard on Saturday.

George Howard, alias Coad, the Oakland gardener who created a sensation at Market and Third streets on Tuesday by attempting to steal a child from its mother, was found guilty on charges of battery and vulgar language by Judge Mogan and will be sentenced on Saturday. He stated that he was intoxicated and did not know what he was doing. He is a California pioneer and claims relationship to Irving M. Scott.

FREAK OF [illegible] GEORGE HOWARD.

While Intoxicated He Attempted to Steal a Child.

An old man giving the name of George Howard took a 2-year-old child from its mother at the corner of Third and Market streets late yesterday afternoon and was walking off with it in spite of the woman's remonstrances, when Theodore Kytka, the handwriting expert, and [illegible] Brown interfered. The would-be kidnaper abused the rescuers with vile epithets and struck them in his efforts to retain possession of the child. Detective George [illegible], who was passing on a car, saw the disturbance and stepped off in time to arrest Howard before any one was injured. While the detective was busy with his prisoner the woman went away with the child. Howard was intoxicated and was charged with battery and using vulgar language. Late in the evening, when he was sober, he said his love of children probably led him to accost the child, but that he remembered nothing of the circumstances. He claimed to be a native of Kentucky and a California pioneer, having practiced medicine here in the early days of the State.

MRS. BOTKIN'S CASE IS NEARLY READY.

Bill of Exceptions and Transcript on Appeal to the Supreme Court to Be Soon Completed.

Mrs. Cordelia Botkin, convicted of murder for poisoning Mrs. John P. Dunning, and sentenced to life imprisonment in the State Penitentiary, has been granted fifteen days' additional stay of execution by Judge Carroll Cook of the Superior Court. By the end of this month it is expected that Mrs. Botkin's bill of exceptions will be settled, and her transcript on appeal will be ready for presentation to the Supreme Court.

The appeal of Mrs. Botkin rests mainly on the question of jurisdiction. Knight & Heggerty, her attorneys, contend that the courts of California never have obtained and never can obtain jurisdiction of Mrs. Botkin, and that there is no warrant of law for her trial in this State. It is on this point principally that they will base their arguments for a reversal of the judgment pronounced in Judge Cook's court.

At the end of fifteen days application for a writ of probable cause will be made by Mrs. Botkin, and following the usual course without doubt will be granted, the effect of which will be to allow Mrs. Botkin to remain in the County Jail until her appeal is decided by the Supreme Court, a year or two hence.

Hunt Charged With Forgery.

Two charges of forgery were yesterday placed against George Hunt, who on Wednesday was arrested for passing a fictitious $100 check on J. Dosbarela, his landlord.

HIS ATTORNEY LEAVES HIM.

Carson Will Not Act Any Longer for John Laplque.

John Laplque and his attorney, John B. Carson, have disagreed, and Carson has filed a notice in the Superior Court that he will act no longer for Laplque in the latter's suit against Philip Maysonnave. The suit was on a promissory note, that Maysonnave declared was a forgery, and Judge Hebbard, after inspecting the handwriting of both parties, gave judgment in favor of Maysonnave. Then Laplque obtained a warrant for Maysonnave's arrest on a charge of perjury, and Maysonnave swore to a complaint against Laplque for forgery. Maysonnave's signature was on record at the Hibernia Bank, and the police went there and made a comparison of it with the writing on the note. The conclusion was that the signature on the note was not genuine. The clerk of Judge Hebbard's court, Robert Fitzgerald, has been guarding the note carefully. It was left with him as an exhibit in the case, and it will be used in the prospective criminal proceedings. Laplque asked Fitzgerald for it more than once, so that he might look at it, but the clerk did not have it at hand then. He was apprehensive that an attempt might be made to destroy it, and he decided not to let Laplque handle it except when other persons were present.

Yda Addis Ill.

SANTA BARBARA, August 29.—Yda Addis Storke was to have been arraigned this morning on the charge of having attempted to kill Attorney Grant Jackson, but she sent a note to the Superior Judge stating that she was too ill and unable to appear in court. She also said that she [illegible] had been disappointed in that her attorney from San Francisco had not arrived. She claims that [illegible] is to defend her. The Court granted a delay of a week. Mrs. Storke will ask for a new trial.

RECORDING OF CRIMINALS' FEATURES.

The Bertillon System to Be Introduced in San Francisco, and a Laboratory for the Purpose is Being Fitted Up Under the Roof of the New Hall of Justice.

ONE OF THE most interesting parts of the new Hall of Justice will be on the roof. There far above the rush of the city's criminal business, and accessible only by a special elevator and a private stairway, will be the splendid laboratory—the [illegible] of a cherished scheme of [illegible] Lees for the betterment of the San Francisco police service. It was not possible to [illegible] this innovation into the [illegible] plans of the building, and for a time there seemed to be no room for the [illegible]-fangled [illegible]. But the Chief [illegible] that the roof was just the place for it. Therefore Kytka, the writing expert, with his knowledge of the [illegible] needs of such a laboratory, planned an interesting labyrinth of rooms, and Shea & Shea, the architects of the Hall of Justice, [illegible] the working drawings and made it possible [illegible] the structure [illegible] around the [illegible] with a [illegible] of which will be eventually [illegible] the [illegible]. Nothing of the [illegible] building [illegible] from the street [illegible] will not [illegible] way detract [illegible] the lines of the structure.

Not until [illegible] has the Chief [illegible] the system as he wished it and the [illegible] appropriation of $[illegible] was not made until a still nearer date. It [illegible] the case that an ill wind in [illegible] the [illegible] through the [illegible] and unaccountable delay in the [illegible] of the Hall of Justice [illegible] has time to develop any number of [illegible] in regard to the plan and to [illegible] the needed money. So when at [illegible] the building is turned over to the city and the police headquarters are transferred the Chief will, at least, have the laboratory ready to equip for the establishment of the Bertillon system—yes, that and more, for he will have every improvement that experience has suggested, and can install an equipment for making speedy and practical application of the knowledge gained through these mediums.

The laboratory will be absolutely fireproof, with a frame of steel and a covering of terra cotta. All the partitions will be of expanded metal and concrete and the roof will be of the same materials, only the concrete will there be in a thin [illegible]. At this point further protection from the elements will be afforded by felt and asphaltum. The floor will also be of the best of all [illegible]. The cement used, however, [illegible] will [illegible] but large [illegible]. The skylights are to be made of [illegible] covered wire in glass [illegible] which [illegible] of light and a strength that [illegible] absolutely safe for the man [illegible] over roofs where [illegible] skylights exist, and also for the [illegible] might have to stand under [illegible] when it was struck by the heaviest possible object.

The gallery for taking the Bertillon photographs and measurements will be covered with a roof of half dome of glass extending from the floor, which admits of infinite possibilities in handling the light. It was suggested from a similar form in use in the Adele gallery in Vienna. Here the glass will be heavy plate and just slightly frosted, to kill the glare of day.

The elevator leading to the laboratory is on the Washington street side of the building toward the front and will run from the court used by the patrol wagons. It will land the prisoner close to the room in which are placed all the appliances for making the Bertillon tests and measurements.

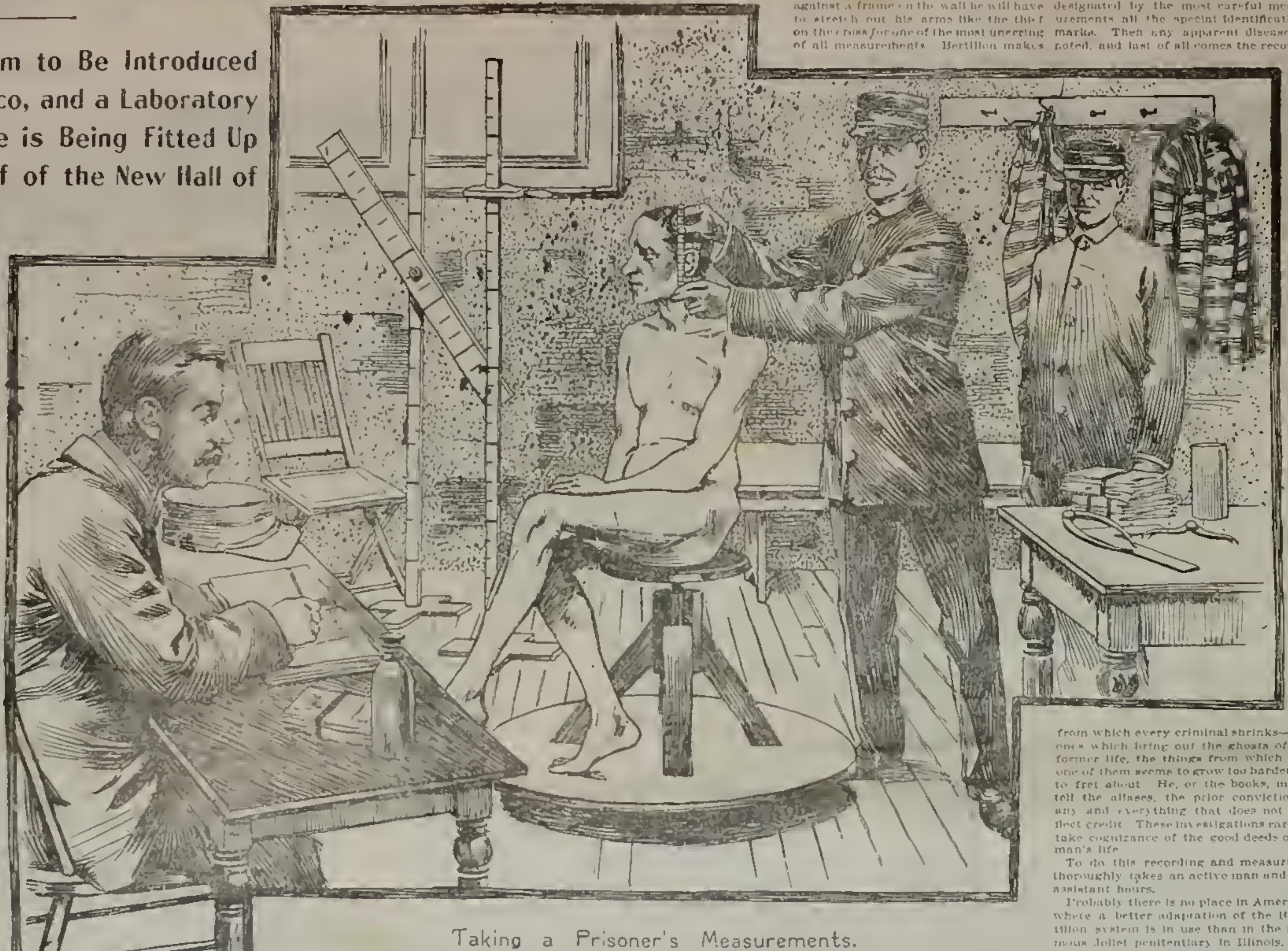
It is here that Kytka commenced to supplement the work of the [illegible] ten years ago he went from Chicago to the Joliet Penitentiary for one of the large papers, to take photographs, make drawings and a general study of the system. With that knowledge and with the experience he has since had in studying criminals and doing expert photography he has been able to suggest expedients for the Bertillon room which will make it possible to get good photographs of criminals whether they will or not. The offender will be placed in a revolving chair, where straps will be adjusted similar to those on New York's chair of death. By this means the exact position desired for the photographs can be gotten. This accomplished the subject, not being able to see the camera, will not know when he is in focus, and consequently will not be able to defeat this essential part of the record. Kytka has arranged for a false wall, behind which will be the cameras and the photographer. The lens will be so sharp that even if the subject manage to make some distortion the likeness will be secured. When the side face is to be taken the attendant will simply turn the chair and the hidden agencies will do the rest. The Bertillon system admits of no retouching of the negatives and the lights are so adjusted that every furrow and line is faithfully reproduced.

For measurements as well, precautions have been taken for every contingency. Unless the present programme be changed, all will be taken by the metric system as it admits of greater expedition and is more accurate. In many places where the measurements are taken by this standard, they are changed into yards, feet and inches, but as the probability is that in time the French system will supersede all others, the Chief thinks it as well to start San Francisco records in that way.

In the new "hall of measurements" the prisoner may save time of others and his strength by making no opposition of any kind, for from almost any corner of the room is apt to spring a mechanical contrivance which will bolster up at any weak or rebellious point.

Briefly, the exactions of the system will strip a man after his photographs have been taken. He will be weighed and his height recorded and then against a frame on the wall he will have to stretch out his arms like the thief on the cross for one of the most unerring of all measurements. Bertillon makes allowances for the changes wrought by the years, but the length of a man from hand to hand and the impression of his thumbs will stand always without question. His chest and skull are measured and several of his fingers. The color of hair and eyes are specified, the teeth carefully examined and the date of birth secured, if possible. Then comes one of the most interesting parts of these combined systems of investigation, which in the entirety he called the "anthropometrical." It is the study given to the eyes and ears. The Chief will have charts with some three dozen plates of both features. This collection presumably designates all possible variations where accident has not marred the organ. At this point of the investigation the eyes and ears of a criminal become as the man or woman does when finally committed to prison, a number. This method is an accurate short cut, and saves no end of time and trouble. No two persons would write the same description of the same pose, but with this plan the story is told accurately and at a glance.

Then two cards are taken, one showing the front, the other a back view of a human figure, and upon them are designated by the most careful measurements all the special identification marks. Then any apparent disease is noted, and last of all comes the records from which every criminal shrinks—the ones which bring out the ghosts of his former life, the things from which not one of them seems to grow too hardened to fret about. He, or the books, must tell the aliases, the prior convictions, any and everything that does not reflect credit. These investigations rarely take cognizance of the good deeds of a man's life.



Taking a Prisoner's Measurements.

To do this recording and measuring thoroughly takes an active man and an assistant hours.

Probably there is no place in America where a better adaptation of the Bertillon system is in use than in the famous Joliet penitentiary in Illinois. It has been adopted in Kansas, Chicago, Boston, New York, Austria and, as a natural consequence, in France. Although it is used by all the civilized nations in their armies, it has not as yet been generally used in prison work or statistics. Bertillon presented his system fifteen years ago, and has had all possible honors bestowed upon him. In January of this year he was received and decorated by the Emperor of Germany. Bertillon was not 25 when he first gave to the world this revolutionizing system.

While in the main the system will be here as it is known to the world, its application in California will mark an epoch in the history of criminology in the West, and when, with its adjuncts, it will be in working order, there will be plenty of surprises and food for students along these lines. The elaboration of the Bertillon system is where the brisk, fresh interest lies. In planning the laboratory and all its adjuncts, Kytka placed the office and microscopic room next the elevator and stairs. Beyond this will be the Bertillon and portrait room also facing Washington street. From this point the construction is carried in an L to the Dunbar alley side of the building, and in this part will be a dark room for developing dry plates, another for wet plates, each apartment to be fitted with every modern appliance and on a scale for doing extensive work. Still following the Dunbar-alley line will be the etching sinks, benches and the blocking bench. Inside are placed the photo-engraving-room and a sensitizing-room so conveniently planned as to make a photographer green with envy. On the south outside upon a wooden platform will be every facility for printing in good weather. For the rainy, cloudy days provision is made indoors. Still down the south side is a toning-room and next to it is a printing-room. In these two departments will be the possibilities for the work that will astonish the most credulous.

To illustrate: Should a criminal escape at 12 o'clock it will be possible by 3 o'clock to have 500 pictures of him ready for distribution on the streets. The negative, on which will be etched on wax the criminal's description, will be placed in a table prepared for it. The negative will be exposed automatically and the printing done by electric light. With machinery like a ringer the roll of sensitized paper will be passed into the developing-room, and here it will be possible to handle in the trays fifty to sixty pictures at one time. They will be passed along almost automatically from the developing to the clearing, fixing and washing trays to the drying-room, and when all is done there are finishing, distributing and mailing benches at hand to complete this lightning work. When the rush is not so great there will be the opportunity and equipment for doing the finest of half-tone work. It has been decided to use, when it suits the occasion best, the private mailing card approved by Congress, May 19, 1898. This is sensitized, and upon it pictures can be printed with great expedition.

Besides running down criminals the Chief knows one use for this fine plant which will appeal to every parent or lover of children. He sees that when a little one has been stolen or lost and has not been recovered in the few hours during which it should have been restored he can get out its picture by the thousands in a few hours. He will also utilize this process for helping to discover the whereabouts of men or women missing, not for criminal reasons, but for the innumerable causes which come up with the conditions of complex civilization—good and bad. In fact, so enthusiastic is the Chief that he feels that he will have almost a panacea for the ills that beset criminal work and all its far-reaching ramifications.

Out of this it is planned to eventually develop a well-nigh perfect system for the routine police work. In the tower, with its absolutely immovable foundations, will be placed the presses and machines for all the printing required for the department. It will then be possible to have daily bulletins and a weekly comprehensive issue of police doings. The watches may be printed, instead of having to be read off, and all told a revolution is in sight.

To equip the laboratory will require about as much more as has been given for the construction. When in good working order this department will not only be economical but a credit to the municipality. To maintain it need not be a bugbear, for besides one competent superintendent the skill of men on the force can be utilized. Among the hundreds "of the finest" there are men capable of handling the most intricate and artistic processes. They can be detached when necessary, and the requisite clerical force will not have to exceed that now handling the police records.

BACK FROM THE ARCTIC A CRIPPLE

Walter Wellman Returns From Northern Trip.

ACCIDENT FORCED HIM TO TURN BACK.

FELL INTO A CREVASSE AND RECEIVED INJURIES WHICH MAY BE PERMANENT.

Dogs and Sledges Lost in an Icequake —The Explorer Found No Trace of Professor Andree.

Special Dispatches to the "Chronicle."

TROMSOE (Norway), August 17.—Walter Wellman and the survivors of the Polar expedition led by him arrived here this evening on the steamer Capella, having successfully completed their explorations in Franz Josef Land. Mr. Wellman has discovered important new lands and many islands.

The expedition brings a grim story of Arctic tragedy. In the autumn of 1898 an outpost called Fort McKinley was established in latitude 81. It was a house built of rocks and roofed over with walrus hide. Two Norwegians, Paul Bjorvig and Bert Bentzen, the latter of whom was with Nansen on the Fram, remained there. The main party wintered in a canvas-covered hut called Harmsworth House, at Cape Tegethof on the southern point of Hall's Island, latitude 80.

About the middle of February, before the rise of the sun to its winter height, Mr. Wellman with three Norwegians and forty-five dogs started north. It was the earliest sledge journey on record in that latitude. On reaching Fort McKinley, Mr. Wellman found Bentzen dead, but Bjorvig, according to promise, had kept the body in the house, sleeping beside it through two months of Arctic darkness. Notwithstanding his terrible experience the survivor was safe and cheerful.

Pushing northward through rough ice and severe storms, with a continuous temperature of ten days between 40 and 60 degrees below zero, the party found new lands north of Freedom Island, where Nansen landed in 1895.

By the middle of March all hands were confident of reaching latitude 87 or 88, if not the pole itself. Then began a succession of disasters. Mr. Wellman, while leading the party, fell into a snow-covered crevasse, seriously injuring one of his legs and compelling a retreat. Two days later the party was aroused at midnight by an icequake under them, due to pressure. In a few moments many dogs were crushed and the sledges destroyed. The members of the expedition narrowly escaped with their lives, though they managed to save their precious sleeping bags and some dogs and provisions.

Mr. Wellman's condition became alarming, inflammation having set in, and the brave Norwegians dragged him on a sledge, by forced marches, nearly 200 miles to headquarters, arriving there early last April. Mr. Wellman is still unable to walk and will probably be permanently crippled.

After reaching headquarters other members of the expedition explored regions hitherto unknown and important scientific work was done by Lieutenant Evelyn B. Baldwin of the United States Weather Bureau, Dr. Edward Hofma of Grand Haven, Mich., and A. Harlan of the United States Coast Survey.

The expedition killed fourteen bears and many walruses.

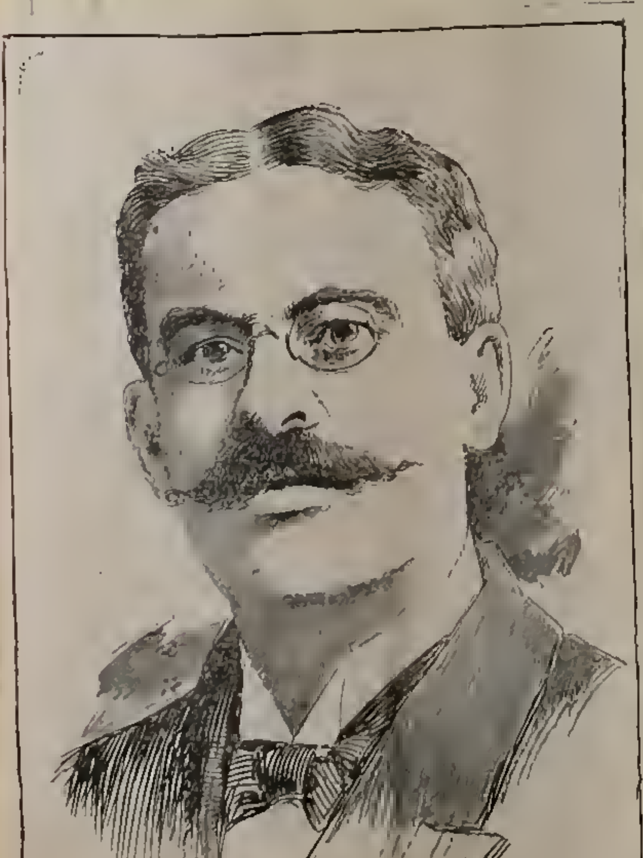
The Capella arrived at Cape Tegethof in search of the expedition on July 27th last. On August 9th she met the Stella Polar, bearing the expedition headed by Prince Luigi, Duke of Abruzzi, which had sailed from Archangel to reconnoiter the northwest coast of Franz Josef Land and to meet, if possible, the Wellman expedition. Mr. Wellman and his companions found not a trace in Franz Josef Land of the missing aeronaut, Professor Andree.

STORY OF WELLMAN TRIP TO THE ARCTIC.

Hoped to Reach the Pole by a Quick Dash—One of His Motives Was to Make a Search for Andree.

WASHINGTON, August 17.—When Walter Wellman started in the spring of 1898 to find the North Pole he started with a heart full of confidence. He believed that in the closing years of this century the knowledge of the northern regions and of the best means of Arctic travel had progressed so far that the chances of success had become really good. It was a "dash for the pole" in which he started. While he contemplated being gone more than a year at least, and perhaps two full years, the greater part of that time was to be spent in preliminary travel and in winter hibernations which the deep darkness of the Arctic night made necessary. In the three months of March, April and May of this year a rush was to be made from Franz Josef Land to the north, which, he hoped, would be successful in bringing him to the much desired latitude of 90.

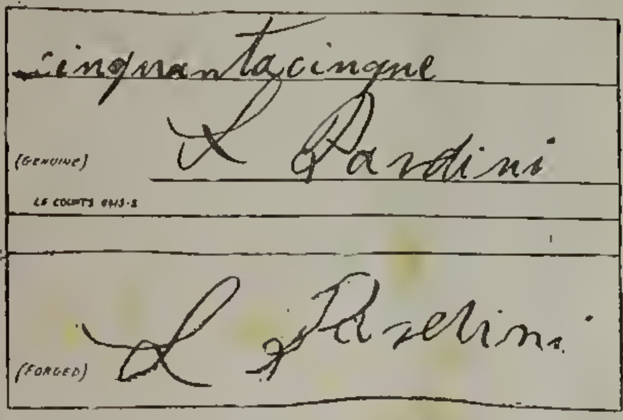
His was one of two expeditions which were being planned at the same time. The other was that of Lieutenant Peary, and Mr. Wellman was friendly enough to the other expedition to hope that if he himself was not successful his rivals would be. The plans of the two expeditions were the same, with the exception that Lieutenant Peary was to start on his northward d h from Northern



Walter Wellman, Who Has Returned From the Arctic a Cripple.

SAY THE SIGNATURE IS A FORGED ONE.

The Heirs of Louis Pardini Refuse to Pay a Note Held by Pastene.



WHEN Louis G. Pardini died August 28, 1898, he left an estate valued at from $50,000 to $75,000, much of which was in cash. To the surprise of the family and executors, John Pastene, within a few months, presented for collection a note for $2500 executed June 1st previous to Pardini's death. Although the deceased had kept his accounts carefully there was no record of his having borrowed $2500 from any one, so the claim was not allowed.

A few months later Pastene brought suit in Judge Hunt's court to recover the amount. The heirs, through their attorney, William J. McGee, filed their answer and unhesitatingly averred that the signature to the note in question was not that of the deceased. They were well fortified for such a charge as the camera had told an interesting story. Theodore Kytka had pronounced the signature the first case of the Italian method of forgery that he had found in San Francisco.

During the negotiations pending a possible settlement and before the signature had been repudiated, Pastene and his attorney agreed to have a photograph taken of the note, ostensibly for a necessary record. All interested went to Kytka's laboratory, and, with a guard over the note, several negatives were secured. As soon as developed and before comparison with an exemplar, Kytka showed the defense the sort of forgery which he claimed it to be.

Kytka says that it is in all respects a typical Italian forgery, done by placing a genuine signature on a window and tracing it on another paper with a needle or sharp tracing point. The creased fiber makes a furrow and through this the signature is traced with pen and ink. He says that this method is employed by the Italian forgers in contradistinction to the plan of many of the American criminals in this line, who trace with pencil and then follow the outline in ink.

The signature in question, Kytka explains, shows in more than a dozen places where the one who did the work slipped from the tracing. Kytka claims it to be a particularly clumsy piece of work, and shows in it what experts call "the tremor of fraud." Just now Kytka is making an eight-foot enlargement, which will be used when the case comes up for trial. This will be just as soon as the suits in Judge Hunt's court can be given a place on the calendar, probably this month. The heirs are quite willing to rest their claims of fraud upon the results of the investigation of the camera. They say that at the time the note is said to have been made the deceased had an abundance of ready money, and instead of borrowing he had loaned money. They further contend that if he entered into such a transaction it would have been with the banks where his credit was good or with some of his business associates. On the other hand, testimony will be introduced to show that Pastene is not well situated, financially, and that at the time it is claimed that the note was executed he was embarrassed. He conducts a commission business.

TWICE THE HUSBAND ABANDONED HIS SUIT.

John Worrall's Courage Failed When Confronted With Handwriting Experts as Adverse Witnesses.

When the suit of John Worrall against Mrs. Clara Fallbfnt, administratrix of the estate of Mrs. Sophie Worrall, was called for trial in Department 1 of the Superior Court yesterday, the plaintiff asked for a dismissal of the case without the taking of testimony, and it was so ordered after the expenses of the court had been paid.

The complaint filed by Worrall stated that in 1891 he was about leaving for England, and in order to protect his family during his absence he deeded property worth over $10,000 to his deceased wife. That upon his return in 1896 he demanded a reconveyance of the property, but his wife refused to reconvey. That thereupon she gave him her promissory note for $1,000, bearing interest, in lieu of the property.

This was Worrall's second attempt to secure something from his late wife's estate. Immediately after her death Worrall placed a deed on record which purported to reconvey the property back to him, and to have been executed by his wife shortly before her death.

Mrs. Fallbfnt, who is Worrall's daughter, was appointed administratrix of her mother's estate, and she secured a judgment against her quieting title to the property. Subsequently the genuineness of the deed held by Worrall was disputed, and the decree in his favor was set aside. When he was called on to defend the validity of the deed he failed to make the attempt, and lost the case. Then he produced the note which was the basis of yesterday's action, and this was attacked by Attorneys Groezinger, Rosenheim and Newburgh, on the ground that it, like the deed, was fabricated, that it was not signed by Mrs. Worrall.

When Worrall appeared in court and saw a dozen witnesses, including two experts in handwriting, arrayed against him, his courage failed and he voluntarily abandoned his claim. As the statute of limitations has run against him, he will not be able to renew the suit.

JUDGE GROEZINGER EXPLAINS

Judge Groezinger, of counsel for John Worral, in the case before Judge Daingerfield yesterday in which John Worral withdrew from the suit against his daughter, has written the following letter to Mr. Worral:

"To John Worral, Esq.: Upon your request, will state that Mr. Kytka reported signature of Sarah Worral to $2000 note to be the signature of your deceased wife. We had no experts in court as to signature, but relied merely upon want of consideration.

"C. L. GROEZINGER."

PERJURY CHARGED.

John Laplque, a well-known character, of 1300½ Stockton street, has procured a warrant for the arrest of Philip Maysonnave, for perjury. Laplque claims that the defendant recently testified before Judge Hebbard that he had not signed a certain promissory note for $800, made in favor of Louise Legarde, and bearing the name of Maysonnave. Laplque alleges that he has several witnesses who saw the defendant affix his signature to the note.

CHARLES FAIR'S LATEST TOY A GIANT LONG-RANGE CAMERA.

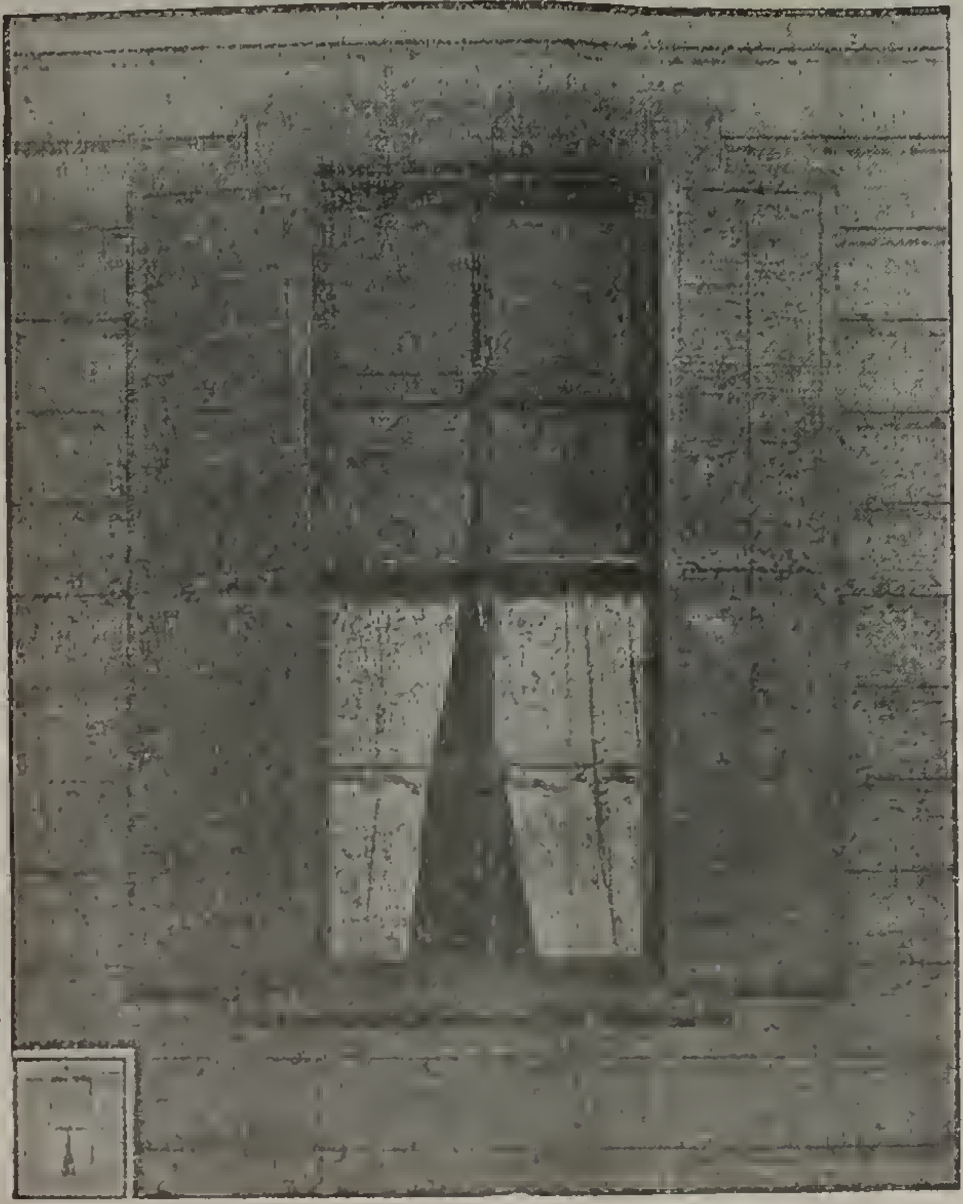
At 250 Feet It Shows Flies on Window Shutter.

Owner Had It Built to Make Yosemite Pictures.

CHARLES L. FAIR, who does not care for anything unless it is out of the usual, is rejoicing now in the ownership of a gigantic long-range camera, a "Big Betsey" among its kind, which was built under the direction of Expert Theodore Kytka, who is making the tests. The persistent foggy weather for the last week, since the camera was ready for work, has delayed some of the picturesque work it is destined to do. So just now its reputation rests on photographing some flies on the shutters of a window in a Shotwell-street house, 250 feet away from the lens. Restive under the continued muggy weather, Kytka watched for a clear hour and made a test with the homeliest possible subject, but with results so satisfactory that prints are now on the way to Zena, Germany, to the manufacturer, and to New York experts.

Kytka first took the unsuspecting window with the most powerful 8 by 10 field camera made in which is used the Voigtlander euriscope lens. With this he secured a little quarter-inch picture. Then the new camera, which defies distance, was focussed on the same point. That gave a startling magnification 8 by 10 and so sharp as to astonish Kytka, who was prepared for almost anything. He expected all sorts of astonishing results, because he had tested the lens and found it better than the binocular, which will bring out two miles away the chevrons on a sergeant's sleeve. The window picture which the long-range camera has produced picked out at a distance of nearly 100 yards the creases in a green shade, the pattern on the sash curtains, the design on a cushion which was lying presumably on a couch by the window, the places on the edge of the window-panes where putty had fallen off, the weather-stains on the tin cap above the window, the joinings in the rustic near the window, and, most astonishing of all, four flies which were basking on the open outside shutters.

The building of this record-breaking camera is the result of Fair's trip into Yosemite valley early last July. He arrived at the Sentinel Hotel at noon and ordered mules and a guide for the afternoon. He went up one of the most alluring trails, but to the unspeakable astonishment of the guide he gave a right-about-face order, and, without explanation, took the stage for home early the next morning. Now the reason for his defection appears. He stood transfixed before the grandeur of the valley's heights and depths, but his camera did not fit. He found what many another has found in the valley—that the best camera gives only the most disappointing results, so he simply turned around, went home and had a camera made to fit the landscape. In a few weeks he expects to return to Yosemite, and to make the trip more notable he is going to take his two automobiles, the one which he uses here and the new one which is now nearing completion. By way of practice for the valley and to further test the camera, Fair and Kytka went out to Twin Peaks yesterday. Like all other days of this week, the atmosphere was not clear, but in one not altogether sharp picture taken from there the camera showed the hour as recorded by the Chronicle clock three miles away. To-day they go to the top of Mount Tamalpais to get the Farallones, if possible, and some view of San Quentin prison.



What the Long-Range Camera Will Do.

On September 14th Theodore Kytka exposed two plates in two cameras focused on a second-story window in a Shotwell-street house, the distance being exactly 250 feet. One was a fine field camera, with a powerful lens. The 8x10 negative gave the window a height of about seven-eighths of an inch. The other camera was Fair's telephoto affair. It produced a splendid negative, full of detail, giving the window a height of more than nine inches. The reproduction above shows the two photographs in their exact proportions, each being reduced by about one-third from the original prints.

As Fair wanted the camera to use in the Yosemite this season, Kytka telegraphed East for the lens and attachments and had the camera proper constructed by Pollard, a skilled cabinet-maker of Oakland. Kytka contended that the cause of failures with the telephoto lens was the fact that a camera had never been made to suit it. Accordingly the holder for this valuable lens has been made heavy and strong. Rigidity being the desideratum all sorts of devices have been resorted to by Kytka in order to brace every part at an angle of 90 degrees. Mahogany was chosen for the case and brass for the mountings. Though a monster, it has everything [illegible] that it is possible to fold the formidable camera up like a Japanese puzzle. From the pedestal, [illegible] to fifteen [illegible], the bellows open both ways, making the distance when the camera is ready for action some five feet from the plate holder to the end of the lens tube. This lies on a revolving table which rests in turn on a [illegible] tripod. With this it is possible to turn the camera to all points of the compass without disturbing the tripod. It can be fastened at any point as firmly as if the whole affair were made in one piece of wood. In addition to this the camera has been further steadied by metal braces, which fold like a jackknife's blades.

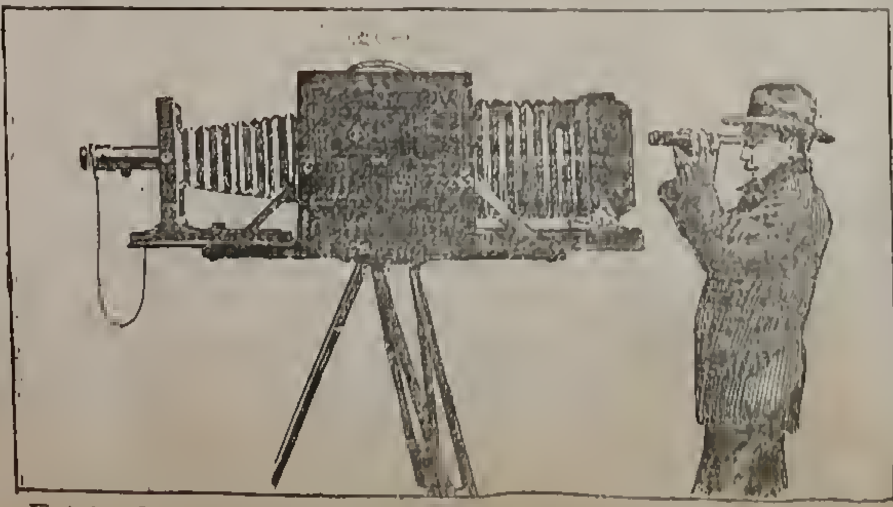
It is in the lens tube, however, that all the mystery lies. The construction of this tube is telescopic and as it is drawn out for adjustment to [illegible] distance, one might think that a telescope was being focussed. In this tube are the wonders of the telephoto attachment. The story on the end of the tube tells that the Zeiss' [illegible] Anastigmat lens is on the inside, and expert classification of this new thing makes it a telephoto-collinear [illegible] lens.

A man in the employ of the German lens manufacturers allowed the special [illegible] into this place, which has been known in this country for the past six months. It is recorded that some successful pictures were taken with it when Uncle Sam's balloon hung over Santiago de Cuba during the siege and blockade. These pictures have not been publicly shown, so the success of the California camera has a real scientific interest.

Taken apart this tube is seen to be filled with beautiful glasses. The first or receiving lens is, in truth, six lenses cemented together. There is a hard crown for the outside, [illegible] flint for the filling and a soft crown inside. From this the image is sent back to the dispersing lens, which, in turn, has its [illegible] visible levels. Back of this, at the end of the tube, is the telephoto lens, which enlarges the image and sends it back to the plate. Even the negative holder [illegible] its part in this interesting [illegible]. Kytka has so adjusted it that it can be tilted to bring out more sharply something in the foreground or vice versa.

Kytka claims for this camera a range of from three to ten miles. Its working is virtually instantaneous, but it has the diaphragm shutter, which adjusts the time exposure.

This plaything for Fair, which incidentally has made a valuable contribution to scientific photography, has cost him almost $1500. After it fulfills its mission in Yosemite it is to be used for studies of animals, its value being that it can be placed so far away that the most timid wild thing can be photographed in easy, natural attitudes.



Fair's Gigantic Camera Extended and Ready for Use.

A MARVEL OF PHOTOGRAPHY.

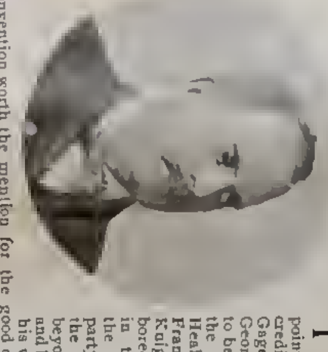
A camera with a range of from three to ten miles, such as has been made for Charles L. Fair of this city, has a wide variety of useful attributes. Mr. Fair was after an instrument which would enable him to get what no photographer ever got before—an adequate likeness of the Yosemite as viewed from one of the high points of observation. He seems to have succeeded in this, and we do not doubt that the pictures he will make and which others will make by like agencies are going to mark a tremendous advance in landscape photography. But they will do something more.

As an adjunct of coast surveying the giant camera will show its value, for with it a vessel on a clear day could follow the windings of an ocean shore, miles distant if need be, and make a continuous picture of all the topographical details. The Fair camera even catches the flies on a far-off window; it will pick out the buttons on a soldier's uniform while out of rifle range from the soldier himself. In taking a coast line it would develop every shrub and bowlder, to say nothing of ravines and exposed reefs and coves.

For military purposes the new camera must prove invaluable. Safely hidden almost out of cannon shot every presented detail of the enemy's fortress or intrenchments, every disposition and movement of his troops, every mounted gun would be revealed to it. It would not be necessary to send out spies to report unless the weather were too thick for photographic purposes, for the camera, mounted on an elevation miles away, must see everything that goes on in the open and report it accurately.

And the device is so simple. But that of itself makes it kindred to all the great and useful inventions of the time.

An Intelligent Appointment.



THERE is at least one popular appointment to the credit of Governor Gage — that of George A. Knight to be attorney for the Board of Health of San Francisco. Mr. Knight has labored vigorously in the cause of the Republican party, has stumped the State times beyond reckoning and has raised up his voice at every convention worth the mention for the good of the cause. From time to time empty dignities have been thrust upon him. He has been "delegated-at-large" until he is tired, has been Presidential Elector and convention chairman, and even "mentioned" for the Senate, but offices with attached emoluments have been conferred on the less deserving. This, however, is a change for the better, and proves what the Governor's friends have urged—that he has glimpses of judgment at irregular intervals. Mr. Knight is one of the lawyers at the San Francisco Bar whom success has not spoiled. Indeed he had amply deserved as well as earned the smiles of the fickle goddess ere she turned her glances upon him. Latterly he has rather given the go-by to criminal practice, in which his reputation was partly achieved, for his time has been taken up by the Fair case. As the the attorney for Charles L. Fair, Mr. Knight has found ample scope for his legal and forensic talents, and the connection has proven profitable in many other directions. To-day the firm of Knight and Heggerty has one of the valuable law practices of San Francisco, and the attorneyship of the Board of Health will not prove nearly as important an acquisition as it might have some years ago.

HANDWRITING AS TESTIMONY IN CRIMINAL TRIALS DENOUNCED AS BARBAROUS AND UNSCIENTIFIC

WHILE the eyes of the civilized world are fixed upon the drama being enacted in the trial hall of the French town of Rennes, thousands of honest minded persons are deeply concerned with the monstrous fallacy of convicting accused persons upon the far fetched chirographic evidence of so called experts.

In olden times the ordeal of touch often brought the accused face to face with the grisly crime of murder. In our modern days property, honor—nay, even life—are wagered upon the battles of the theoretical specialists.

Medical jurisprudence and the modern practice of technical refinement of theory have developed a class of "recognized experts," whose services, like Sir John Hawkwood's free company, are at the beck of the highest bidder.

The Carlyle Harris and Dr. Buchanan cases, the celebrated "ptomaine" trial and many others will prove this. A wearied judge and twelve befogged jurors are often swamped under the flood of the opposing tides. It is only fair to the unfortunate in limbo to say that much evidence has been introduced and allowed in later years which should be relegated to Munchausen or the Arabian Nights.

Its Relation to the Dreyfus Case.

The honor of a family and race, the stability of the French army—even the very existence of France—are now staked upon the handwriting squabbles in the Dreyfus case, which may once more open the gates of the Temple of Janus. After conspiracy, suicides, confessions and the revelations of the secret bureau have clouded all the written evidence proposed, the thin, bare rules of theory will be admitted to prove Alfred Dreyfus either a base felon or a noble martyr.

The whole world is concerned in the outcome of such procedure. It passes in refined cruelty the Council of Ten or the Spanish Inquisition. Assuming chemical analysis, when loyally conducted, to be an exact science, medical jurisprudence has at least an honest basis for the introduction of expert testimony. But any conviction upon handwriting theories is always open to the very gravest suspicions.

A case in point—William C. Ralston, when president of the Bank of California, in San Francisco, was nettled at the apparent self-assumption of a German engraver of San Francisco. After a few hot words the engraver remarked, "Give me your private check book." He dashed off a dozen signatures in imitation of the great financier's name, with its private mark, seen for the first time.

Then the workman and millionaire sat together in a gloomy unrest till the messengers brought up the bags of coin, unhesitatingly paid out at his own bank on the forged checks.

Handing his victorious opponent $500, Mr. Ralston said, "You should not be at large!"

Every man who has an official signature which travels far and wide has his own story to tell of imitations which beggar belief. And not only men of refined technical skill but isolated persons of little practice and inferior education have received from nature the dangerous gift.

A Genius in His Art.

The "boy forger" of two seasons ago in New York city was a genius in his illicit art. Within thirty years there have been hundreds of cases where upon handwriting evidence life, honor and property have been frightfully imperilled. The Broderick will case, the Botkin murder, the Morey letter, the Montreal intercepted letter, the famous Whittaker cadet trial at West Point, and the great criminal murder issue now pending in New York city, where a label and address may or may not send a man to the electric chair, are modern instances. All these reek with fraud.

The "poisoned package" crime seems to have come to stay, and the investigation of these cases brings up many handwriting disputes, deeply interesting to the lover of the curious in jurisprudence, but, alas! pregnant with an awful meaning to the accused.

In old times chirography was an art confined to clerk and seer, to the refined few, the stout knight or bold baron signing like the Turk or Arab of to-day with his seal, or the Iberian with his "rubrica" or "firma." There are no favored upper classes to-day who monopolize the once restricted art of penmanship. Handwriting is no longer characteristic, either of class or of person.

There are in nations and social grades many schools of almost identical penmanship which are now producing thousands of contemporary, duplicated "personal equations" in the use of the pen.

Literary, banking and advertising demands, as well as the enormous increase of official and financial signatures, have brought the art of cunning fac-simile work up to a state of marvellous excellence. Valuable signatures are open to the practice of thousands. In America and Europe the schools of diplomatic, official, commercial and social penmanship have entirely obliterated individualism, save with the freak or the cuffinè dangler of high life.

Means of Judicial Error.

Evidence as to the individual execution of special forms of chirography is to-day often only a means of judicial error, false conclusion, or an aid to unmerited dishonor or the ruin of the innocent. Where, as in the Dreyfus case, the whole question of guilt or innocence hangs upon defending or attacking a particular piece of handwriting and fastening its execution upon some individual—always the accused—the situation is one to appal the fair minded thinker. As Shakespeare says, "Occasion waits on opportunity."

Strange to say, just in proportion as this class of evidence becomes intrinsically more and more worthless every day by the similar executions by thousands, so the causes célèbres seem to increase, and the prosecution grasps at these last, weak floating straws.

It is well known that in any large city where modern reproductive processes are largely followed, and in financial centres—in France, England, Germany, Russia and America—hundreds of technical people of vast practice can be easily reached who, for a social jest, a trifling bet, or mere malicious fun, will set the financier's heart quaking with new fears.

Just as the anonymous letter is the weapon of the coward in love, intrigue or slander, so the fac-simile accompaniment of simulated handwriting is always intended to rivet the chain upon the defenceless victim where a well covered crime is conceived. These cases have marvellously increased lately. The avidity with which courts seize upon anything to protect the vast amount of capital covered by negotiable paper has made successful pecuniary forgery difficult, for slap dash convictions follow.

And yet millions are wasted in each decade upon stuffed pay rolls, simulated mortgage signatures and false writings of all descriptions. In many cases the experts are absolutely useless here, but when only a personal honor or the safety of an individual is concerned, when property issues are absent, the door of conviction opens to a mere preponderance of so called expert evidence.

Clerical excellence is so general now that the skilled accountant grades far below the productive operative or the robust mechanic in wage. In all cities for a pittance reckless floating human beings can be had for a song, with special excellence for good or evil. True it is that expert handwriting testimony will yet sink to the level of mining lawsuit evidence in the old bonanza days, when at last each side of the great warring factions had bought all the oldest inhabitants of Virginia City several times, until the force of the conclusions was lost. The sweep of the forger in the Reavis cases and the Maxwell grant, and in the great Limantour and Almaden cases in California, extended more than several generations, and in some cases hundreds of years.

Much of the evidence was admitted by our highest courts! The open manufacture of Spanish and Mexican land grants flourished in early Californian days, and Cuba, Porto Rico and the Philippines will soon give us a new crop of this baleful harvest of crime. It is moral murder to take away a man's life or honor on such flimsy stuff. There is not one case in a thousand where incriminating writings can be proved beyond a reasonable doubt.

A case is on record of a bank president who swore the signature of a forged check of a large amount upon a poor cashier, but a quick witted lawyer on the defence casually obtained the president's signature, in his own hand, upon four bank checks. When, in open court, the easy witness stoutly swore to the four as his own when they were handed to him on the stand, the whole case fell through, when his own lawyers admitted that the set handed up were only hasty forgeries, neatly dashed off before witnesses by a mere casual practitioner in forgery.

There was the yawning prison door for a defenceless man, and his freedom depended only upon the trap set by wit. Shame upon such inhuman methods! It is time to call a halt upon such brutal procedure. This fungous class of buyable "experts" infests all great centres of population now, ready to sell, to either side, for gold, their evidence and rivet the links of disgrace or dishonor on fellow human beings for "the unearned increment." These human ghouls are often lower than Rahab sitting by the city gate.

The Chatterton manuscripts and the Shapiro rolls are shining examples.

There is a case now pending of the deepest interest to the lovers of justice before the highest authorities of America—one in which liberty and honor are in issue and the hitherto unspotted reputation of a brilliant life.

It is as vital an issue as that other one which confronts the prisoner in the Tombs upon whom thousands of eyes are turned to-day. In both cases the flimsy meshes of handwriting are woven around the imperilled men. No conclusion can be drawn in one of these cases till the sea gives up its dead; in the other an outrage menaces a man who is absolutely innocent. It is the outrage of the unmerited brand of the felon.

In this last instance the "expert" swore in the strongest and most solemn way that the vital signature on a certain check was absolutely written by a man who it was proved later was in London at the time, and, as the disputed check was only four days old, it was a physical impossibility that it could have in any way been transported to London.

This is an atrocious insult to the name of justice. This case is pending now, and its whole conduct smirches the ermine of the banded angel guardians—law and liberty. Particular attention may be called to this last later, when events unfold themselves, but in the meantime an innocent man languishes under a moral cloud, the victim of a technical conviction brought about by the evidence of facile underlings and jealous official rivals.

No man whose personal or official signature is worth a sou marqué is now safe against the "simulator" and his masked friend the "expert," "for sale to the highest bidder."

In a land where the government cannot prevent the fabrication en bloc of huge amounts of false bonds, token money and securities, the weathercock paid expert glibly swears away life and honor, under the rule which admits his garbled conclusions. The handwriting expert must go. Where were they when the Whittaker case ended with the negro's confession? RICHARD HENRY SAVAGE.

ADVANI VISITS AGAIN. A. A. Advani, the Hindoo, whose recent visit to this city was made unpleasant by the police, has had a similar experience in Seattle, where he masqueraded as A. Punjetalia, a millionaire land-owner from India. Information sent out from this city by Chief of Police Lees enjoined Advani's plans, and he left Seattle a few days ago for parts unknown.

DOORS OF THE STATE PENITENTIARY MAY SWING OPEN FOR "BILLY" DUNN, NOTORIOUS AS POOLSELLER AND POLITICIAN

Called "Bribe-Taker and Thief" in Open Court.

Money Paid for a Place in the Fire Department.

TOLD BY HANDWRITING

Perjury Charge Against Senator Braunhart Submitted to the Court.

THE notorious Billy Dunn has overreached himself in his effort to be revenged upon Senator Samuel Braunhart. He now not only stands exposed as a man who sold a position in the city government, but a prosecution for perjury, backed by strong documentary and oral evidence, is staring him in the face.

No wonder he fidgeted in his seat over the developments of the hearing in Police Judge Graham's court yesterday morning. Attorney McEnerney excoriated Dunn with all the vigor of his forceful vocabulary. Pointing him out with accusing finger, he called him "boodler, bribe-taker and thief." But Dunn is case-hardened to that sort of thing. He was forced to hang his head, but that was all.

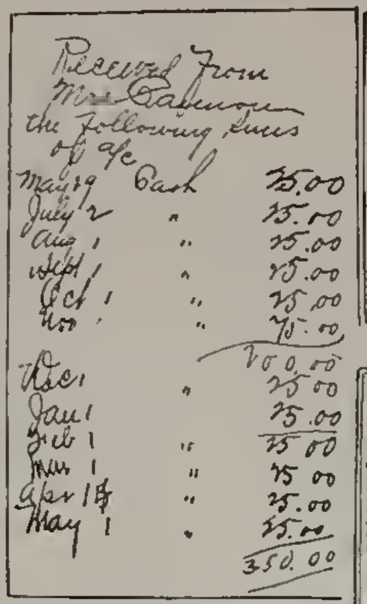
It was the documentary revelations, however, which made him bleach and twist, and evidently wish that he had not tried to revenge himself on Braunhart by bringing the flimsy accusation of perjury because in Dunn's suit against "The Examiner" the Senator testified to that which is the common knowledge of thousands, that Dunn's reputation is bad. Perhaps when he had denied his own handwriting, he saw the return charge of perjury staring him in the face and didn't like the looks of the apparition. In any event, it was apparent to all that he was far from being a happy man. Dunn's attorney scented the danger from the beginning and fought hard to keep out the damaging evidence.

"We have subpenaed two witnesses and desire to have them testify," said Attorney McEnerney as Judge Graham took his seat.

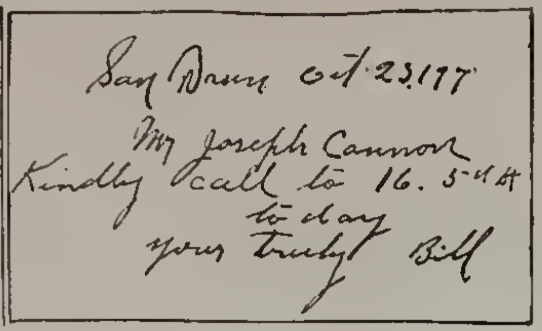
"We certainly object," replied Dunn's attorney, who was far from eager to have the facts come out. He went on to talk at length and Mr McEnerney explained as follows:

"John F. McGovern testified in this case that all these accounts of Dunn's wrongdoing came to him from Braunhart. I want to show that in one of the matters, the sale of a place in the city government, McGovern and Dunn acted as partners and confederates. This is why McGovern is lying. He is afraid of Dunn. It is a question whether thieves fall out. We want to show that the reason McGovern is testifying against Braunhart is that he is afraid of Dunn—afraid that Dunn will expose him."

Judge Graham permitted the calling of witnesses and McGovern shambled to the stand. He is one of two men relied on by Dunn to prove that he never did tell Braun-


Received from Mrs Cannon the following sums of a/c

May 29	Cash		25.00
July 2	"		25.00
Aug. 1	"		25.00
Sept. 1	"		25.00
Oct. 1	"		25.00
Nov. 1	"		75.00
			200.00
Dec. 1	"		25.00
Jan. 1	"		25.00
Feb. 1	"		25.00
Mar. 1	"		25.00
Apr. 14	"		25.00
May 1	"		25.00
			350.00


Say Dunn Oct 23/97

Mr Joseph Cannon
Kindly call to 16. 5th St
to day
yours truly Bill

lowing entries, which probably will play a very important part in the future criminal history of California:

Received from Mrs. Cannon the following sums of account:

May 20, cash	$25 00
July 2, cash	25 00
Aug. 1, cash	25 00
Sept. 1, cash	25 00
Oct. 1, cash	25 00
Nov. 1, cash	75 00
	$200 00
Dec. 1, cash	25 00
Jan. 1, cash	25 00
Feb. 1, cash	25 00
Mar. 1, cash	25 00
Apr. 14, cash	25 00
May 1, cash	25 00
	$350 00

"You say that money was not paid for a place in the Fire Department?"

"It was not."

"It was not paid on account of Senator R. Linder of Tulare, was it?"

"No, sir."

"Did you give that card to Mr Cannon?" asked McEnerney, passing up the card of "R. Linder, Tulare."

"No, sir."

"And you never talked with Dunn on this subject?"

"No, sir."

"Call Senator Dunn," said McEnerney, when he had concluded his baiting of the pitiful McGovern.

"Do you know whose handwriting that is?" asked McEnerney, handing up a note on a telegraph blank.

"It is not mine," replied Dunn.

"You are perfectly sure that is not your handwriting and that you didn't write that note?"

"I am."

The note referred to was unsigned, and read as follows:

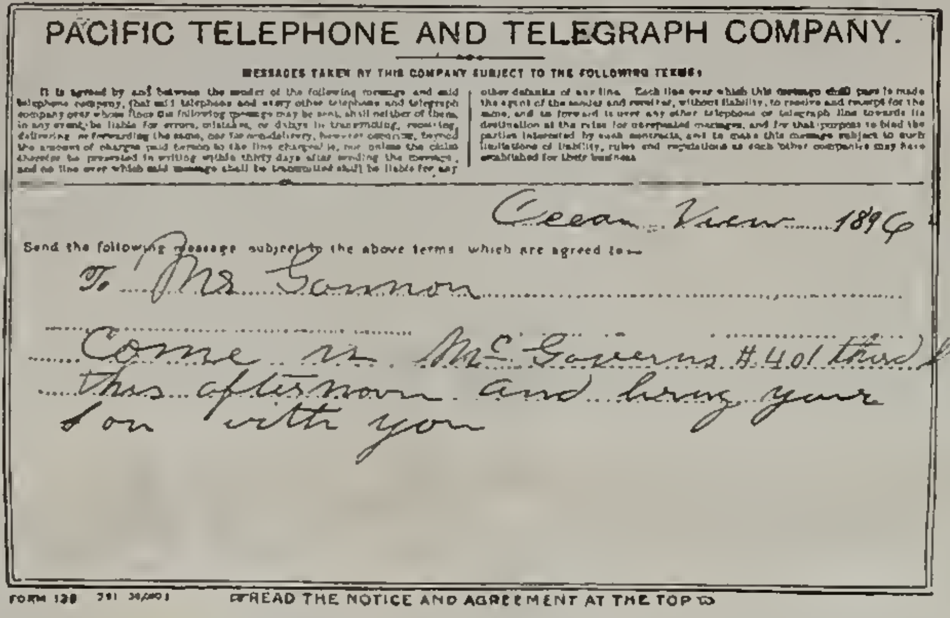
OCEAN VIEW, 1896.
To Mr. Gannon: Come in McGovern's No. 401 Third St. this afternoon and bring your son with you.

"Do you know, then, who wrote this note?" went on the insistent McEnerney, handing up another paper. "Is that your

complaint charges that Braunhart said Dunn's reputation for truth, honesty and veracity was bad, whereas the transcript of testimony shows that he confined himself to saying that Dunn's reputation for honesty was bad. "Bart Burke's testimony does not contradict, but confirms this; and so does the testimony of McGovern," declared Braunhart's lawyer, and then went on to show from the testimony that Dunn's two witnesses had entirely corroborated the defendant.

After referring to Burke's total want of candor and McGovern's pitiful shiftiness, Mr. McEnerney showed that both had admitted that they told Senator Braunhart that Dunn had the reputation of being a boodler.

"Is not that a discussion of his reputation for honesty? Has the public conscience become so degraded, and the public service so utterly demoralized, that a man who has a general reputation as a boodler and


PACIFIC TELEPHONE AND TELEGRAPH COMPANY.

MESSAGES TAKEN BY THIS COMPANY SUBJECT TO THE FOLLOWING TERMS:

It is agreed by and between the sender of the following message and said telephone company, that said telephone and every other telephone and telegraph company over whose lines the following message may be sent, shall neither of them, in any event, be liable for errors, mistakes, or delays in transmitting, receiving, delivering or forwarding the same, nor for nondelivery, however occurring, beyond the amount of charges paid thereon to the line charged; nor unless the claim therefor be presented in writing within thirty days after sending the message, and no line over which said message shall be transmitted shall be liable for any other defaults of any line. Each line over which this message shall pass is made the agent of the sender and receiver, without liability, to receive and receipt for the same, and to forward it over any other telephone or telegraph line towards its destination at the rates for unrepaid messages, and for that purpose to bind the parties interested by such contracts, and to make this message subject to such limitations of liability, rules and regulations as such other companies may have established for their business.

Ocean View 1896

Send the following message subject to the above terms which are agreed to—

To Mr Gannon

Come in McGovern's #401 third St this afternoon and bring your son with you

FORM 120   791 30/401   ☞READ THE NOTICE AND AGREEMENT AT THE TOP☜

SOME RECORDS WHICH ARE VERY APT TO TROUBLE "BILLY" DUNN.

In the Police Court yesterday the notorious poolroom-keeper was accused of having, in conjunction with John F. McGovern, sold a position in the Fire Department to Joseph Cannon for $350. He admitted that he wrote the letter signed "Bill," but denied writing the Ocean View note on the telegraph blank. Expert Theodore Kytka declares there is no possibility of doubt that both notes were written by the same person, and Dunn may be prosecuted for perjury on account of his testimony. The payments on the $350, as recorded by McGovern, are shown in a fac-simile of a page in a passbook of McGovern's grocery.

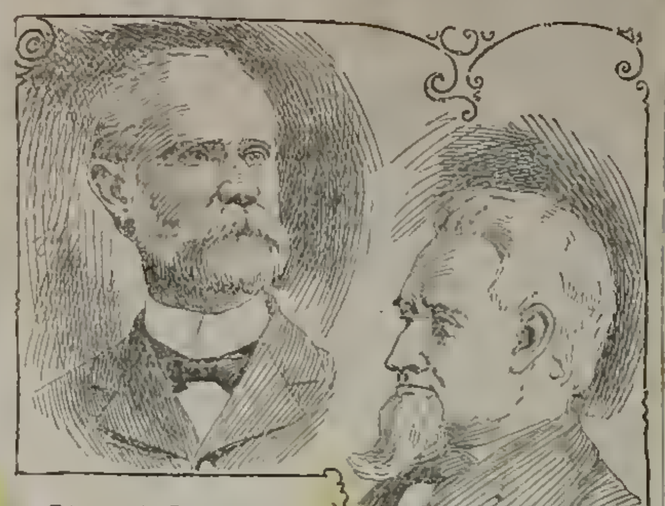
bribe-taker has a good reputation for honesty?"

Mr. McEnerney then addressed himself to the rule requiring two witnesses in cases of perjury, and said: "The Legislature knew that at some time a man who bore the reputation of a bribe-taker and a thief would put his word against that of a man of honor. This is just that case. It is brought with the temerity of a man who bears the reputation of a boodler and a bribe-taker. That reputation is testified to here by his friend Bart Burke and his friend J. F. McGovern. And that man dares come here for justice against this man who, whatever his faults, [illegible] stands before this people as a truthful citizen and an honest public servant.

"That under the testimony in the case we demand that your Honor dismiss the charge against this defendant, and dismiss it out

SAN FRANCISCO

LEADING WITNESSES IN THE FAMOUS MURDOCK NOTE CASE.


Edward I. Robinson. Thomas J. Kirkpatrick.

fair grounds he said he met William Murdock in company with Mrs. Murdock and Dr. Hicks. He remarked then to Dr. Hicks, "Why, this is the gentleman we went to the hotel to see about his $100,000 note." Robinson had shown the note to his partner, Alexander, while he had it. Alexander is now in San Francisco and will testify to-morrow.

When cross-examined, Robinson said that Mrs. Murdock gave him the note in Dr. Hicks' house, in Sacramento. He had made her acquaintance a few days before, and had had several talks about the note. She was negotiating for property, and showed him the note to attest her title to credit. Robinson could not give the faintest description of William Murdock's personal appearance, and Barnes, asking him fifty questions on the subject, made much of the witness' ignorance. The next time witness heard of the note was about five years ago, when Joe Campbell of Reddy, Campbell & Metson spoke of it to him in that law firm's office in San Francisco.

H. A. Skiff, a passenger conductor out of San Francisco on the Southern Pacific and a former employe of Gawn Murdock, testified that in May, 1890, he heard William Murdock say to plaintiff, who asked him for "some interest money," "You ought to be satisfied. You hold my note for $100,000 at 12 per cent." Skiff was taken fore and aft by the defense. He was asked if he had not stated to a half dozen persons that he would make a stake out of the Murdock case. The names and dates, with minute circumstances of these alleged conversations, were cited, but Skiff negatived every question. The defense read from depositions by three or more acquaintances of Skiff in Washington and California to the effect that Skiff had said his "price for evidence in the Murdock case was $10,000, and no less would buy him." The defense sought to prove that Skiff had negotiated with Mrs. Murdock by mail, and had finally come to California at her bidding. He will undergo further examination to-morrow.

Cam Ashurst, a brother of Mrs. Gawn Murdock, the plaintiff, and whose wife is a sister of Gawn Murdock, testified that on September 4, 1877, he paid Sam-

LAPIQUE IS HELD.

Chronicle Oct 3 1899

He Must Again Stand Trial on a Charge of Forgery.

John Lapique, accused of forgery, was held to answer yesterday by Police Judge Mogan, the bond of the prisoner being set at $2000. The specific offense for which Lapique must stand trial is the alleged forgery of Philip Maysounave's name to a note for $800 drawn in favor of Mrs. Louise Lagarde.

The note was the subject of a suit in Judge Hebbard's court, but Maysounave swore that the signature was a forgery and a decision was given in his favor. Maysounave threatened to have Lapique arrested, and the latter swore to a complaint charging Maysounave with battery. The case fell through and Lapique was arrested on a charge of forgery. During his hearing he assisted in his own defense, availing himself of the constitutional right to cross-examine witnesses. In his testimony he declared that he had purchased the disputed note for $400.

Lapique was once tried and convicted of forgery and was sentenced by Judge Belcher to twelve years imprisonment, but the Supreme Court freed the prisoner on a technicality.

…reason McGovern is testifying against Braunhart is that he is afraid of Dunn—afraid that Dunn will expose him."

Judge Graham permitted the calling of witnesses, and McGovern shambled to the stand. He is one of two men relied on by Dunn to prove that he never did tell Braunhart that Dunn's reputation was bad. He is the same McGovern who declared that when he made the affidavit for Dunn he was drunk and did not know what he was doing. He now holds a position as wharfinger under the Board of Harbor Commissioners.

"Do you know Joseph Cannon?" asked McEnerney blandly.

"Yes."

"How long have you known him?"

"About four years."

"What does he do?"

"He is a machinist."

"Where employed?"

"I have known him to be employed in the Risdon Iron Works and other machine shops about town."

"Did you ever know of his being in the Fire Department?"

"Yes."

"Is his father dead?"

"Yes. I think he died about three years ago."

"Did you have anything to do with getting Joseph Cannon in the Fire Department?"

"I did not."

"When he was in the department did you collect any money from him?"

Whew! How Dunn's attorneys pumped out the objections to this, and at first Judge Graham seemed inclined to think that the question was not proper. So McEnerney vigorously explained:

"We will show that 'Billy' Dunn and McGovern got a man of influence with the Fire Department to get them a place to fill and that they sold that place to Joseph Cannon. We will show why this man McGovern is lying on the witness stand. We will show that it is because he is afraid of Dunn. We will show that McGovern told Braunhart that Dunn was selling places in the city government. We will show that he lied when he testified that these things came from Braunhart and prove the lie by the very tongue in the witness' own mouth. He does not testify that he told Braunhart about Dunn's evil reputation. He concealed the fact that he was just as guilty as Dunn in the transaction. He is a co-conspirator with Dunn, and so his testimony is not to be believed. We will show that the information to Braunhart had to come from John F. McGovern, because Braunhart could not have obtained it in any other way."

Despite Dunn's violent objections the question was finally permitted, and repeated:

"When Joseph Cannon was in the Fire Department did you collect any money from him?"

"Well, Mr. Cannon's family were dealing with me when I was in the grocery business," repeated the witness shiftily. The Cannons lived in Ocean View. McGovern's grocery was on Third street.

"Didn't he pay you $25 a month until he paid $350 in all for his position in the Fire Department?"

"That was for money his father owed me."

"Did you pay that money, or any of it, to Dunn?"

This question made Dunn's attorney desperate. The crime of selling a place in the city government was being brought very close home. So the objections began to flow and Judge Graham took pity on Dunn and shut off the line of inquiry, though McEnerney flatly offered to prove that McGovern was lying again about the payment of that money.

"Whom did you receive that money from?"

"Sometimes his mother and sometimes he came."

"Is that your handwriting?" asked McEnerney, handing the witness a pass-book of McGovern's grocery.

"It is," admitted the witness.

On a page of that pass-book are the following:

To Mr. Gannont: Come in McGovern's No. 401 Third St. this afternoon and bring your son with you.

"Do you know, then, who wrote this note?" went on the insistent McEnerney, handing up another paper. "Is that your handwriting?"

"Yes," admitted Dunn in a low voice. "That is my handwriting."

The note which Dunn admitted he had written read as follows:

SAN FRAN., Oct. 23, '97.

Mr. Joseph Cannont: Kindly call to 16 3d St. to-day. Your truly

BILL.

"Did you write Joseph Cannon that if he did not pay you certain money he would lose his place in the Fire Department?"

"I did not."

"Did you procure from Senator Linder the place that Cannon got?"

An objection cut off this interesting inquiry, and Dunn was permitted to escape from the stand. Though most of his testimony had been a series of negations, he had placed himself in a position to be prosecuted for perjury. He swore that the Ocean View note written on the telegraph blank was not in his handwriting, but that the note signed "Bill" had been written by him.

"The Ocean View note was manifestly written by the same person who wrote the 'Bill' note," declared Theodore Kytka, the eminent expert on handwriting, after he had examined both documents. "There isn't any possibility of doubt about it. There isn't even any attempt at disguise. Writing experts would all be forced to this conclusion."

So there may be a lively time in store for Billy Dunn because of that little bit of testimony. The perjury charge probably will be transferred from Senator Braunhart to Dunn, and the notorious saloon-keeper may have a lively time to keep out of State prison, where Mr. McEnerney yesterday said he belonged.

The story of the transaction about the place in the Fire Department seems to run somewhat as follows:

In 1896 Senator R. Linder of Tulare, who had been friendly to the Fire Department management during his legislative career, desired a place in the department for a man from his county. He was told that if he would bring up a man who was qualified and would make a good fireman he could have the place, or that an effort would be made to find a place for him. After a time Linder notified the department management that he did not care about putting in the man of whom he had spoken, and he was told that if he had some other first-class man that the department authorities would be glad to give him an appointment.

At this time Joseph Cannon was a machinist in this city, and in due course his name was sent in as the one to fill the appointment promised to Senator Linder. Whatever Linder knew of the matter, Billy Dunn and John F. McGovern were to the front in looking after Cannon's interest and on May 29, 1896, Cannon was given a job as a machinist at $4 per day.

It is interesting to note that the very first entry which McGovern made in that account-book is dated May 29th. So on the day of Cannon's appointment there was paid to McGovern the sum of $25—the first payment in the total of $350. It is also certain that Dunn was very much interested with McGovern in getting Cannon appointed, and Expert Kytka is absolutely certain Dunn wrote the note telling Cannon to call on McGovern. It is expected to be susceptible of proof that Cannon paid $350 for his place in the department, where he served two years before he was dismissed, and that Dunn and McGovern shared in the money paid for the place.

In connection with the development of the case is the following note which Dunn and McGovern say they cannot identify. So far it is a sort of mysterious document floating through the case, but it may play a very important part in the evidence in case criminal proceedings are instituted against Dunn:

SAN FRANCISCO, Cal., June 15, 1897.—Mr. Joseph Cannon, city—Dear Sir: You will please call to see me at once. Important. Yours, etc.,

Now it will be noticed that the note that Dunn admits he wrote is dated October 23d: "Kindly call at 16 Third street to-day." And it will also be noticed that on November 1st there is a credit of $75 instead of the usual $25 on that account kept by McGovern "because of the money which Cannon's father owed him."

Then, again, there was that note which Mr. McEnerney hinted at, but which he did not produce, evidently holding it back for future use. He asked Dunn: "Did you write Joseph Cannon that if he did not pay you certain money he would lose his place in the Fire Department?" Now it is surmised that this note was written early in April of the year after the "Bill" note and the payment of the $75. It will be noticed that in McGovern's account-book there is a great irregularity in payments along about the first of each month until April. Then there is no payment until the 14th. To all appearances, Cannon let his monthly payment lapse until a threat that he would lose his place brought him to time with the $25.

And so, take it for all in all, a prosecution of Dunn for perjury would make a most interesting case, and it might bring out many other facts concerning brokerage and bribery.

But Dunn was not permitted to escape with nothing but this penitentiary scare. He had to listen to one of the strongest denunciations ever given to a man in the history of San Francisco. McEnerney mercilessly exposed his career of crime, and from the words of his own witnesses showed that they believed him to be a boodler and bribe-taker.

"There was a time in the history of the city that the politicians had a notion that if they didn't like a man all they had to do was to go to the Grand Jury and get an indictment against him," began the eloquent attorney. "This indictment was not to be prosecuted, but it was used to degrade the man against whom it was issued. The custom became so general, and the purpose of the indictments so widely known, that they ceased to have the desired effect.

"Billy Dunn is a survival of those bad old days," continued McEnerney, pointing his finger at Dunn, who sat gathered up in a bunch in front of his lawyer. "He thinks that as he doesn't like Senator Braunhart, he can degrade him by charging him with perjury. But those days are gone. The courts are not intended to permit men of the stamp of Billy Dunn to degrade men who tell the truth, no matter what their other faults may be.

"The charge is that Senator Braunhart testified that Dunn's reputation was bad and that Bart Burke and John F. McGovern had told him so. And this complaining witness, drunk with a petty success in the civil court, comes here to prosecute Braunhart for perjury while the testimony shows that if Dunn had his deserts he would long since have been in the penitentiary, to remain there forevermore."

Then Mr. McEnerney proceeded to show that the complaint against Senator Braunhart did not fit the facts of his testimony in the case of Dunn against Hearst. The testimony… against this man who, whatever his faults may be, stands before this people as a truthful citizen and an honest public servant.

"Still under the testimony in the case we demand that your Honor dismiss the charge against this defendant, and dismiss it out of hand. It is your duty to say out of hand that your court is not to be used as a means for working out the petty revenge and contemptible spite of a man who has the reputation of a boodler, a bribe-taker and a thief. It is your duty to say that John F. McGovern has admitted it, shifty though he may be, and that Bart Burke has admitted it, with all his trickery and want of candor. It is your duty to give warning to the Dunns and all their boodle and bribe-taking breed, that they are well off to be out of the penitentiary, and that they must not attempt to work their contemptible revenges through the medium of the courts of justice.

"Bart Burke said he believed Senator Biggy when he charged that Dunn was a boodler and that he hadn't changed his opinion since. If he believed Senator Biggy's charge he believed that Dunn was not only a bribe-taker and a boodler, but that he had progressed so far in the art that he had organized a combine for public plunder. And Your Honor must know that he told this to Braunhart.

"You are asked to hold Braunhart to answer simply because he is offensive to Dunn and all the Dunn tribe, and they think the courts are organized to permit them to wreak their petty and puny vengeance. But I don't think they can do it in this court. This is an attempt to persecute a man for private motives, but the attempted revenge will never be accomplished.

"So, I leave the case with the Court, certain that Your Honor will hold that, to impute perjury to Senator Braunhart on this testimony, is infamous. There is no foundation for the charge. It is born out of the old order, when a man thought the courts were established to work out his vengeance and vent his spite. The time has not come in San Francisco when a man can be held for perjury because he is not pleasant to every one he meets in his walks on the street. We ask Your Honor to dismiss the charge, because you must admit that Senator Braunhart's testimony was true, and because the San Francisco police court will not permit a boodler and a bribe-taker to smirch a man who may have his small faults, but who stands before the public as an honest man, his reputation invulnerable as a private citizen and with a record to be proud of as a public officer."

After Dunn's attorney had attempted a brief reply to McEnerney's argument and denunciatory Judge Graham said he would examine the records and the authorities and render his decision on Monday morning.

"BILLY" DUNN, THE NOTORIOUS POOL-SELLER.

In his argument yesterday before Judge Graham of the Police Court, in the perjury charge against Senator Braunhart, Attorney McEnerney denounced Dunn, the complaining witness, as a "boodler, bribe-taker and thief."

THE MURDOCK NOTE CASE.

Motion Made by Plaintiffs for a Change of Venue.

WILLOWS, September 23.—Hayne & Platt, attorneys for the defense in the Murdock $100,000 note case, arrived from San Francisco to-day and appeared before Judge Pirkey this afternoon with a motion for a change of venue on the grounds that it will be impossible to obtain an unprejudiced jury in this county. Judge Pirkey will not pass upon the motion until November 20th. Another motion was then made to postpone the case from November 27th to December 4th. This motion was granted.

BRAUNHART GOES FREE.

Charge of Perjury Is Dismissed by Judge Graham.

Port Warden Samuel Braunhart has been relieved of the inconvenience of having frequently to answer the summons of a Police Court. His case was called yesterday, and after a brief preface Police Judge Graham dismissed the charge of perjury and exonerated Braunhart's bondsmen. The decision recited that the evidence would not justify holding the defendant to answer before the Superior Court, and, under the circumstances, a dismissal was deemed the only proper way in which to dispose of the case.

The charge against Braunhart was made by ex-State Senator W. J. Dunn, who alleged that Braunhart had perjured himself in a libel suit brought by Dunn by testifying that he had heard Bart Burke and John F. McGovern declare Dunn's reputation to be bad.

…morrow.

Cam Ashurst, a brother of Mrs. Gawn Murdock, the plaintiff, and whose wife is a sister of Gawn Murdock, testified that on September 4, 1877, he paid Samuel Murdock about $10,000, of which about $8000 was in coin. He owed him the money and was used to borrowing from him often. Samuel and his son Gawn were partners. They kept their money buried and dug it up when he came for a loan. He swore that he also borrowed the county's money from the Assessor and Treasurer of Tehama county without interest, the Treasurer enjoining secrecy as to his illegal actions. Ashurst described a number of transactions with Samuel Murdock and said that his last business was a settlement by him when witness deeded him 160 acres of land.

Thomas J. Kirkpatrick, former preacher and former Justice, whose startling testimony was the feature of the trial, was recalled to explain that Samuel Murdock called his grandson, Stanley, "Sammie" and "grandpa." Gawn Murdock also testified to this fact. Coming testimony will show that Samuel Murdock said several times that he wanted his money to go to "Sammie."

To-morrow the plaintiff will call D. E. Alexander, a former partner of E. J. Robinson, to testify to his seeing the note in 1887. Mrs. Glover, once Mrs. Lewis, will corroborate Mrs. Murdock's story of leaving Allen's springs to be home on September 6, 1877. Others not now known may be brought in. The defense asserts that they will break down the edifice reared by the plaintiff's attorneys and paint in darkest colors the characters of plaintiff's witnesses. The experts have prepared a wonderful exhibit of signatures of William Murdock and laugh at the idea of the note being proved genuine.

ATTORNEY FINED FOR CONTEMPT.—Because of heated language during a trial before Police Judge Treadwell yesterday, Attorney Joseph F. Coffey was fined $50 for contempt of court. The trouble was due to an exchange of compliments between Coffey and Attorney Wise. The fine was afterward remitted.

COMPROMISE NOT EFFECTED.

Attorneys in the Murdock Note Contest Deny a Settlement.

Attorneys in the famous $100,000 Murdock note contest deny that a compromise has been made. They say they are preparing to argue the motion for a change of venue, which comes up on the 20th of November, for the trial, which is set for the 4th of December. It is not denied that there has been talk of a compromise, and they do not affirm that the case may not be settled out of court before the time for trial. This admission is made simply on the ground that there is always an effort at compromise in any big case and that it is always desirable if a satisfactory basis can be reached.

The first trial, which resulted in an evenly divided jury, was held in Willows during April and May of this year. Suit was brought on September 5, 1897, twenty years after the alleged execution of the note. The case was bitterly contested, the plaintiff, Mrs. Mary Helen Murdock, presenting a mass of corroborating testimony as to the circumstances of the making and the causes which led to the making of the note. The defense insisted that the signature was a forgery.

If M. Bertillon's system for the identification of criminals be as faulty as are his conclusions, chart and evidence in the Dreyfus case, burglars, murderers and other evil doers need have no fear so far as the Bertillon system of identification is concerned. Chief Lees may secure a valuable hint in this direction by carefully studying the Frenchman's testimony before he finally decides to adopt his system.

Theodore Kytka, the handwriting expert, arrived from San Francisco on the afternoon train. (Willows)

MURDOCK CASE SETTLED.

Plaintiff Receives Fifty Thousand of the Estate.

WILLOWS, October 16.—The Murdock note case will be settled in the Superior Court here this afternoon, the plaintiff, Mrs. Mary Helen Murdock, receiving $50,000 from the estate of the late William Murdock. The suit, which Mrs. Murdock brought to collect the principal and interest of a note amounting to over $100,000, was begun here last April. After six weeks' proceedings the case went to the jury. Six held that the note was a forgery and the others rendered a verdict for Mrs. Murdock. The second trial was to have begun on December 5th.

PHOTOGRAPHS ALTERED TO SUIT BERTILLON

Discovery That the Negatives Were Retouched to Conform to His Testimony.

NEW YORK, Aug. 25.—A World cable from Rennes says: The World correspondent is able to send this most important news, which is exclusive and absolutely reliable: Labori and Demange, Dreyfus' lawyers, passed this afternoon carefully studying the photographs which M. Bertillon put in evidence this morning. With them was Gershell, an expert photographer, of Paris, who found that Bertillon's photographs of the bordereau and other documents have been carefully retouched to make them conform to the mathematical rules he claims to have discovered and applied to handwriting.

As soon as Bertillon has finished his testimony Labori will put Gershell on the witness stand and demand that Bertillon's original negatives be produced. Generals Mercier, Roget and Gonse have all pledged their words that they have studied Bertillon's work and found his deductions absolutely correct.

This doctoring of the negatives will not only destroy Bertillon's testimony, but in effect and in fact is a forgery, in which several of the most important generals may be implicated.

The retouching of the photographs is said to be so cleverly done that it is almost impossible to detect it.

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J. [illegible] J. B. Reinstein Paul Wallot Walter Cook John Belcher *Turner Photo*

THE JUDGES IN THE INTERNATIONAL ARCHITECTURAL COMPETITION.

Y. APRIL 12, 1899.

JOHN PIGGOTT, WHO WEARS FINE RAIMENT AND PICKS POCKETS.

Site and Present Buildings of the University of California

Perspective View of the Prize Plans, by E. Benard

Photographed by Oscar Maurer

Facade of the Gymnasium and the Tribunes, by E. Benard

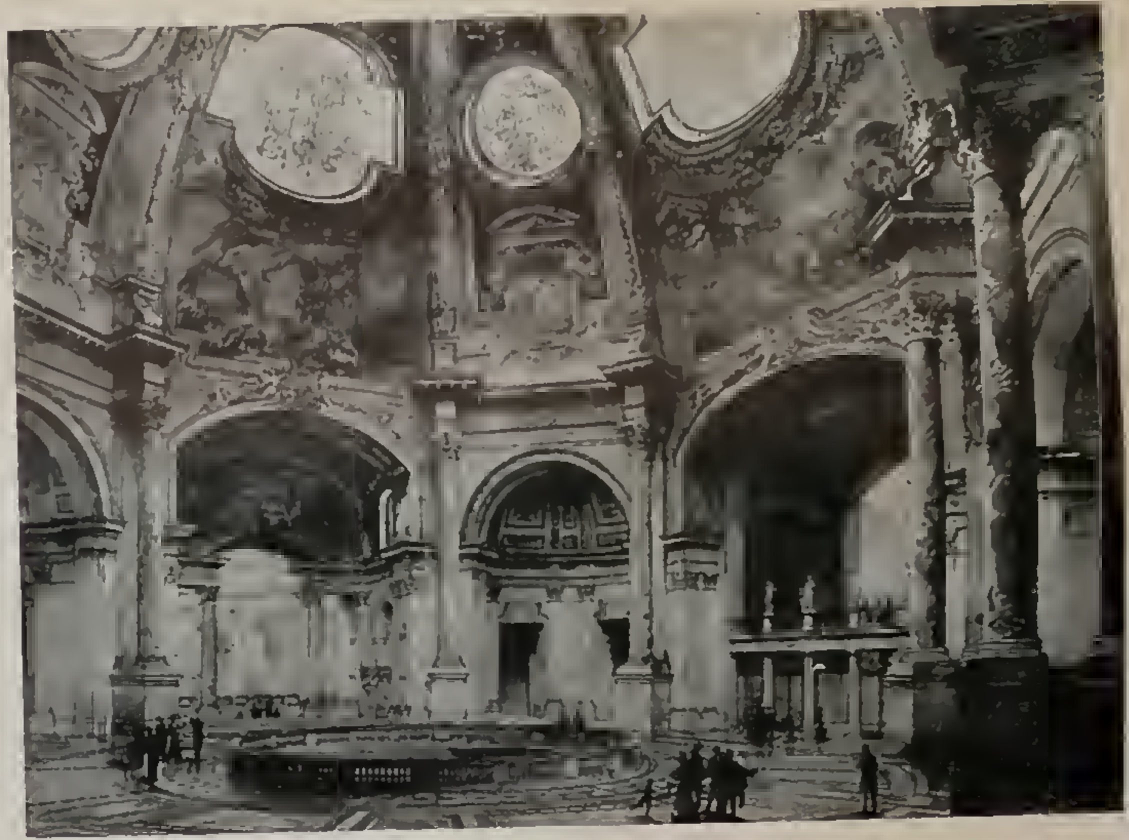
THE PRIZE PLANS.

The First Prize of $10,000 in the International Competition for the Phebe Hearst Architectural Plan for the University of California Architectural Contest was Awarded to E. Benard of Paris

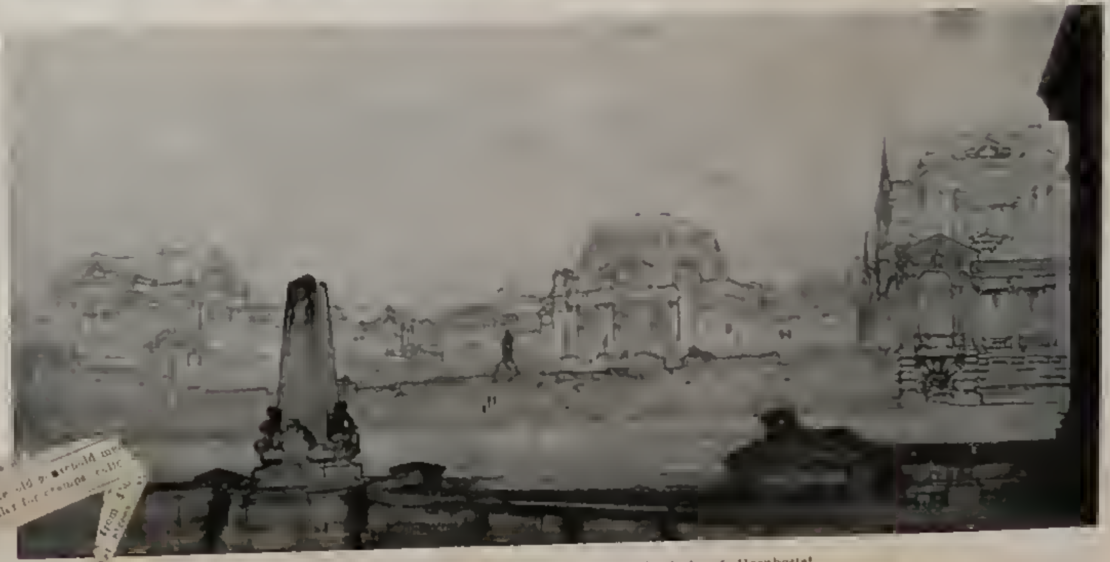
Perspective of 4th Prize Plans by Howard & Cauldwell

Perspective of 3rd Prize Plans, by E. Despradelles & Stephen Codman

Aisle of the Ferry Building where the Plans were Exhibited



Reception Hall of the Gymnasium, 1st Prize



Perspective of Library Court, 2d Prize. Howells, Stokes & Hornbostel

THE UNIVERSITY OF CALIFORNIA ARCHITECTURAL CONTEST.

The International University Concours.

By Max Junghaendel.

IN San Francisco last week was seen the end of an architectural contest in which the interest of scientific and artistic circles in both hemispheres had been aroused in an unusual degree. Architects all over the world were invited to display their talents in a great Concours for the Phoebe Hearst architectural plan of the University of California. An ample financial reward, the opportunity of realizing his plans and herewith the laurels of immortality, were the dazzling prizes to be won by the successful artist. The decision was placed in the hands of four leading architects of America, England, France and Germany.

It was as much the magnitude of this purpose to secure the plan of an ideal home for a university as the unusual generosity in its management which made this competition so far surpass any previous one. Never before were architects confronted with such a gigantic scheme or asked to deal with such a vast array of buildings and requirements.

Whatever the final outcome of this competition may be, there is no doubt that the originators, and in particular its magnanimous patroness, Mrs. Phoebe A. Hearst, are entitled to the unstinted praise and gratitude of the scientific and artistic world.

It is in fact unique that architects have been given so splendid an opportunity to show their talents in such a noble task on such a large and beautiful site. This site comprises some two hundred and fifty-five acres of land at Berkley, rising at first in a gentle and then in a bolder slope from an elevation of about two hundred feet above the sea level to one over nine hundred feet. It thus covers a range more than seven hundred feet in altitude, with a mountainous background which rises a thousand feet higher. The aspect of the site is decidedly a fine one, and its bold slope should enable the artist to group the manifold buildings in such a way that their ensemble presents itself as a grand picture to those who cross the bay. The prospect of the site, the panorama formed by the bay and city, the surrounding plains and hills, dominated by Mount Tamalpis is equally superb.

The fundamental motive of the Concours was to get, first of all, the ingenious, all-convincing "Situation Idea," a comprehensive arrangement of the buildings in accordance with the topographical formation and the aspect and prospect of the site. The natural features of the grounds, the water courses, groups of trees, etc., should be preserved as far as possible. Every building of the scientific and technical institutes, as well as of the habitation and recreation departments should present itself unobstrucedly to the eye of the casual observer. and should command a perfect view of the bay and the distant mountains. This view from every building of these groups should not be sacrificed to so-called grandeur, which has nothing to do with true monumentality. Is it not the clear view of a beautiful landscape that exercises such a beneficial and refreshing influence on the overworked mind and widens not only the terrestrial but also the spiritual horizon. As the bay becomes visible at the height of 260 feet above sea level they should not be erected at a lower elevation.

Considering the vast number of structures asked for in the programme, to conform to this condition presents a most serious problem. There are twenty-eight different groups of buildings to be arranged, mutually connected and easily accessible from without as well as from within the grounds. The library, which as the treasury of the scientific capital, forms undoubtedly the principal feature of the modern university, should be treated as such. The administration buildings are most properly located at the entrance to the grounds, so that those who have only to transact business need waste no time in reaching their destination. The chief entrance should undoubtedly be towards Berkley, easy access must be provided from the Oakland side in the axis of existing streets. The general service structures do not belong to the artistic ensemble, and are best situated in a corner of the lower ground and near the town.

After having thus cleared the problem there is seemingly no particular difficulty at reaching a solution complying with the ideal requirements before mentioned, provided that some other fundamental architectural and general principles are admitted, viz: that the unit of modern architecture is the man and not an imaginary giant or god; secondly, that the future California University has a decided university character; and, thirdly, that there is a limit in everything as regard both time and money

In the present case buildings are to be erected for the benefit of young men and women striving for a solid education and preparation for the struggle of life. The majority of them belong to well-to-do families of the middle spheres of society, where home life is still considered an essential part of this earthly happiness. Many leave humble homes bare of any architectural decoration. I fully appreciate the possibilities in an American girl or boy, but I cannot believe that these young students would feel themselves at home and preserve the equanimity so essential for a quiet, studious life, in halls and colonnades, on terraces and staircases designed in gigantesque proportions and overdone in decoration? Do you believe that they would be comfortable in auditoriums, theatres and hotels which would even excite the blase members of Parisian high life? Is it not better to have them housed in a substantial home-like way, to teach them the importance of simplicity in order to attain that best dispensation of kind fortune, independence and a well-arranged inner life?

I love my profession, as an architect should, and gladly greet every opportunity where it can show its possibilities. I am far from advocating a mean or sordid scheme of housing the university, but an architecture which shows a clear, simple, and yet original expression of the underlying idea, a decoration in which the form follows the function and an ensemble which has the appropriate character; in short, that the new university should have the character of a university and not of the Chicago Fair.

Every age has its own ideals and tastes. We laugh to-day about things which fifty years ago were regarded as great achievements. Are we not right in presuming that they will ridicule fifty years hence many a thing on which we have lavished thought, time and money. Is it not a healthy egotism to think of ourselves and our own comfort first, and let the ungrateful future take care of itself?

If anything is felt by the majority of men and institutions it is the limitation of capital. Even the multi-millionaire feels it sometimes even harder than the poor man. My own experience has taught me that the American millionaire is of a calmly calculating turn, and needs to be strongly convinced of the practicability and final success of an enterprise, especially in the scientific and artistic line before he opens his mind and purse. But from the moment he has identified himself with it he goes in with heart and soul. The Hearsts, Stanfords, Phelans prove this conclusively. But even the most lavish among them are not inclined to spend their money for *Chateaux d'Espagne*, celestial schemes which are far beyond earthly realization.

Having cleared the problem also in this direction, we are sufficiently prepared to visit the exhibition of the competitive plans for the University of California. Even an architect who has seen much and can stand a shock will surely be bewildered by this great array of artistically rendered schemes of abnormal size. The first impression reminds one of the exhibition of designs for the Grand Prix de Rome at the Ecole des Beaux—Arts in Paris. Some of the present competitors have apparently fought for this highest honor the young architect of the Paris school can attain. Several may have even won it. Nearly all the designs show the distinguished merits but also the defects of this famous school of which E. L. Pascal, the president of the university jury, is one of the leading teachers.

Of all languages the French is the most agreeable in which to talk much and say nothing; to pose and impose; to hide ideas, if there be any. Architecture is language in inorganic material and form. The modern French school architecture is undoubtedly elegant and well defined. It is pretentious and imposing, without expressing much thought which strikes us original and deep. The majority of the French school *rendus* are always superb and highly artistic. But the professional man knows that drawing is not building, and that good draughtsmanship is often bad architecture. He looks through the exterior into the inner value of a project. What do we find in the present instance, especially in the five designs which the international jury of four leading architects deemed the best solutions of the problem in question?

It is needless to criticise to-day the single plans. Four of them, the first prize included, present a broad avenue running up hills, lined on both sides with the buildings of either one or of the three principal groups as their prominent feature. Any child can see that only the buildings in front would command the beautiful prospect of the site, and that those back of them must be hidden This is a fundamental defect. Not one of the competitors has shown in the perspective drawing an ensemble of the buildings as it ought to appear from a natural standpoint. All have selected imaginary standpoints high up in the air. But we do not yet live in the era of aerodromes. The first prize project is in this regard essentially weak. It has neither head nor tail. There is neither at the beginning of the avenue a *grand entree* nor at the end a *point de vue*. The arrangement of the three principal groups of buildings is incongruous and illogical. The library is not the prominent feature it ought to be. The housing of the students in two big hotels on the the central square must be considered unfortunate. There are many other weak points in the project to enumerate which is not within the sphere of this paper.

The only project which shows that its authors had an idea of the essential requirements of the problem, is the third prize design of Messrs. Despradelles & Codman. They arranged the dormitories in a great segmental sweep, high up the hill on a steep retaining wall, so that in connection with the imposing library—a copy of the Parthenon—and the two flanking structures, they would make quite a factor in the landscape. But the colleges are unfortunately arranged one behind the other, and four of them would not come into view at all. Furthermore the authors have disregarded the limits of the site. In a smaller plan they show their arrangement within the limits, yet have to confess themselves that it becomes crowded. But as Goethe says, *the limit shows the master.*

Surveying again the entire exhibition, there is not one design which does justice to the prospect and aspect of the site, or which complies with the requirements of good, practical architecture. None of them inspires any hope of ultimate realization. It is not here the purpose to show who is responsible for this result. I came from New York to San Francisco with the intention of writing a eulogy of this great architectural event and those who participated in it. I sincerely regret that I am bound to say that instead of this I have to record another of the tragic episodes of my life in proclaiming this competition, for which Mrs. Hearst and hundreds of architects have so willingly devoted their energy, money and time, more or less of a failure.

There is an old saying: "Who strives for the best seldom gets the good." Now that the straining after the best is over, we may hope for the attainment of the good.

EDITOR'S NOTE.—ARCHITECT MAX JUNGHAENDEL IS A WELL KNOWN ARCHITECTURAL CRITIC AND AUTHOR OF SOME PUBLICATIONS ON THE ARCHITECTURE OF SPAIN AND EGPYT.

HE CAME TO SAN FRANCISCO EXPRESSLY TO CRITICIZTHE CONCOURS FOR CERTIN LEADING EUROPEAN ART JOURNALS.

PASSING OF PROFESSOR LAD, THE WELL-KNOWN POINTER

C. [illegible] lost by death last week his famous pointer Professor Lad, [illegible] by all sportsmen who have had the [illegible] remarkably well-trained [illegible] working on birds [illegible] whistle, [illegible] perfection. Mr. [illegible] which [illegible] as he cannot be replaced [illegible]

Oroville
March 15—1900

OUT OF JAIL

Mrs. Minnie Houseworth Removed to the Hospital

Mrs. Minnie Houseworth was yesterday removed from the county jail to the Infirmary on the advice of her physician and an order of the Court. She is still very ill and the doctor believed that her chances of improvement would be much better in the hospital No one was detailed to guard her and she will be in charge of the Superintendent.

NAVIGABLE IRRIGATING CANAL.

BRENTWOOD GRAZING FARM.

LOCATION, CLIMATIC CONDITIONS, GOOD FEED AND MANAGEMENT MAKE IT A PARADISE FOR HORSES.

ROW OF BOX STALLS

Who does not know this model resting place for that noble animal, the horse? Something of its kind used to be recorded in the annals of old England as the Farmers' and Breeders' enjoyable recreation grounds.

Along the Sacramento and San Joaquin rivers the time was when nobody thought of reclaiming the marsh lands, although it was known that they were rich for the raising of grasses, alfalfa and vegetables, but as time rolled on the enterprising investor ascertained that the dark alluvial soil, if protected from the overflow by substantial levees would in a very short time not only repay the outlay for improvements, but give good returns on the investment. To-day millions of acres have been reclaimed, and those who have put their money in the ventures are pleased with the result.

The Brentwood grazing farm is owned by Mr. H. Dutard, the well known grain and commission merchant of San Francisco, and the general superintendency is entrusted to Frank Nugent, a man thoroughly experienced in all the departments of the horse world and in the competent management of a property of this nature.

When the land was purchased by the owner some four years ago it only had its desirable location, and the requisites of soil and climatic conditions, but by judicious expenditure of means and careful management it has been brought into a state of cultivation and subdivided for pasturage uses which make it one of the best grazing farms on the Pacific Slope.

It is within convenient distance from San Francisco, 68 miles, and may be reached either by the Southern Pacific system to Brentwood or by the steamers of the Union Transportation Company of Stockton to Antioch. From the latter place to the farm is nine miles, from Brentwood Station, five miles.

When the Valley (Santa Fe System) Road is open for traffic, two hours ride from the city will land the visitor at the farm.

Horses may be forwarded by the Stockton steamers to Antioch where a competent attache of the farm is in waiting. They are cared for there over night in a comfortable stable, and in the morning taken to their destination.

Views of portions of the property which accompany this article, in a measure, tell the story, but there are other important features which will interest horse owners.

The area of the property which is oval shaped, is about 300 acres. It has been subdivided into sections which in turn have been laid out in box stalls for stallions, paddocks, departments for brood mares, jockey stables and other convenient buildings and enclosures to suit. The fencing, separating the various parcels of land and water, is the best to be seen in California.

In dry weather, when the feed is beginning to turn, the patches are irrigated by means of a hydraulic pump. It is situated at the north end of the farm over the levee. The supply may be regulated to suit, and the various little ditches convey the water where needed.

During the winter rains when the land is overburdened with water there is a large steam pump close up to the levee which sends the water out. There is a low circular pond which receives the surplus of water from the drains and ditches, and the pump operates from it. By this means the land is kept in proper condition the year round. In other words, when it is dry weather the hydraulic pump supplies the demand, but when the winter rains immerse the soil the steam pump exhausts the over supply.

About one-half the land is in alfalfa, the other half, exclusive of building parcels, being devoted to sections of timothy, red top and mixtures of natural grasses. At the north sections of the land the soil was originally soft and boggy, but cattle were put upon it during the dry seasons, and by regulating the water supply the rich decomposed matter was made firm and fit for cultivation. Here is where the new-comer in need of rest, crippled and footsore finds

HORSES GRAZING IN NATURAL GRASS.

relief. Natural grass and the gentle elasticity of the soil give the animal the initial coolness of foot, while a tit bit to eat fits the noble guest for pasturage in one of the other subdivisions where a suitable change of diet is supplied. I was told by an expert in these matters that this short growth, which is of a rye nature, hardens the tissues and improves the animals wind.

In the other subdivisions there are succulent grasses and alfalfa, and in the majority of them alfalfa predominates.

In the various enclosures are to be found horses of every description; the light harness, flyer, carriage, truck and down to the every day buggy horse. Due regard is observed to the separation of sexes and the family quarters. The latter is a most interesting nursery. Some of the youngsters look very promising. In company with three well-known San Francisco horse owners, Eddie Graney, Captain Harris and G. Wempe I visited this section. Eddie Graney was there to see his first born flyer, four months old. I asked Captain Harris, who was there on professional business, for his opinion of the farm and the horses in general. Said he: "While looking over the beauties and natural advantages of this ranch I am more than surprised. The perfect system in vogue here is to the practical horseman a source of great pleasure. Mr. Dutard is to be congratulated that in the superintendent, Mr. Nugent, the right man is in the right place. In looking over the colts we were all attracted by the unnamed daughter of Sallie Sensible and Figaro (Mr. Graney's). One old man, whom I afterwards learned was a Kentucky veteran of the pigskin, remarked, 'that there were many fine and blue bloods here in the nursery, but as a racing prospect he would rather own Sensible filly than all the rest.' His enumeration of the many points of her superiority showed conclusively the justification of his opinion."

EXERCISE PADDOCK AND JOCKEY BARN

But there are others who have, and have had horses and colts there, among them I noticed by the register the following: J. J. Crooks, W. Lester, G. Wempe (who has a very promising light harness colt there), Frank Carr, F. O'Kane, R. F. Gallagher, F. Gourmet, Barney Schreiber, Ed. Corrigan, Cesar Young, Eddie Graney, W. F. Stanfield, S. Hildreth, Frank Taylor, Burns & Waterhouse, W. B. Sink, Sr. and Jr., E. M. Brattain, Ned Lannigan, D. J. Lynch, George A. Pope, A. L. Hart, Atkin & Lotteridge, George Rose, Col. Dickie, James Chesley, P. Ryan, George Berry, Sam Merriweather, and others. Besides there are horses from leading livery stables, breweries, trucking concerns, wholesale and business houses.

On the farm are produced hay, corn, carrots, sorghum and other vegetables. Horses are supplied liberally when the occasion calls for it. The canal supplies the best of fresh water for man and beast, and the irrigation system for the entire farm.

To the west of the property the lands are tilled which accounts for the entire absence of mosquitos and flies.

Small steamers and schooners are enabled to reach the barns with horses or other supplies.

Diseased horses are not received under any circumstances.

Nature has provided knolls in the various enclosures, where horses may rest, and when in need of gentle exercise, there is a swimming spot in the canal for that purpose.

There is a well appointed new residence on the property where the Superintendent and his family reside, and communication by telephone may be had with the farm at any time.

D. M. Fraser.

"CAPTIVE" IN YOUNG ALFALFA FIELD.

SUBDIVISIONS AND BUILDINGS VIEWED FROM CENTER OF FARM LOOKING TOWARDS MOUNT DIABLO.

Yda Addis Storke Found Guilty of Criminal Libel

Jury Returns a Verdict that Brands Her Author of Anonymous Letters Upon Which Indictment of Grand Jury Was Based.

Guilty is the verdict returned at 9:25 last night by the jury in the Yda Addis Storke criminal libel case. The jury was out five hours and twenty-five minutes, but long before they announced readiness to report they had virtually reached an agreement and held back the announcement only because they did not want to make it before the crowd that remained in the court room till the early hours of the evening, wishing to spare the accused woman as much as possible.

That the verdict meets the almost general approval of all who heard it last night was apparent. There was a look of relief on many faces when the announcement was made, as if they felt that a just punishment would now be meted to the person guilty of one of the most atrocious of crimes.

There were six ballots taken by the jury, which stood from the first eleven for conviction and one for acquittal.

When the verdict was being read Mrs. Storke leaned on the table at which she has sat during the trial and gazed with a fixed stare at the jury, but made no outward movement to betray her feelings.

Attorney Currier for Mrs. Storke announced that he will make a motion for a new trial, the court giving until 10 o'clock this morning to hear the motion and to pronounce sentence. The maximum sentence for the crime of criminal libel is one year in the county jail.

There was a larger crowd than ever in attendance at the Yda Addis Storke trial yesterday, the last day of the notorious libel suit. From early morning till the arguments of the attorneys were concluded and the jury had received its instructions from Judge Oster and retired, at precisely 4 o'clock, the court room was full to overflowing.

Seldom if ever has any case tried in the local court excited as much interest as has this, and but few have been fought as bitterly. When the trial began, Monday, May 29, it was expected that it would occupy at the most four or five days, but instead twenty full days have been spent in the hearing and columns upon columns of testimony has been introduced that at the beginning would have been thought to have little bearing on the case.

Yesterday Senator Bayre spoke an hour and thirty-five minutes, making four hours occupied by him in the two days in presenting his argument. District Attorney Squier then replied for the prosecution, his speech continuing until near 3:30 o'clock, when the instructions to the jury were read and the case was given to the jury.

When the jury had retired, instead of the court room being vacated by the spectators, they lingered, expecting or hoping that an agreement would soon be reached and a verdict announced. But in this they were disappointed, for the hours passed and the jury failed to return. Many anxious glances were cast at the clock, and with the passing of each minute after 4:30 speculation as to the probable verdict grew more animated. At first the majority of spectators seemed of the opinion that a conviction would be the result and that it would be but the work of a few minutes of the jury to come to such a conclusion, but as the time passed this opinion gave place to a feeling that there would be a disagreement, and the crowd began to dwindle.

As if for entertainment of the spectators, a few minutes after the conclusion of the libel trial, Mrs. Storke threw off the role of prisoner before the bar of justice and assumed that of attorney. The case of Storke against Storke in which C. A. Storke is cited to show cause why he should not be held for contempt in not obeying an alleged order of the court to pay Yda Addis Storke alimony, was called before Judge Oster, Mrs. Storke appearing as her own attorney in the case. Mr. Thomas acted as attorney for Mr. Storke. The case was heard and taken under advisement.

At 6 o'clock the jury had failed of any agreement and were taken out to dinner in charge of Sheriff Stewart. Again they were locked up and the balloting upon a verdict recommenced.

One of the twelve jurymen stood out for acquittal until after 9 o'clock when he gave in to the majority.

Because of Mrs. Storke's known reputation as a desperate woman, a special officer was detailed last night to watch the house in Figueroa street in which she has lived during the progress of the trial. It was feared that she might attempt to escape from the house in some one of the many disguises she is known to have assumed when out on her self-styled detective scoutings and do some mischief to persons she considers her enemies.

able local celebrity on account of the prominence of the parties. The plaintiff is the widow of Joseph A. Kenney, and the defendants are the executors of his will, joined with certain of his heirs at law. Judgment in the lower court went for the plaintiff.

The evidence presented no important conflict. Each of the Kenneys owned considerable property, both real and personal. Having no children, they entered into an agreement in writing to execute deeds each to the other, conveying absolutely, in fee simple, all of their respective estates situated in Santa Barbara county. These deeds were deposited in escrow with the cashier of the First National bank of Santa Barbara, and were to be delivered to the survivor in the event of the death of either party. Joseph Kenney died, whereupon the widow demanded that the deed of his property be delivered to her or be recorded. Her demand was refused. The question was, did the title to the property wherein the plaintiff was named as grantee pass to her by reason of the husband's death? The decision is that this was a direct grant, but no deed whatever. The next question arising is was the delivery by the husband to the cashier sufficient to pass title to the wife? The supreme court says that no title passed because the grantor reserved the right to recall his deed upon the happening of a certain event, namely the death of the wife, and such reservation was fatal to a valid delivery.

A VINDICATION FOR BRAUNHART

Police Judge Graham Dismissed the Charge of Perjury.

E.... —Sept 26

DUNN BALKED OF REVENGE

Realized the Hopelessness of His Case and Was Not in the Finish.

"In the matter of Samuel Braunhart, the court finds that the evidence is insufficient, and the case is dismissed."

So decided Police Judge Graham yesterday morning, and in those brief words put an end to the despicable attempt of notorious "Billy" Dunn to smirch the good name of Senator Braunhart. There was a murmur of approval in the courtroom, and after Senator Braunhart and Daniel McElnerney, his attorney, had bowed their thanks to the court, many men pressed forward to grasp the Senator's hand and congratulate him on his vindication.

"It is a complete vindication and the best possible answer to the charge against me, and that seems to be all there is to say about it," said the Senator when asked if he desired to make any statement in the matter.

As for "Billy" Dunn, he had stuck out of sight, if he had been near the court at all. He was not even represented by an attorney. Evidently he knew that his effort for revenge had been abortive, and that all he could expect from the case was a prosecution for perjury because of his testimony regarding the sale of a place in the San Francisco Fire Department. Senator Braunhart has not yet made up his mind whether he will press that charge and cause Dunn's arrest. The evidence in the matter is accumulating, however, and the law officers may be forced to take cognizance of it and bring Dunn up for a vigorous prosecution.

The charge on which Senator Braunhart was so triumphantly acquitted grew out of his testimony in the case which Dunn sued "The Examiner" for damages for calling him a time-keeper at a prizefight. "The Examiner" had exposed him at Sacramento when Senator Bliss openly charged him with getting up a boodle combine, but he did not seem to think this had damaged him. "The Examiner" had told about him when he was arrested as a jury briber in the Curtis murder case. But this did not move him to sue for damages. His interest in and management of a notorious poolroom was duly exposed. Still, he was not hurt. But when, by a mistake, he was charged with being a timekeeper, he felt dreadfully injured, and so brought suit for $25,000 for damages to his feelings and reputation. The jury valued his damages in a nominal sum.

In that suit Senator Braunhart swore that Dunn's reputation for honesty in this community was bad, and when asked who had discussed that reputation with him, he gave, among others, the names of Hart Burke and John P. McGovern. Dunn had been in the Senate with Hart Burke, and had been a partner with McGovern in selling that place in the city government. So he went to these men, knowing they would have a fellow feeling for him, and got them to make affidavits that they never had discussed Dunn's reputation with Braunhart. Then Dunn had the Senator arrested on a charge of perjury, thinking this would be a fine revenge.

When it came to the witness stand, Burke shifted and wriggled so much that it was entirely apparent that he had talked to Braunhart about Dunn, and he was forced to admit that he believed Senator Bliss's charge that Dunn was in a boodling combine. As for McGovern, he admitted he had criticised Dunn's legislative record in the presence of Braunhart, and that he had also told the Senator that Dunn got him drunk when he made that affidavit. Then came the documentary evidence that Dunn and McGovern had been partners in the sale of that Fire Department position.

And this flimsily evasive testimony was all that Dunn had to offer. As a consequence Judge Graham kicked him out of court and completely vindicated Senator Braunhart.

A MARVEL OF PHOTOGRAPHY.

Oakland — Sept 11 - 19

A camera with a range of from three to ten miles, such as has been made for Charles L. Fair of this city, has a wide variety of useful attributes. Mr. Fair was after an instrument which would enable him to get what no photographer ever got before—an adequate likeness of the Yosemite as viewed from one of the high points of observation. He seems to have succeeded in this, and we do not doubt that the pictures he will make and which others will make by like agencies are going to mark a tremendous advance in landscape photography. But they will do something more.

As an adjunct of coast surveying the giant camera will show its value, for with it a vessel on a clear day could follow the windings of an ocean shore, miles distant it may be, and make a continuous picture of all the topographical details. The Fair camera even catches the flies on a far-off window; it will pick out the buttons on a soldier's uniform while out of rifle range from the soldier himself. In taking a coast line it would develop every stretch and bowlder, to say nothing of ravines and exposed reefs and coves.

For military purposes the new camera must prove invaluable. Safely hidden almost out of range, almost every essential detail of the enemy's fortress or intrenchments, every disposition and movement of his troops, every mounted gun would be revealed to it. It would not be necessary to send out spies to report unless the weather were too thick for photographic purposes, for the camera, mounted on an elevation miles away, must see everything that goes on in the open and report it accurately.

And the device is so simple. But that of itself makes it kindred to all the great and useful inventions of the time.

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The Official County Paper

A WHOLESOME SENTENCE.

Judge Oster fittingly closed the trial of Yda Addis Storke yesterday, when he sentenced the defendant to imprisonment for the maximum term provided by the law. He expresses the regret of the community when he said he was sorry the penalty was not greater, for a year in the county jail was not sufficient punishment for the crime committed.

But the sentence will be welcomed with feelings of relief by the people of the county. They know that a dangerous and desperate woman is where she can do no harm for a few months at least. The county is to be congratulated upon the result of the trial, and congratulations from the county are due those who conducted the case so successfully. District Attorney Squier made a state record by the manner in which he handled the prosecution.

Much credit, too, should be given one whose good work has possibly been partially overlooked in the excitement of succeeding events, but who, by his scientific and painstaking analysis of the writings involved did much to strengthen the case against Mrs. Storke. It is Theodore Kytka to whom reference is made. Mr. Kytka is an ideal witness. He was on the stand longer than any one handwriting expert in any other single trial in the United States. He underwent a severe cross-examination for four days. But not a flaw could be found in the mass of convincing testimony presented by him; so admirably was his evidence presented, that it was only strengthened by the attacks upon it. Kytka impressed all who heard him as fully qualified as an expert, and conscientious and truthful as a witness.

FOUND GUILTY OF FORGERY

San Jose Attorney Who Put Up Bogus Mortgages.

SAN JOSE, October 13.—S. H. Terrill, attorney, who is charged with securing numerous sums of money under false pretenses and by means of forged mortgages, was convicted of forgery to-day on his second trial. On the first trial a few weeks ago upon a Grand Jury indictment for embezzlement the jury failed to agree. By means of his knowledge of the law the attorney had managed matters so cleverly that the embezzlement charge would not hold.

The trial this week was for forgery upon another count, Richard J. Hanks of New Almaden being the complainant. A fictitious name, Leon McAtee, was forged to a bogus mortgage upon four lots and $750 was obtained upon it. The trial was a very short one, the defense presenting no testimony. The jury was out but a short time to-day before it brought in the verdict of guilty.

There are still four other indictments pending against Terrill upon which he will be tried. Other information may be presented, and now that a conviction has been obtained there is a possibility that the young man may go to jail for a long term of years.

TWO WILLS IN CONTEST.

Alleged Forgery of the Second Gregory Document.

AN ADOPTED CHILD'S SHARE IN THE CASE.

W. C. RIPPEY SAID JAMES G. FAIR JUNIOR WAS HER FATHER.

Rippey Accused of Forging Mrs. Gregory's Name in Favor of Mrs. Martha Munson.

The contest over the estate of Mrs. Catherine E. Gregory will begin next week before Judge Troutt in Department 10. Two wills are involved, and the charge that the second one was forged is to be entered into. Though the amount involved is not large, less than $20,000, a number of peculiar features render the case of more than usual interest.

Mrs. Gregory lived at 905 Bush street. She is the widow of Charles Gregory, well known in the old days as a faro dealer at Virginia, Nev. After his death, about 1890, Mrs. Gregory adopted a girl baby 5 days old, which had been left by unknown persons at the San Francisco Foundling Hospital. This child was named by her Charlotta B. Gregory.

Among Mrs. Gregory's intimate friends were W. C. Rippey, the old man who achieved notoriety by shooting John W. Mackay on February 24, 1893, and Mrs. Martha Munson. Mrs. Munson is the widow of John Munson. Mrs. Gregory loaned money to Rippey after he was released from jail, which was in 1894, and also provided a house for Mrs. Munson at her house. Rippey told Mrs. Gregory that the child she had adopted was the daughter of James G. Fair Jr., and said he could secure evidence sufficient to force Fair to give money for her support. Rippey said the child's mother, soon after the birth of the child, committed suicide at Carson, Nev. Through this story Rippey is said to have obtained money from Fair, and when Rippey died, at 428 Natoma street, on January 15, 1896, $80 was found under his pillow, which was said to be a loan from Fair. No proof, however, was ever forthcoming from Rippey as to the child's parentage. The only fact that seemed to substantiate his claim was that the child, when left at the hospital, was richly clothed and had been left under circumstances of strict secrecy.

Mrs. Gregory died on August 16, 1898, without learning anything further concerning the pretty little girl. Three days later two wills were filed, each purporting to be her last. One was dated March 22, 1892, and the other December 10, 1895. The first said:

I give to my little adopted daughter, whom I have named Charlotta B. Gregory, one-half of all my property, both real and personal, and I hereby appoint Robert Ash, Esq., her guardian, to give bonds as such.

If any man or woman should come and claim possession of said child after my death they must take her as penniless as I did, and the above bequest to her shall go to the Catholic Orphan Asylum to Virginia, Nev.

The balance of my property, both real and personal, I give to Robert Ash, Esq., excepting a few private legacies. I hereby appoint Robert Ash, Esq., to be executor of this, my last will and testament, without bonds.

The second will bequeaths all the property to the child, in consideration of love and affection, "to have and to hold said property as if purchased during her lifetime." The will continues:

I further stipulate as a good and motherly woman for my child I appoint Mrs. Martha Munson, widow of the late John Munson, as guardian over my child, in whom I have the most implicit confidence, the income of said property to be applied to the support of both child and guardian, and that without bonds."

The witnesses to the first will were Mrs. S. E. Wellington of 810 Turk street and M. Melzgil of 20 Ellis street. The witnesses to the second were J. Schnikin and A. Bowen.

On August 26, 1898, Attorney Ash filed a contest to the second will, alleging that it was a forgery by W. C. Rippey. The suit is now over this matter. The demand has been made for a jury trial and a long contest is expected. Lloyd & Wood appear for Ash and Mrs. Clark & Foltz for Mrs. Munson, while Adams & Adams appear for the child. Charlotta Gregory. She contests the will of 1892, and acts with Mrs. Munson in upholding the later instrument.

Ash charges in his complaint that if the will is not an absolute forgery by Rippey, the signature of Mrs. Gregory was obtained while she was under the influence of liquor administered by Rippey and Mrs. Munson. He alleges that Mrs. Gregory was addicted to liquor.

The will of 1895 is written with an aniline lead pencil, except one or two lines added with an ordinary lead pencil. Ash said yesterday that he could easily prove that it was Rippey's handwriting, and that as Rippey had previously forged Mrs. Gregory's name the trick would not be a novel one for him to perform. [illegible]

ADVANI THE SWINDLER.

Bogus Hindoo Prince Who Has Gone to Portland.

THE ACCOMPANYING picture is a reproduction of the photograph of Advani, the Indian swindler who was detained and investigated by the San Francisco Police Department, as he has been by the police of other places. It was taken by Theodore Kytka for Chief Lees. This self-styled "Hindoo Prince" is presumably on his way to Portland, but wherever he may go these pictures will greet him. Against his claims of Eastern royalty Advani's hands are severed and look as if at some time he had done some hard work. The story of the long scar across his forehead, presumably from a saber, he will not tell. However, he thought out just before he departed a new way to account for his continued trouble. He says that he had a servant who is his double in appearance and that the fellow is using his name and doing all the unlawful things that are attributed to himself. When questioned as to the identity or whereabouts of this bad man Advani stated that he was at present in India. He bemoans his lack of knowledge of American customs, and says that his faithless valet is making his life a burden. No answer has yet been received from the cable for money sent to India through Landlord Gallagher of the Langham Hotel, where Advani made his headquarters after leaving the Grand.

MURDOCK NOTE CASE SETTLED

Compromise Reached by the Litigants and the Money Paid.

FORTUNE FOR THE PLAINTIFF

Ninety Thousand Dollars Said to Have Been the Sum Which She Received.

The famous Murdock note case of Glenn county was compromised yesterday by the executors of the estate and Mrs. Mary H. Murdock, the holder of the note which was drawn in her favor twenty years ago by William Murdock, now deceased, for $100,000. Yesterday's compromise ends all litigation and leaves Mrs. Murdock a fortune of about $90,000 in gold. H. H. Burton, one of the executors of the estate, and Mrs. Murdock arrived in this city some days ago and yesterday reached a settlement in the office of one of the attorneys in the case.

The suit which Mrs. Murdock brought to collect the principal and interest of the big note was begun last April at Willows. Hundreds of people attended, handwriting experts testified, and between $30,000 and $40,000 was spent in counsel fees. After a month's proceedings the case went to the jurors, who were evenly divided in their opinions, six holding that the note was a forgery and the others rendering a verdict for Mrs. Murdock. A new trial was set for December 6th and depositions were already being taken when the compromise was effected. It is said upon good authority that the executors proposed a settlement and that the plaintiff accepted the sum mentioned. The costs of retaining a dozen lawyers, it is believed, had much to do with bringing the litigants to an understanding in private.

William Murdock, it was claimed, was the custodian of money belonging to his cousin, Samuel Murdock, twenty years ago. The note was alleged to be a settlement made between the two, drawn in favor of the wife of Samuel Murdock's son, G. Murdock. Samuel Murdock died some years ago and the litigation followed upon the maturity of the note.

MRS. CRAVEN IS ACCUSED.

Her Marriage Contract Alleged to Be a Forgery.

CHARLES L. FAIR ALSO CHARGES CONSPIRACY.

SAYS SHE AND OTHERS ENTERED INTO A DISHONEST SCHEME.

The Object, He Declares, Was to Secure by False Evidence a Part of His Father's Large Estate.

The amended answer of Charles L. Fair to the petition of Mrs. Nettie R. Craven, who asked for an allowance of $5000 a month out of James G. Fair's estate, was filed yesterday. It says:

"After the death of James G. Fair, Nettie R. Craven with other persons whose true names are unknown, combined and conspired a fraudulent scheme and conspiracy for the purpose of procuring for themselves a part of the estate of Fair by means of forged documents and false evidence, and to falsely and fraudulently assert and claim that Nettie R. Craven and James G. Fair were married and that they made and signed a marriage contract."

This alleged contract is set forth as follows:

SAN FRANCISCO, Cal., May 21, 1892.
I take Nettie R. Craven to be my lawful wife. JAMES G. FAIR.
I take for my lawful husband James G. Fair. NETTIE R. CRAVEN.

The answer states that Mrs. Craven prepared and uttered this "false, forged and pretended declaration;" that she and Fair were never married; that Fair never signed this alleged contract, and that his name thereon was forged.

It is also said in the answer that Mrs. Craven is estopped by the partial decree of distribution made in 1897 from asserting herself to be the wife or an heir at law of Fair and from claiming an allowance or a portion of his estate on that account. This decree of distribution declared that Charles L. Fair, Theresa A. Oelrichs and Virginia Fair were the only heirs at law of James G. Fair. The answer says that Mrs. Craven and Attorney D. M. Delmas, who then represented her, had notice of the filing of the petition for the decree of distribution, that Delmas appeared in court and opposed it because it applied to the two pieces of San Francisco property which Mrs. Craven claimed under deeds that she alleged Fair gave her; that the attorneys for the children then consented that the decree should not apply to these two pieces of property and they were not included in the distribution; and that Delmas when his objection was thus overcome withdrew all opposition to the distribution. In Mrs. Craven's recent petition to have this decree set aside she stated that she did not know about the filing of the petition for distribution of the real estate or the action taken on it by the Court in 1897 until a few weeks ago. Judge Troutt lately denied her petition to set aside the decree, as the time in which the decree could be revoked or changed had expired long ago. In the answer filed yesterday the point is made that it is now too late for her to have the list of heirs as set forth in the decree changed.

CHRONICLE, SUNDAY, OCTOBER 15, 1899.

FIGHT KEPT UP BY MRS. CRAVEN.

HER LAWYERS ANSWER THE FAIR CHILDREN.

THEY CLAIM THAT PROCEEDINGS AGAINST HER ARE VOID.

Allege That in Depriving Her of a Widow's Rights the United States Constitution Was Violated.

An amended answer to the petition of Mrs. Nettie R. Craven for an allowance of $5000 per month as the widow of James G. Fair was filed yesterday by Lloyd & Wood and Bishop & Wheeler, attorneys for Mrs. Theresa A. Oelrichs and Mrs. Virginia Vanderbilt, Fair's daughters. It is similar to that filed by Knight & Heggerty, attorneys for Charles L. Fair, a few days ago, and it charges Mrs. Craven with forging the marriage contract under which she claims to be the widow of James G. Fair.

Mrs. Craven's attorneys yesterday filed a demurrer to the answers of the Fair children to her petition for an allowance. It says: "The said Nettie R. Craven Fair, as such widow of said deceased, became and was upon the death of said James G. Fair, thereafter continued to be, and now is entitled under the statutes of said State of California to a reasonable provision for her support, to be allowed to her out of said estate by said Superior Court or a Judge thereof, and to such reasonable allowance out of said estate as may be necessary for her maintenance during the progress of the settlement of said estate."

The demurrer alleges that in connection with the decree of distribution to the children the Court so construed the California statutes as to deprive her of her rights as Fair's widow without due process of law, and to deny her the equal protection of the laws, contrary to and in violation of section 1 of article 14 of the amendments to the United States Constitution. Her attorneys also allege in the demurrer that sections 1658, 1659, 1660 and 1661 of the Code of Civil Procedure, under which the proceedings against her that she desires to have set aside were taken, are unconstitutional and void and in violation of the section of the United States Constitution above mentioned. Concerning the explicit charge that the marriage contract was manufactured fraudulently no response is made in the document filed by Mrs. Craven's lawyers yesterday. The question as to the alleged violation of the United States Constitution in the proceedings by which Mrs. Craven has been estopped from now setting up a claim as Fair's widow, as the attorneys for the Fair children assert, may afford a ground for taking the litigation into the Federal courts and protracting it for years.

THE "HINDOO PRINCE" GOES TO PORTLAND.

Noted Swindler Driven Out of San Francisco Through the Efforts of the Local Police.

A. A. Advani, the notorious swindler who has been traveling through the country and victimizing many people by his pretensions of being a Hindoo Prince, quietly left this city Friday night for Portland, Or. Advani obtained [illegible] from the Nevada Bank upon a fictitious check for [illegible]. The bank required the clerk who advanced the money to make the sum good, and then, not having lost anything by the swindle, refused to assist the police in prosecuting Advani. The Hindoo settled his bill at the Grand Hotel and went to the Langham. He induced Landlord Gallagher to cable to India in his behalf for money. No reply was received and he pawned his clothing, all of his jewelry having been already pledged, raising thereby [illegible], with which he left the city.

All of Advani's checkbooks, blank drafts and other aids to his swindling operations are still in the custody of Chief Lees, who has notified the Portland police of Advani's intention to visit the northern city. It is believed that the dusky "Prince" will find his future plans checkmated, no matter where he may go, as his description and photograph are by this time in the hands of the leading police officials all over the Coast.

FORGERY CHARGED IN MILLS CASE.

DEAD MAN'S SIGNATURE ALLEGED TO BE BOGUS.

GENUINE WRITING ALSO SAID TO HAVE BEEN TAMPERED WITH.

All the Testimony Now In, and the Case Will Probably Go to the Jury Monday Night.

Special Dispatch to the "Chronicle."

REDWOOD CITY, October 13.—George C. Hickox, a former cashier and now treasurer of the Northern Pacific Railroad Company, testified this morning as to the signature and writing appearing in the declarations made by Robert Mills in two different books. He was of the opinion that the writing in the small blue book was genuine and that that in the sheep-covered book was not. He explained his reason for this by stating that Mills made peculiar Rs, Bs and Ts, and this characteristic did not appear in the sheep-covered book. On cross-examination he admitted that he might be mistaken.

Expert Max Gumpel of San Francisco gave similar testimony. He was firm in his opinion that the signature in the sheep-covered book was not genuine. The witness was shown several checks bearing the signature of Mills. He then caused a surprise by stating that the "t" in Robert had been tampered with in order that it might conform to the signature in the sheep-covered book. On cross-examination he was asked if he did not testify in the celebrated Sharon case, and if he did not change his opinion during the trial. The witness became snappish and replied "Never," and, with a show of vanity, remarked that the case was decided the way he testified.

L. P. Behrens, cashier of the San Mateo County Bank, also gave expert testimony. This closed the rebuttal testimony for the plaintiffs.

The defense put on several witnesses from San Francisco to sustain the good reputation of their star witness, whose integrity was attacked yesterday. Mrs. Mills was also recalled, but the line of questioning was not permitted by the Court, and this ended the celebrated case so far as the testimony is concerned.

There are eight attorneys in the case to hear from. There was some talk of night sessions, but no conclusion could be reached. At 2 o'clock this afternoon Ed F. Fitzpatrick began the opening argument for the plaintiffs. To-morrow morning Attorney Richards will speak for the defense. The case will not reach the jury before Monday evening.

Sensational charges are whispered about by the knowing ones against a certain individual here. They are made very covertly at present, but should they be true there will be a great shaking up in a certain quarter presently, and much political business will be exposed.

The latest sensational report is that the "ring" has set itself to work to impeach our Superior Judge. Petitions are being circulated, I am told, and meetings are being held looking to that end. Think of it, voter, with one fell swoop the man you elected against a combination of outside lawyers, inside churches and a hoard of gold, is to be pitched out of office. On what ground is not apparent. It is presumed, however, that the reason will be that he had the hardihood to beat the idol of the (un)Godly sect who wish to run the politics of the county. Wonder if that gang know that no other power save the Legislature can impeach a Superior Judge for grounds, and that it will require two years of anxious waiting before that body meets again? Wonder again, that if such a thing did happen and Governor Gage should appoint Frank Freeman to fill the vacancy, which would likely be the case, how they would like the change?

The ready-made affidavits in the Murdock note case which have been spoken of before are a revelation. Every man who signed that document is a Moody partisan and Frank Moody has the bad grace to head the list. Firl

WILL SAID TO BE A FORGERY

Prominent Chico People Indicted by Grand Jury.

FORMER MAYOR AND A WOMAN ACCUSED.

ALLEGED SCHEME TO SECURE THE ESTATE OF A DEAD MISER.

Large Sums of Money Said to Have Been Offered for Witnesses to the Bogus Document.

Special Dispatch to the "Chronicle."

CHICO, October 25.—This community was thrown into a state of great excitement to-night by the arrest of two prominent and well-known citizens. To-day the Grand Jury, which has been in session seven days this month, returned indictments for perjury and forgery against Dr. J. Ellis Rodley, John M. Garner and Mrs. Minnie Houseworth, and this evening Sheriff Wilson arrested Dr. Rodley at his office and Deputy Sheriff Coe arrested Garner at his ranch, a few miles out of town.

Two years ago Alfred Fuller died here, leaving an estate worth about $50,000, of which there is $33,000 cash. Fuller was a miser and never married, but left relatives in Missouri and Illinois. A year after his death a will was presented for probate purporting to be a holographic will written and signed by Fuller and witnessed by Rodley and Garner. This will was received from the Postoffice by H. Carmack, and by its terms $1000 was left to Fuller's heirs and all of the rest to Mrs. Housworth. Carmack delivered it to Mrs. Housworth. Upon the will being probated Mrs. Housworth said she received the will from Carmack, who demanded $2000 for it. This Carmack denied.

Rodley testified that Fuller came to his office with the will and asked him to sign it as a witness, and that he was about to go out for another witness when Garner came in and Fuller asked him to sign. They did not see Fuller sign the will, but he said he did, whereupon they signed as witnesses, he acknowledging it to them to be his signature. The document was admitted to probate as Fuller's will.

This created a great stir in the community, as Mrs. Housworth was in no wise related to Fuller, nor had it ever been known she was friendly with him. She had been hunting for such a will for several months, claiming she was told that it was in existence. This occasioned the investigation by the Grand Jury. Carmack, who is a most respectable man, was alarmed, fearing it would be thought he had done some wrong, and he courted the most rigid examination of what he had done in the delivery of the will, which he received through the Postoffice, no letter accompanying it.

J. R. Swearingen, a prominent farmer here, testified before the Grand Jury that Mrs. Housworth offered him $5000 if he would act as a witness to such a will, which was after Fuller's death.

R. T. Batchelder, County Clerk, testified that he was offered $3000 by Dr. Rodley if he would sign as a witness with Rodley to the document, which was probated as Fuller's will. There is now a contest of the will by the heirs, they claiming it to be a forgery.

On the evidence given by Mrs. Housworth, Dr. Rodley and Garner at the time the will was probated the indictment for perjury was found and for presenting the instrument for probate the indictment for forgery. There have been at least fifty witnesses examined by the Grand Jury. The matter was before the last Grand Jury, but it did not have time, owing to the close of its term, to finish its investigation.

Dr. Rodley is a leading physician here and has a wife, son and daughter. He served in the City Council for six years and for the last two years was Mayor. His practice is worth $10,000 a year and he is worth considerable money. John Garner has a family consisting of a wife, two sons and a daughter, all grown, and has farmed here all his life and has borne an excellent reputation. Mrs. Housworth was left a fortune by her first husband, J. G. West, but spent it. About eight years ago she married her present husband, who is a man of probity. She has a grown family, two sons, and her daughter recently married a wealthy Klondiker, Ike Powers.

Mrs. Housworth is now in San Francisco, and a warrant has been issued for her arrest. Bail has been fixed upon each charge in the sum of $6000 for each defendant.

No Difference in Pleading.

Alfred Fuller, a wealthy man of Chico, died early in [illegible], and after his death A. J. Landis presented to the administrator of the estate a promissory note made by the deceased for $5,000, due in one year, which had not matured on the death of the maker. Payment was refused and suit was brought. The administrator put in a general demurrer to the complaint, alleging that it was fatally defective in that it did not set out particulars. The Court decided that the complaint was fatally defective in that it did not set out sufficient consideration, holding that because of the presentation of the note before maturity such a pleading and showing must be made. The Supreme Court finds no difference in the pleading required in such a case and one in which the note has matured, and reversed the judgment, ordering a new trial.

EXAMINER, SAN FRA

WILL CONTEST LANDS PROMINENT MEN IN JAIL

Two Leading Citizens of Butte County Under Arrest.

CHARGED WITH FORGERY

Mystery of Lost Testament of Alfred Fuller May Be Cleared.

[Special Dispatch to "The Examiner."]

OROVILLE, October 25.—The Grand Jury to-day filed indictments against Dr. Ellis Rodley and J. P. Garner, and warrants were at once issued for their arrest. Both are prominent citizens of Chico. It is believed another indictment was found against Mrs. Minnie Housworth, also of Chico. This action is the result of litigation over the estate left by A. Fuller, a well-to-do bachelor of Chico who died some two years ago.

At the time of Fuller's death no will was found, although rumors of one were circulated. Just a year later Mrs. Minnie Housworth, a widow, who had resided near Fuller, produced a will. The will was written on a sheet of note paper and the signature was witnessed by Rodley and Garner. The will was filed for probate, and rumors of fraud were heard. The matter was taken up by the Grand Jury last year, but that body adjourned without taking action, it being understood at the time that certain witnesses could not be found. The investigation was continued by the present Grand Jury, with the result stated.

CHICO, October 25.—Dr. Ellis Rodley, a former Mayor of Chico, and John M. Garner, a well-known farmer, were arrested to-night on charges of forgery and perjury, alleged to have been committed in connection with the Alfred Fuller will case. The arrests caused much excitement here.

The will bequeathed $10,000 to Mrs. Minnie Housworth of Chico. Fuller died in October, 1897, and, it was supposed, left no will. Shortly after his death H. Carmack received through the mail a will supposed to have been left by Fuller. Carmack gave the will to Mrs. Housworth. The names of Rodley and Garner appeared on the document as witnesses. After a stubbornly fought legal battle the will was admitted to probate.

The evidence brought out by the Grand Jury indicates that it was a forgery, and it is now claimed that it was actually written after Fuller's death. During the action preceding the probate of the testament Mrs. Housworth testified that Fuller had told her she would be provided for in his will, and that it had already been made and was in the hands of a trusted friend, but that Fuller died without divulging the name of that friend. Up to the time of the suit she had never learned the name of the party who was supposed to have the will in his possession.

Dr. Rodley testified during the trial that Fuller had come to his office, requesting him to sign the will as a witness and to procure other witnesses; that just as Rodley started to leave his office John Garner came in and consented to sign as a witness.

If rumors in circulation here to-night are to be believed, other respectable citizens of Chico had been requested, after Fuller's death, to sign a will in favor of Mrs. Housworth.

IN FAVOR OF MRS. CRAVEN

Judge Troutt Gives His Decision on a Demurrer.

CAN PRESS HER CLAIM AS J. G. FAIR'S WIDOW.

THE WAY OPEN FOR THE FIGHT OVER THE MARRIAGE CONTRACT.

Trial of the Question as to Whether It Is Genuine or Forged Is Set for Next Month.

Mrs. Nettie R. Craven's hoodoo was temporarily overcome yesterday. In her fight for a share of James G. Fair's estate the decisions had gone against her repeatedly, but yesterday she had the joy of a victory. The contest was more of a skirmish than a Glencoe battle, but if she had been defeated in it the position of her opponents would have seemed impregnable. She asked for an allowance of $5000 a month as the widow of James G. Fair. The attorneys for the children of Fair contended that she was estopped from making any claim as the widow because the decree of partial distribution of the estate, which was made in 1897, declared that the only heirs were the three children who were named in the decree, and therefore by that decree it was adjudged that there was no widow. This decree still stands, Judge Troutt having decided that her petition to have it set aside was presented too late under the law.

Judge Troutt decided yesterday, however, that this decree did not settle the question as to who were the heirs of the Fair estate, and that it did not prevent her from establishing her claim as the widow for an allowance. Thus she has the privilege of proving that she is Fair's widow. The trial on the proposition of the marriage of herself and Fair is to take place next month in Judge Troutt's court. The marriage contract, which she says Fair signed, will be produced then. The Fair children have charged that she forged the contract, and handwriting experts galore will figure in the trial.

Judge Troutt in his written opinion said yesterday:

In the first and the second separate answers set forth in the amended answer of the children of decedent to the petition of Nettie R. Craven-Fair for an allowance [illegible] as the widow of decedent [illegible] that the decree of partial distribution, made within [illegible] months after the issuance of letters testamentary on their application, estops her from claiming to be the surviving wife of decedent for the reason that she knew of such application and that in said decree there is a recital that said children are the sole heirs of decedent.

The petitioner demurs to the aforesaid separate answers on several grounds, one (the first) being that such answers do not state facts sufficient to constitute defenses to the petitions.

The aforesaid contention of decedent's children is, in my opinion, unsound, for I take the view that on the hearing of the application for a partial distribution the Court had not the power under the statute to determine who were all of the persons entitled by law to share in the final distribution of decedent's estate.

Judge Troutt quoted as follows from 88 California, page [illegible]:

Proceedings for the administration of the estates of deceased persons and for their distribution to those who may be entitled thereto, including the determination of heirs of the decedent, are purely statutory. The Superior Court while sitting as a court of probate has only such powers as are given it by the statute, and such incidental powers as pertain to all courts for the purpose of enabling them to exercise the jurisdiction which is conferred upon them. Although it is a court of general jurisdiction, yet in the exercise of these powers its jurisdiction is limited and special, and whenever its acts are shown to have been in excess of the power conferred upon it or without the limits of this special jurisdiction, such acts are nugatory and have no binding effect, even upon those who have invoked its authority or submitted to its decision.

The statute permits the question of heirship and the rights and interests of all persons to be determined only upon the final distribution of the estate (sections 1634 and 1665, Code of Civil Procedure) or after the lapse of one year from the issuance of letters testamentary (Section 1664, Code of Civil Procedure. In re Grant, [illegible] California, page 1091). Hence the petitioner's demurrers to the aforesaid "separate answers" are sustained on the first ground. The demurrers are overruled as to all other grounds.

ESTATE SUED

Writing Expert Theodore Kytka this morning filed a claim for $250 against the estate of the late J. P. Turner, who was shot and killed in the Crocker building several months ago by J. P. Freeman. The suit was brought on a promissory note.

BERTILLON AGAINST DREYFUS.

He Seeks to Prove That the Prisoner Wrote the Bordereau.

SUBMITS A MASS OF EXPERT TESTIMONY.

AUDIENCE UTTERLY UNABLE TO FOLLOW THE EVIDENCE OF THE WITNESS.

Another Handwriting Authority Declares the Captain Not to Be the Author of the Document.

Special Dispatches to the "Chronicle."

RENNES, August 25.—After M. Bertillon, the handwriting expert who is at the head of the anthropometric department of the Prefecture of Police of Paris, had concluded the first installment of his so-called demonstration of the guilt of Captain Dreyfus the Dreyfusards refused to regard him as anything but the prince of quacks. They cover his remarks with ridicule and protest that the admission of his fantastic theories as evidence before the court-martial is a disgrace to France.

Nevertheless, even the Dreyfusites do not deceive themselves as to the effect of M. Bertillon's testimony or "demonstration" may have upon the judges, who, they fear, will be gulled by what the friends of Dreyfus consider spurious. All the judges have passed through the Ecole Polytechnique, the highest school of science in France, and they are thus peculiarly interested in such "evidence" as that of Bertillon. Moreover, with the aid of innumerable diagrams and specimens of writing which he submits to them, they may be able to follow his reasoning intelligibly, which is more than any member of the audience could do to-day. If the judges accept Bertillon's premises—that Dreyfus, as an expert spy, did not write in ordinary handwriting, but in close imitation, even contriving to give letters the appearance of having been traced, in order to be able to repudiate them as a forgery if detected—then the structure built upon this groundwork may be scientifically correct. Even Dreyfus, when shown Bertillon's demonstration, admitted the ingenuity and plausibility of the system, though he naturally declared that it was built upon a false basis.

A remarkable feature of Bertillon's deposition was the heat and excitement he put into what was expected to be a calm, dispassionate exposition of his theory. He thundered, shouted and waved his arms as though engaged in some terrible dispute. Once he literally shrieked, and numbers of the usual audience who had been unable to follow him and were taking the air in the courtyard rushed back into the hall, breathlessly inquiring what had happened and imagining that he was fulminating some dreadful denunciation of the accused.

Their excitement was turned into hilarity when they found he was momentarily impressing upon the judges the significance of the exact space, measured in centimeters, between two words in the bordereau. The military witnesses, all of whom sit in a bunch, leaving Colonel Picquart and M. Bertulus severely isolated, followed M. Bertillon's statement with a grave and [illegible] expression of countenance, upon which never a suspicion of a smile appeared, as though they understood every word. Evidently they had received a mot d'ordre to preserve this attitude, for without seeing the diagrams, they could not have understood any better than did the general public.

M. Bertillon when he came into court requested permission to bring in his diagrams and papers. The request was granted, and M. Bertillon retired for a moment, returning at the head of a squad composed of an infantry sergeant and four privates, all staggering under the weight of immense leather satchels, bulging with documents, charts, etc., which they deposited on the stage as a roar of laughter echoed throughout the court. Even the judges were unable to suppress a smile as they gazed on M. Bertillon's stage properties strewn over half the platform. A table was brought in, upon which the plans he was using could be placed. The witness began by saying that only intelligent men could follow his explanations.

M. Bertillon commenced his deposition at 8:20 A. M. It occupied the whole of this session and will, perhaps, occupy a good part of to-morrow's session. The courtroom presented a curious scene while M. Bertillon, whom the Dreyfusards in their most indulgent moments describe as a "dangerous maniac," spent [illegible]

DREYFUS CASE THREATENS NEW FOREIGN COMPLICATIONS.

LONDON, August 26.—The Rome correspondent of the Daily Mail says: Italy and Germany have obtained proofs that diplomatic correspondence passing between Paris and other places is systematically opened. This has been the case particularly since the campaign against Dreyfus began, the French War Office having sought proofs to strengthen the accusation against him. Questions on this subject will be asked in the Italian Parliament.

RENNES, August 25.—An interesting report comes from Paris to-night to the effect that the Italian and German Governments have been consulting on the question whether they will send to France all the documents enumerated in the bordereau and others received from that same source, with a clear and indisputable statement as to the identity of the French traitors. Italy, it is said, is quite willing to do so, but Emperor William takes the ground that Germany having definitely announced that she never had any dealing with Dreyfus does not feel called upon to further interfere in a purely French matter.

[illegible]faction of the military witnesses, who smiled and exchanged joyful glances.

The Echo de Paris announced to-day that the counsel of Dreyfus had obtained possession of certain documents mentioned in the bordereau, in Esterhazy's handwriting, which they would produce in court next week as a coup de theater. The correspondent of the Associated Press inquired as to this in competent Dreyfus quarters this afternoon. He was assured that the statement was erroneous, but was told that the defense intended, in the event of Captain Dreyfus being recondemned, to ask the German Government to communicate these documents proving his innocence, and that they had reason to believe such a request would be granted.

M. Labori to-day summoned ten witnesses for the defense.

DETAILS OF PROCEEDINGS.

Expert Gobert Declares Positively That the Bordereau Was Not Written by Dreyfus.

RENNES, August 25.—At the opening of the session of the Dreyfus court-martial to-day considerable comment was caused by the request of M. Gribelin, the principal archivist of the headquarters staff, for permission to absent himself for twenty-four hours, owing to a summons of the Minister of War, General de Marquis de Gallifet, who desired to see him in Paris. It was suggested that the Minister of War wished to refresh M. Gribelin's memory, which has been so strongly anti-Dreyfus.

Then followed the reading of a medical certificate signed by two doctors, whose names were not familiar with the audience, setting forth that Colonel du Paty de Clam is too ill to leave his bed and appear at Rennes, at which the audience was not surprised. Mme. du Paty de Clam also wrote to the Government Commissary offering a written supplementary deposition from her husband.

M. Labori, after securing the names of the doctors who signed the certificate, asked the court to appoint two well-known physicians to report officially on Du Paty de Clam's condition. Colonel Jouaust, however, declared that it was useless to do so, as the condition of the invalid was well known.

Roland Strong, correspondent of the New York Times and a member of the staff of the Observer of London, was the first witness called. He described at length the interview which he had with Esterhazy, saying the Observer offered £500 for certain documents and a confession that he wrote the bordereau as published April 25th.

Replying to the Court Mr. Strong said that Esterhazy, while admitting the authorship of the bordereau, said the documents enumerated in it had been betrayed by Dreyfus to Germany.

M. Henri Weill, a former officer of the headquarters' staff, was then called, but he was absent and his deposition was read. The facts in the case were published April 20th. M. Weill's statement in substance was that Esterhazy told him in 1894 that Dreyfus was innocent, but that this would not prevent his conviction, because he was a Jew.

A brief discussion ensued regarding the character of Colonel Picquart's former orderly, Savignaud, who testified yesterday to posting letters in May and June, 1896, addressed by the Colonel to M. Scheurer-Kestner, the former vice-president of the Senate, who was prominent in obtaining a revision of the Dreyfus case. During this discussion Savignaud protested that he had been confounded with a bandsman of the same name who had a bad character.

A former sergeant, who was at one time employed in the War Office, testified to seeing Dreyfus copying the list of railroad stations mentioned in the plan of mobilization, to which Dreyfus replied: "It is true, but I copied the list by order of Captain [illegible]." (Sensation.)

HANDWRITING EXPERTS TESTIFY.

The evidence of the handwriting experts followed. M. Gobert, after testifying to the facts published April 23d and April 24th, vehemently protested against the insinuation that he was an interested witness. The court closely followed M. Gobert's exhaustive story of his examination of the bordereau and his interview with Generals Mercier, [illegible] and Gonse. Gobert asserted that the handwriting of the bordereau was natural but that it was almost illegible, whereas Dreyfus, even when writing rapidly, always wrote most legibly.

The witness asked General Gonse if an envelope accompanied the bordereau, as he, M. Gobert, wished to see what the writer's careful calligraphy was like, explaining that the address of a letter is always in a firmer hand than its contents. General Gonse refused the request on the ground that the witness must not know the name of the addressee. The General also refused to allow the bordereau to be photographed, alleging that if the War Office photographers were allowed to photograph it all Paris would be acquainted with the bordereau the next day. (Laughter.)

Thereupon the witness remarked, "General Gonse, this is a very interesting contention."

M. Gobert then suggested that the work be intrusted to the Prefecture of Police, where M. Bertillon is the photographer. Until then, the witness said, he had never heard of M. Bertillon as a handwriting expert, saying he became an expert for [illegible] when he was called from the War Office. (Laughter.)

General Gonse, it appears from the [illegible], was greatly enraged when he learned of the result of M. Gobert's examination of the bordereau and visited the expert repeatedly. The latter always insisted on learning the name of the [illegible].

"It was not proper," said M. Gobert, [illegible] of the bordereau and that of Dreyfus, but, he added, that here were important differences which proved to him that Dreyfus was not the author of the bordereau, and his opinion had since been confirmed "because it was now proved the bordereau was the work of Esterhazy."

Replying to the court M. Gobert suggested that the judges compare the bordereau with a letter admitted to be in Esterhazy's handwriting and dated from Rouen, August 17, 1894, and with documents written by the prisoner.

"You will then unmistakably recognize," said M. Gobert, "that the bordereau is in Esterhazy's handwriting and not in the handwriting of Dreyfus." (Great sensation.)

The witness at this juncture identified the bordereau as the same which was submitted to him, and he proceeded to make comparison with the document and with letters admittedly written by Esterhazy, saying that, while the resemblance was not apparent in Dreyfus' handwriting, in Esterhazy's there were marked peculiarities of punctuation and the manner of beginning lines which were also noticeable in the bordereau, but which were not found in the prisoner's calligraphy.

Proceeding, the witness traversed the old ground of the peculiarities of the tracing paper which it is known Esterhazy used and said the date of the bordereau must be July 24, 1894. The expert refused, in reply to a question by the court, to admit that the bordereau was written in a disguised hand. He said it had been written with great rapidity, precluding all idea of doctoring or tracing.

General Gonse asked permission to question M. Gobert, and said: "In what army list did you look for the name of Dreyfus?"

M. Gobert—I used the list which is generally kept in business houses.

The General pointed out that this list did not give the information claimed by M. Gobert, but the latter maintained that he had stated nothing but the pure and simple truth.

General Gonse having alluded to certain undesirable acquaintances formed by M. Gobert, the latter replied amid a sensation in court: "I emphatically protest against the insinuations of General Gonse. There is not a single word of truth in what he says."

There was a further dispute between General Gonse and M. Gobert over circumstances in connection with the latter's examination of the bordereau. M. Gobert said that Colonel d'Abbeville was present, but the latter promptly advanced and said he had never seen M. Gobert before to-day, adding: "If M. Gobert's other recollections are as exact as this the Court will draw its own conclusions." (Murmurs of disapproval.)

Dreyfus here declared in the most positive manner that he had never been in the Bank of France, where M. Gobert was employed, or had relations with any one there. The prisoner asserted that his sole desire was to know the truth. He admitted he had been engaged in various financial operations, but said he had never asked for either written or verbal information from the Bank of France.

BERTILLON PUZZLES JUDGES.

There was a general movement of curiosity when M. Bertillon, the well-known anthropometist, or specialist in the measurements of the human body, was called. M. Bertillon prefaced his evidence by saying his explanations would be understood only by a very limited number, and therefore he asked the court to permit him to refer to documents which he had brought in order to make his evidence more intelligible. The specialist then unpacked packages of photographs, plans, etc., and another table was brought in to hold the mass of papers produced.

In monotonous tones M. Bertillon proceeded, in the manner of a schoolboy reciting a lesson, to demonstrate technically how he reached the conviction of Dreyfus' guilt, recalling the facts published April 21st. He said he proposed to prove to the court,

First—That the bordereau was a doctored document.

Second—That it could have only been manufactured by the prisoner.

Third—That it had been written in a free hand by means of a key word placed beneath tracing paper in such a way as to be quite visible.

The witness, continuing, declared Dreyfus did not have recourse to imitating Esterhazy's free-hand writing because it required too long study, and he used the tracing process because it is easier to learn and more likely to be successful.

With the view of demonstrating his meaning, M. Bertillon handed round photographs of the bordereau, etc.

During the course of the demonstration the specialist advanced to the judges' bench and with his finger pointed out illustrations of his theory.

MM. Demange and Labori, the Judges and others gathered in a group around the expert.

Dreyfus appeared to be stupefied by this comparatively incomprehensible jargon, and many of the audience left the court.

Suddenly the attention of those remaining in the hall was riveted by the cryptographic remark, enunciated by M. Bertillon in loud tones:

"We clearly have before us a fabricated document. The one word always rests on the other with a divergence of 1.25 millimeters and 7.75 millimeters. That is a phenomenon which is unnatural."

M. Labori watched the specialist for a few moments and then returned to his seat, holding up both hands and exclaiming: "It is most extraordinary."

M. Bertillon continued his explanations and caused such a whirl in the brains of his hearers that Colonel Jouaust finally remarked: "We must have a few minutes' rest."

EXPERT EXPLAINS BORDEREAU.

When the session was resumed, M. Bertillon made further demonstrations. He compared words of the bordereau with words in the documents of comparison. Leaning on the judges' bench he placed the entire bordereau over a graphic chart and proceeded to show that by doing so Dreyfus succeeded in formulating the principal rules which served to guide him in making his forgery, remarking that any copyist in possession of a key to these rules could learn to reproduce the entire bordereau.

The witness, continuing, proceeded to demonstrate the plausibility of this. "When persons are accused," he said, "it is not sufficient to meet the charge with denials, but it is necessary to prove that [illegible] have not done what they are charged [illegible]

[illegible] punctuated the queer expressions of the anthropometrist with peals of laughter. The members of the court-martial evidently tried hard to understand, while Dreyfus appeared fatigued, but endeavored to follow the arguments.

"My theory," continued the witness, "was in 1894 considered by the Minister of War to be favorable to the prisoner. It the defense accepted it, the long magisterial examination would have to be recommenced, and so ——"

Here the witness raised his voice and struck the table with his fist.

"When the word 'grille' (perforated card used for ciphers) was uttered at the court-martial of 1894 the prisoner's face contracted. When I spoke of the fabrication of the bordereau he exclaimed, 'Oh, the wretch! He saw me write, then.' I did not hear the remark, but when it was repeated to me it was a revelation, for if innocent the word 'fabrication' would have delighted instead of frightened him."

Dreyfus listened impassively to this tirade.

The audience again became animated when M. Bertillon announced that he would give a practical demonstration of how the bordereau was fabricated by means of a keyboard.

The witness, seated at a table, began to copy the bordereau on a sheet of paper similar in character to the famous document. After a quarter of an hour Colonel Jouaust suggested that it was not necessary to finish the demonstration, and M. Bertillon rose and showed the judges the result of his labor, remarking: "I was in a bad position."

The audience concluded from this remark that the experiment had not succeeded, and the expression on the judges' faces seemed to bear out this opinion. The court adjourned for the day at 11:15 A. M.

Bertillon Still on the Stand.

RENNES, August 26.—The opening of the sixth session of the third week of the second trial by court-martial of Captain Alfred Dreyfus of the artillery, charged with treason, occurred at an early hour this morning. M. Bertillon, the handwriting expert, resumed his testimony regarding the handwriting of Dreyfus and his reasons for believing the artillery officer guilty.

DENIAL FROM BERLIN.

Statements Made by a Witness at Rennes Proved False.

BERLIN, August 25.—The correspondent of the Associated Press was officially informed to-day that the statement made on the witness stand at Rennes yesterday by M. Mortian de Muller, a friend of M. Beaurepaire (the former Judge of the civil section of the Court of Cassation) that he had seen a newspaper, the Libre Parole, bearing a postage stamp, in Emperor William's bedroom at Potsdam and that on the paper were certain words in German, meaning "Dreyfus has been arrested," could not possibly be true.

It was pointed out that his majesty invariably puts his desk in order before leaving his room and that nothing is left lying around or open, but if he should fail to do so it is the duty of his valet to put things away. Besides, it was also said, the Emperor does not read whole newspapers, but only marked clippings which later are incorporated in scrap books.

New Mystery in Dreyfus Case.

PARIS, August 25.—A dispatch from Lyons says a bag has been found in the river Rhine there containing a paper with this penciled inscription: "Labori to Lorimier, Basle! Nothing will be done. Dreyfus is innocent. Voluntary suicide. Orders executed."

The bag was handed over to the police, but no explanation in the matter has been forthcoming.

There is a possibility that the letter is a hoax. Lorimier was the late Lieutenant-Colonel Henry's secretary and he committed suicide at Basle, Switzerland.

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GUERIN SHOWS A BLACK FLAG.

The Besieged Anti-Semite Also Fires Upon the Police.

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At a late hour this evening a reporter from the Anti-Juif tried to revictual the fortress, but was prevented by the police. M. Guerin, greatly incensed, fired two shots at a policeman. Neither reached the latter, but the incident will probably precipitate matters.

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...never had any dealing with Dreyfus does not feel called upon to further interfere in a purely French matter.

SUBMITS A MASS OF EXPERT TESTIMONY.

AUDIENCE UTTERLY UNABLE TO FOLLOW THE EVIDENCE OF THE WITNESS.

Another Handwriting Authority Declares the Captain Not to Be the Author of the Document.

Special Dispatches to the "Chronicle."

RENNES, August 25.—After M. Bertillon, the handwriting expert who is at the head of the anthropometric department of the Prefecture of Police of Paris, had concluded the first installment of his so-called demonstration of the guilt of Captain Dreyfus the Dreyfusards refused to regard him as anything but the prince of quacks. They cover his remarks with ridicule and protest that the admission of his fantastic theories as evidence before the court-martial is a disgrace to France.

Nevertheless, even the Dreyfusites do not deceive themselves as to the effect of M. Bertillon's testimony or "demonstration" may have upon the judges, who, they fear, will be gulled by what the friends of Dreyfus consider spurious. All the judges have passed through the Ecole Polytechnique, the highest school of science in France, and they are thus peculiarly interested in such "evidence" as that of Bertillon. Moreover, with the aid of innumerable diagrams and specimens of writing which he submits to them, they may be able to follow his reasoning intelligibly, which is more than any member of the audience could do to-day. If the judges accept Bertillon's premises—that Dreyfus, as an expert spy, did not write in ordinary handwriting, but in close imitation, even contriving to give letters the appearance of having been traced, in order to be able to repudiate them as a forgery if detected—then the structure built upon this groundwork may be scientifically correct. Even Dreyfus, when shown Bertillon's demonstration, admitted the ingenuity and plausibility of the system, though he naturally declared that it was built upon a false basis.

A remarkable feature of Bertillon's deposition was the heat and excitement he put into what was expected to be a calm, dispassionate exposition of his theory. He thundered, shouted and waved his arms as though engaged in some terrible dispute. Once he literally shrieked, and numbers of the usual audience who had been unable to follow him and were taking the air in the courtyard rushed back into the hall, breathlessly inquiring what had happened and imagining that he was fulminating some dreadful denunciation of the accused.

Their excitement was turned into hilarity when they found he was momentarily impressing upon the judges the significance of the exact space, measured in centimeters, between two words in the bordereau. The military witnesses, all of whom sit in a bunch, leaving Colonel Picquart and M. Bertulus severely isolated, followed M. Bertillon's statement with a grave and wise expression of countenance, upon which never a suspicion of a smile appeared, as though they understood every word. Evidently they had received a mot d'ordre to preserve this attitude, for without seeing the diagrams, they could not have understood any better than did the general public.

M. Bertillon when he came into court requested permission to bring in his diagrams and papers. The request was granted, and M. Bertillon retired for a moment, returning at the head of a squad composed of an infantry sergeant and four privates, all staggering under the weight of immense leather satchels, bulging with documents, charts, etc., which they deposited on the stage as a roar of laughter echoed throughout the court. Even the judges were unable to suppress a smile as they gazed on M. Bertillon's stage properties strewn over half the platform. A table was brought in, upon which the plans he was using could be placed. The witness began by saying that only intelligent men could follow his explanations.

M. Bertillon commenced his deposition at 8:30 A. M. It occupied the whole of this session and will, perhaps, occupy a good part of to-morrow's session. The courtroom presented a curious scene while M. Bertillon, whom the Dreyfusards in their most indulgent moments describe as a "dangerous maniac," spent the three remaining hours of the session in explaining, in unintelligible terms, his "infallible system" of proving Dreyfus the author of the bordereau. The majority of the public, however, were utterly unable to comprehend his theories.

M. Gobert, an expert of the Bank of France, the first witness called to-day, gave strong testimony to show that Dreyfus did not write the bordereau. M. Gobert repeated the evidence he had given before the Court of Cassation. He gave his testimony in a clear, convincing manner and was most emphatic in attributing the bordereau to Esterhazy.

After answering questions of the judges M. Gobert declared his conviction that the bordereau was written in running natural hand and said there was no tracing or other trickery.

General Gonse asked to be confronted with M. Gobert and put a number of questions, over one or two of which the witness stumbled to the infinite satis-

faction of the military witnesses, who smiled and exchanged joyful glances.

The Echo de Paris announced to-day that the counsel of Dreyfus had obtained possession of certain documents mentioned in the bordereau, in Esterhazy's handwriting, which they would produce in court next week as a coup de théâtre. The correspondent of the Associated Press inquired as to this in competent Dreyfus quarters this afternoon. He was assured that the statement was erroneous, but was told that the defense intended, in the event of Captain Dreyfus being recondemned, to ask the German Government to communicate these documents proving his innocence, and that they had reason to believe such a request would be granted.

M. Labori to-day summoned ten witnesses for the defense.

DETAILS OF PROCEEDINGS.

Expert Gobert Declares Positively That the Bordereau Was Not Written by Dreyfus.

RENNES, August 25.—At the opening of the session of the Dreyfus court-martial to-day considerable comment was caused by the request of M. Gribelin, the principal archivist of the headquarters staff, for permission to absent himself for twenty-four hours, owing to a summons of the Minister of War, General de Marquis de Galliffet, who desired to see him in Paris. It was suggested that the Minister of War wished to refresh M. Gribelin's memory, which has been so strongly anti-Dreyfus.

Then followed the reading of a medical certificate signed by two doctors, whose names were not familiar with the audience, setting forth that Colonel du Paty de Clam is too ill to leave his bed and appear at Rennes, at which the audience was not surprised. Mme. du Paty de Clam also wrote to the Government Commissary offering a writing supplementary or position from her husband.

M. Labori, after securing the names of the doctors who signed the certificate, asked the court to appoint two well-known physicians to report officially on Du Paty de Clam's condition. Colonel Jouaust, however, declared that it was useless to do so, as the condition of the invalid was well known.

Roland Strong, correspondent of the New York Times and a member of the staff of the Observer of London, was the first witness called. He described at length the interviews which he had with Esterhazy, saying the Observer offered £500 for certain documents and a confession that he wrote the bordereau as published April 25th.

Replying to the Court Mr. Strong said that Esterhazy, while admitting the authorship of the bordereau, said the documents enumerated in it had been betrayed by Dreyfus to Germany.

M. Henri Weill, a former officer of the headquarters' staff, was then called, but he was absent and his deposition was read. The facts in the case were published April 20th. M. Weill's statement in substance was that Esterhazy told him in 1894 that Dreyfus was innocent, but that this would not prevent his conviction, because he was a Jew.

A brief discussion ensued regarding the character of Colonel Picquart's former orderly, Savignaud, who testified yesterday to posting letters in May and June, 1896, addressed by the Colonel to M. Scheurer-Kestner, the former vice-president of the Senate, who was prominent in obtaining a revision of the Dreyfus case. During this discussion Savignaud protested that he had been confounded with a bandsman of the same name who had a bad character.

A former sergeant, who was at one time employed in the War Office, testified to seeing Dreyfus copying the list of railroad stations mentioned in the plan of mobilization, to which Dreyfus replied: "It is true, but I copied the list by order of Captain Besle." [Sensation.]

HANDWRITING EXPERTS TESTIFY.

The evidence of the handwriting experts followed. M. Gobert, after testifying to the facts published April 23d and April 24th, vehemently protested against the insinuation that he was an interested witness. The court closely followed M. Gobert's exhaustive story of his examination of the bordereau and his interview with Generals Mercier, Boisdeffre and Gonse. Gobert asserted that the handwriting of the bordereau was natural but that it was almost illegible, whereas Dreyfus, even when writing rapidly, always wrote most legibly.

The witness asked General Gonse if an envelope accompanied the bordereau, as he, M. Gobert, wished to see what the writer's careful caligraphy was like, explaining that the address of a letter is always in a firmer hand than its contents. General Gonse refused the request on the ground that the witness must not know the name of the addressee. The General also refused to allow the bordereau to be photographed, alleging that if the War Office photographers were allowed to photograph it all Paris would be acquainted with the bordereau the next day. [Laughter.]

Thereupon the witness remarked, "General Gonse, this is a very interesting confession."

M. Gobert then suggested that the work be intrusted to the Prefecture of Police, where M. Bertillon is the photographer. Until then, the witness said, he had never heard of M. Bertillon as a handwriting expert, saying he became an expert for this special occasion, when he was called into the War Office. [Laughter.]

General Gonse, it appears from the testimony, was greatly enraged when he learned of the result of M. Gobert's examination of the bordereau and visited the expert repeatedly. The latter always insisted on learning the name of the suspect.

"It was not proper," said M. Gobert, "for me to accuse any one without being perfectly cognizant of the facts, especially in circumstances of so grave a nature. I would not accuse any one anonymously, for to do so would be contrary to the law."

Amid laughter in court the witness described how, from an examination of an official report on Dreyfus, from which Dreyfus' name had been removed, M. Gobert had the indelicate satisfaction of telling General Gonse the name of the officer they wanted to arrest. It was after M. Gobert had refused to incriminate Dreyfus that M. Bertillon was intrusted with the examination of the bordereau, and after a few hours' study M. Bertillon positively attributed the bordereau to Dreyfus.

From that time forward M. Gobert heard no more of the Dreyfus case. He was not asked to submit a report, but described to the then Minister of Justice, M. Guerin, the circumstances in the case.

M. Guerin counseled the witness, "Intimated that these were soldiers' affairs, which did not concern him as chief of the civil judiciary."

BORDEREAU NOT DREYFUS' WORK.

Colonel Jouaust asked M. Gobert for a more definite criticism of the bordereau, and the witness replied that he noticed certain similarities between the handwriting of the bordereau and that of Dreyfus, but, he added, that there were important differences which proved to him that Dreyfus was not the author of the bordereau, and his opinion had since been confirmed "because it was now proved the bordereau was the work of Esterhazy."

Replying to the court M. Gobert suggested that the judges compare the bordereau with a letter admitted to be in Esterhazy's handwriting and dated from Rouen, August 17, 1894, and with documents written by the prisoner.

"You will then unmistakably recognize," said M. Gobert, "that the bordereau is in Esterhazy's handwriting and not in the handwriting of Dreyfus." [Great sensation.]

The witness at this juncture identified the bordereau as the same which was submitted to him, and he proceeded to make comparison with the document and with letters admittedly written by Esterhazy, saying that, while the resemblance was not apparent in Dreyfus' handwriting, in Esterhazy's there were marked peculiarities of punctuation and the manner of beginning lines which were also noticeable in the bordereau, but which were not found in the prisoner's caligraphy.

Proceeding, the witness traversed the old ground of the peculiarities of the tracing paper which it is known Esterhazy used and said the date of the bordereau must be July 24, 1894. The expert refused, in reply to a question by the court, to admit that the bordereau was written in a disguised hand. He said it had been written with great rapidity, precluding all idea of doctoring or tracing.

General Gonse asked permission to question M. Gobert, and said: "In what army list did you look for the name of Dreyfus?"

M. Gobert—I used the list which is generally kept in business houses.

The General pointed out that this list did not give the information claimed by M. Gobert, but the latter maintained that he had stated nothing but the pure and simple truth.

General Gonse having alluded to certain undesirable acquaintances formed by M. Gobert, the latter replied amid a sensation in court: "I emphatically protest against the insinuations of General Gonse. There is not a single word of truth in what he says."

There was a further dispute between General Gonse and M. Gobert over circumstances in connection with the latter's examination of the bordereau. M. Gobert said that Colonel d'Aboville was present, but the latter promptly advanced and said he had never seen M. Gobert before to-day, adding: "If M. Gobert's other recollections are as exact as this the Court will draw its own conclusions." [Murmurs of disapproval.]

Dreyfus here declared in the most positive manner that he had never been at the Bank of France, where M. Gobert was employed, or had relations with any one there. The prisoner asserted that his sole desire was to know the truth. He admitted he had been engaged in various financial operations, but said he had never asked for either written or verbal information from the Bank of France.

BERTILLON PUZZLES JUDGES.

There was a general movement of curiosity when M. Bertillon, the well-known anthropometer, or specialist in the measurements of the human body, was called. M. Bertillon prefaced his evidence by saying his explanations would be understood only by a very limited number, and therefore he asked the court to permit him to refer to documents which he had brought in order to make his evidence more intelligible. The specialist then unpacked packages of photographs, plans, etc., and another table was brought in to hold the mass of papers produced.

In monotonous tones M. Bertillon proceeded, in the manner of a schoolboy reciting a lesson, to demonstrate technically how he reached the conviction of Dreyfus' guilt, reciting the facts published April 21st. He said he proposed to prove to the court,

First—That the bordereau was a doctored document.

Second—That it could have only been manufactured by the prisoner.

Third—That it had been written in a free hand by means of a key word placed beneath tracing paper in such a way as to be quite visible.

The witness, continuing, declared Dreyfus did not have recourse to imitating Esterhazy's free-hand writing because it required too long study, and he used the tracing process because it is easier to learn and more likely to be successful.

With the view of demonstrating his meaning, M. Bertillon handed round photographs of the bordereau, etc.

During the course of the demonstration the specialist advanced to the judges' bench and with his finger pointed out the intricacies of his theory.

MM. Demange and Labori, the judges and others gathered in a group around the expert.

Dreyfus appeared to be stupefied by the comparatively incomprehensible jargon, and many of the audience left the court.

Suddenly the attention of those remaining in the hall was riveted by the cryptographic remark, enunciated by M. Bertillon in loud tones:

"We clearly have before us a fabricated document. The one word always rests on the other with a divergence of 1.25 millimeters and 2.5 millimeters. That is a phenomenon which is unnatural."

M. Labori watched the specialist for a few moments and then returned to his seat, holding up both hands and exclaiming: "It is most extraordinary."

M. Bertillon continued his explanations and caused such a whirl in the brains of his hearers that Colonel Jouaust finally remarked: "We must have a few minutes' rest."

EXPERT EXPLAINS BORDEREAU.

When the session was resumed, M. Bertillon made further demonstrations. He compared words of the bordereau with words in the documents of comparison. Leaning on the judges' bench he placed the entire bordereau over a graphic canvas and proceeded to show that by doing so Dreyfus succeeded in formulating the principal rules which served to guide him in making his joining marks, remarking that any copyist in possession of a key to these rules could learn to reproduce the entire bordereau.

The witness, continuing, proceeded to demonstrate the [illegible] of this. "When persons are accused," he said, "it is not sufficient to meet the charge with denials, but it is necessary to prove that they have not done what they are charged with. In this case the handwriting was disguised. There is, therefore, presumptive proof that the prisoner is guilty."

After this M. Bertillon pointed out that the questions in the bordereau were traced in the same manner, and added: "I had reached this point in my experiments when I was summoned to the Cherche Midi prison by Major d'Ormescheville. The Major explained that he wished my personal opinion on cryptographic methods, sympathetic inks, etc., which might help the family of Dreyfus in corresponding with him. The request was partly due to the fact that a number of letters addressed to the prisoner by his family had been received by the officials.

"During the course of the interview Major d'Ormescheville produced one of these letters. I had hardly set my eyes on it when I was astounded to notice the same kind of a negative 'B' with which I had been so struck. It was in a letter from Mme. Dreyfus."

The specialist pointed out how he found the same peculiarities of Dreyfus' handwriting in the letters of other members of his family, and proceeded to give a long and perfectly unintelligible exposition, designed to demonstrate that this proved the guilt of the prisoner.

The audience, quite in the dark regarding the meaning of the technicalities,

...give a practical demonstration of how the bordereau was fabricated by means of a keyboard.

The witness, seated at a table, began to copy the bordereau on a sheet of paper similar in character to the famous document. After a quarter of an hour Colonel Jouaust suggested that it was not necessary to finish the demonstration, and M. Bertillon rose and showed the judges the result of his labor, remarking: "I was in a bad position."

The audience concluded from this remark that the experiment had not succeeded, and the expression on the judges' faces seemed to bear out this opinion. The court adjourned for the day at 11:45 A. M.

Bertillon Still on the Stand.

RENNES, August 26.—The opening of the sixth session of the third week of the second trial by court-martial of Captain Alfred Dreyfus of the artillery, charged with treason, occurred at an early hour this morning. M. Bertillon, the handwriting expert, resumed his testimony regarding the handwriting of Dreyfus and his reasons for believing the artillery officer guilty.

DENIAL FROM BERLIN.

Statements Made by a Witness at Rennes Declared False.

BERLIN, August 25.—The correspondent of the Associated Press was officially informed to-day that the statement made on the witness stand at Rennes yesterday by M. Morlinn de Muller, a friend of M. Beaurepaire (the former Judge of the civil section of the Court of Cassation) that he had seen a newspaper, the Libre Parole, bearing a postage stamp, in Emperor William's bedroom at Potsdam and that on the paper were certain words in German, meaning "Dreyfus has been arrested," could not possibly be true.

It was pointed out that his majesty invariably puts his desk in order before leaving his room and that nothing is left lying around or open, but if he should fail to do so it is the duty of his valet to put things away. Besides, it was also said, the Emperor does not read whole newspapers, but only marked clippings which later are incorporated in scrap books.

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HIDING BEHIND DEAD MEN.

The Weakness of the Prosecution of Dreyfus Apparent.

DRAMATIC SCENES IN THE COURT-MARTIAL.

A CUIRASSIER CAPTAIN GIVES STRONG TESTIMONY FOR THE PRISONER.

He Tells Facts Concerning the First Trial Which Contradict the Evidence of Maurel.

Special Dispatch to the "Chronicle."

RENNES, August 26.—"Dead men tell no tales." This is the barricade behind which General Mercier and the general staff have intrenched themselves. But there is a weak point in their defense—Colonel du Paty de Clam—and the military clique know it and are striving to the utmost to keep him out of M. Labori's clutches. If they can prevent Du Paty de Clam, who is now called the "Sphinx of the Dreyfus affair," from appearing at the tribune they can effectively put the silence of the tomb between truth and justice. M. Labori is fighting tooth and nail to drag him into court, but Colonel Jouaust persists in refusing him the necessary assistance. He declines to send reputable doctors to officially report on the state of Du Paty de Clam's health, which every Dreyfusite firmly believes is only diplomatically affected and that he will recover quickly enough after the trial.

While, however, the friends of Dreyfus believe Du Paty de Clam is not seriously ill, they feel a secret dread, which is expressed in the significant remark, not infrequently heard: "Sandherr is dead, Henry committed suicide and Du Paty de Clam will die."

The confrontation to-day of Colonel Maurel, Captain Freystaetter and General Mercier was an instructive and dramatic exposure of the fraud and dishonesty of the general staff, which the absence of Du Paty de Clam alone prevented being complete. The defense might demand that a commission be sent to examine Du Paty de Clam on his sick bed. But M. Labori and Demange despair of obtaining satisfactory results therefrom. They must to bare Du Paty de Clam in court and turn the screws of the rack themselves.

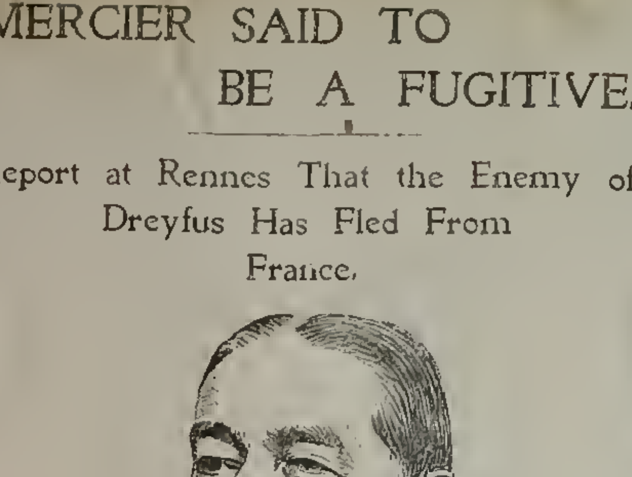
M. Bertillon talked for ten hours, during which time even Colonel Jouaust felt constrained more than once to bring him to the point. Then M. Labori popped a few questions, which, when the president of the court-martial condescended to admit them were answered in an offhand manner by the witness, who thought fit to show contempt by barely looking at M. Labori and to proceed at the same time to pack up his voluminous parcels and diagrams. Captain Dreyfus also spoke a few words, repudiating Bertillon's direct denunciations, and then a military witness was put up to explain to the judges what Bertillon really meant. He only managed to be equally obscure.

To-day's session tore the last shred of credit from Mercier, but added the name of Freystaetter to the little roll of heroes who have risked everything in the defense of Dreyfus. [illegible]

[illegible]

MERCIER SAID TO BE A FUGITIVE.

Report at Rennes That the Enemy of Dreyfus Has Fled From France.



PARIS, August 26.—Petit Bleu prints a telegram from Rennes saying that it is rumored there that General Mercier has fled from that city and is on his way to the German frontier. It is reported here that the Isle of Jersey, and not Germany, is his destination. Neither story can be confirmed. It is doubtful if Mercier can leave France, for he has been closely watched by the Government and it is thought that his arrest would follow any attempt at flight.

[illegible] Captain Freystaetter, in a loud voice told exactly what the documents of the dossier were and how Colonel Maurel not only read those documents, but made comments on them. This practically called Colonel Maurel a thorough liar, and the Colonel glared at the Captain ferociously. Captain Freystaetter, however, was not disconcerted and his words, spoken in a tone of candor and fearlessness, must have carried conviction to every hearer.

General Mercier then asked to be heard and placed himself by the side of Maurel. The forbidding appearance of these two men, both dressed in civilian attire, was in striking contrast with the erect, unflinching attitude of Freystaetter, who wore the smart uniform of a Captain of artillery, with medals on his breast. It was a remarkable scene.

EVENTS OF COURT-MARTIAL.

Bertillon Wearies Judges and Audience With His Tiresome Argument — Exciting Scenes in Trial.

RENNES, August 26.—The reappearance on the stage of the Dreyfus court-martial to-day of the prophet of M. Bertillon, the distinguished anthropometer, was the signal of an outburst of hilarity on the part of the audience.

[illegible]

the bordereau "in order to make out that he was the victim of a plot."

Asked his opinion of the letter from Mathieu Dreyfus, called the "blotting-pad letter," from which the specialist alleged the prisoner took the key-word for his work on the bordereau, M. Bertillon replied that he had no opinion on the subject, but he maintained the letter had been written by the same system as the bordereau.

"That is my hypothesis," said the witness. "Many similar ones can be found." (Murmurs of disapproval.)

M. Labori asked how M. Bertillon reconciled the result of the present experiments, namely that the bordereau is written by Dreyfus, tracing Esterhazy's handwriting with his opinion in 1894, that the bordereau was written by Dreyfus, unless it had been a most crediable forgery. To this M. Bertillon replied that it was only a hypothesis, whereupon M. Labori remarked that the forgery was then of such a nature as to constitute proof in favor of Dreyfus, yet to-day it is made proof against him.

Continuing, counsel said: "Since the witness admits Esterhazy has written in the same mathematical methods as Dreyfus, why has he attributed the bordereau to Dreyfus rather than to Esterhazy?"

M. Bertillon—It was on Dreyfus' pad that the key word "interest" was found, [illegible]

[illegible]

FORMER JUDGE TESTIFIES.

[illegible]

WITNESSES IN CONFLICT.

[illegible]

words as being out of order and M. Labori resumed his seat in silence. This incident which terminated the evidence of Captain Freystaetter caused an immense impression on the audience. The Dreyfusards were jubilant.

M. Paraf-Javal, a draughtsman, was called for the defense. He was brought a blackboard, upon which he proposed to refute a portion of M. Bertillon's problems. The witness said, amid laughter, that the demonstration would occupy no less than two hours. He then proceeded to chalk a number of calligraphic signs on the blackboard and presented to the court photographs of the writing of the bordereau and the prisoner's handwriting, pointing out their dissimilarities and entering into elaborate explanations, which were not concluded when, at 11:30 A. M. the court adjourned.

GERMANS TAKE A DARK VIEW.

Believe That France's Stability Is Threatened by the Dreyfus Case.

BERLIN, August 26.—The Dreyfus case holds Germany's attention to some extent. The anarchist revolt and the murder of French officers in Africa are pointed to as proofs of the increasing national disintegration of France. Emperor William said Monday, while conversing with Generals Portker and Caprivi, during the parade at Maychure: "Revolution is in full swing in Paris."

The comment of the press of every stripe of political faith on the matter is about the same, many expressing doubt whether France can recover. The Kreuz Zeitung asks: "Who will be the savior to rescue France from perdition?" adding: "But, of course, the disintegrating influence of Judaism has already penetrated too far."

The Tageblatt expresses doubt as to whether the Paris exposition of 1900 will really be held. It claims that a majority of the Germans who had intended to go will now stay at home, as they are not certain that life and property would be safe in France.

ESTERHAZY TRIED TO SELL WORTHLESS PAPER.

Germans Say the Documents Mentioned in the Bordereau Were Never Offered to Them.

BERLIN, August 26.—Considering the freedom of the French references to German plotting and the dealings of the German Embassy officials with French spies, it is repeatedly suggested that it is Germany's duty to publish documents proving Dreyfus' innocence. The German Government, however, has plainly intimated that it will take no further official cognizance of the case beyond Chancellor von Buelow's declaration in the Reichstag that Germany had no dealings with Dreyfus.

As a matter of fact Germany does not possess any Dreyfus documents. Military circles believe that Esterhazy obtained from Henry valuable information which Germany purchased from the former. They also say that Esterhazy frequently endeavored to sell worthless information, which was invariably rejected. On one thing all are agreed, namely, that the documents mentioned in the bordereau were never offered to Berlin.

SAN FRANCISCO READY TO CATCH ROGUES

Bertillon System of Identification Ab[out] to Be Introduced by Police Authorities

[illegible]

Special Dispatches to the "Chronicle."

RENNES, August 26.—"Dead men tell no tales." This is the barricade behind which General Mercier and the general staff have intrenched themselves. But there is a weak point in their defense—Colonel du Paty de Clam—and the military clique know it and are striving to the utmost to keep him out of M. Labori's clutches. If they can prevent Du Paty de Clam, who is now called the "sick man of the Dreyfus affair," from appearing at the witness bar they can effectively put the silence of the tomb between truth and justice. M. Labori is fighting tooth and nail to drag him into court, but Colonel Jouaust persists in refusing him the necessary assistance. He declines to send reputable doctors to officially report on the state of Du Paty de Clam's health, which every Dreyfusite firmly believes is only diplomatically affected and that he will recover quickly enough after the trial.

While, however, the friends of Dreyfus believe Du Paty de Clam is not seriously ill, they feel a secret dread, which is expressed in the significant remark, not infrequently heard: "Sandherr is dead, Henry committed suicide and Du Paty de Clam will die."

The confrontation to-day of Colonel Maurel, Captain Freystaetter and General Mercier was an instructive and dramatic exposure of the fraud and dishonesty of the general staff, which the absence of Du Paty de Clam alone prevented being complete. The defense might demand that a commission be sent to examine Du Paty de Clam on his sick bed. But M. Labori and Demange despair of obtaining satisfactory results therefrom. They want to have Du Paty de Clam in court and turn the screws of the rack themselves.

M. Bertillon talked for two hours, during which time even Colonel Jouaust felt constrained more than once to bring him to the point. Then M. Labori popped a few questions, which, when the president of the court-martial condescended to admit them were answered in an offhand manner by the witness, who thought fit to show contempt by barely looking at M. Labori and to proceed at the same time to pack up his voluminous parcels and diagrams. Captain Dreyfus also spoke a few words, repudiating Bertillon's direct denunciations, and then a military witness was put up to explain to the judges what Bertillon really meant. He only managed to be equally obscure.

To-day's session tore the last shred of credit from Mercier, but added the name of Freystaetter to the little roll of heroes who have risked everything in the defense of Dreyfus. One needs to be in the very midst of the storm of passion now raging in France to appreciate the height of moral courage to which Captain Freystaetter has risen in coming forward to the defense of the truth against the army chiefs. They are simply furious at the thorough exposure, and all blame Maurel for falling into the trap laid for him by M. Labori in Thursday's cross-examination, although it is difficult to see what else Maurel could have done.

After the courtroom had been cleared and all the public were supposed to be excluded, General Mercier accosted Colonel Maurel in the courtyard and gave him a piece of his mind, even going to the extent of calling him a blockhead. Maurel vainly protested his helplessness and the impossibility of warding off Labori's home thrusts. Finally Mercier left him in a temper.

There was a highly dramatic scene toward the end of the session. M. Labori, leading counsel for the defense, asked to have Captain Freystaetter, one of the members of the court-martial of 1894, which convicted Dreyfus, called in contradiction of the deposition of Colonel Maurel, the presiding judge on that occasion, who had testified that he only read one of the documents out of the secret dossier communicated to the court-martial. The Captain, who is a finely built officer, and who has a handsome, honest face, ascended the platform with a firm step and fearless air. When he was to recount what occurred he said his conviction of the guilt of the prisoner was formed by the evidence of experts in handwriting, the deposition of Colonel du Paty de Clam, "and," he continued, "I must add, some slight influence was exercised over my mind by hearing the secret dossier read."

The witness was then questioned as to whether one or more of the documents were read, and he said they were all read. This was in direct contradiction of Colonel Maurel and M. Labori at once demanded the confrontation of Captain Freystaetter with Colonel Maurel. The latter mounted the stage and presented a miserable object, his shifting eyes blinking out beneath heavy eyebrows and looking around him with a vicious hangdog look.

"How do you explain this?" asked M. Labori.

The Colonel at bay replied savagely, "I said I only read one document. I did not say only one document was read."

This statement called forth an outburst of hisses and indignant "Ohs" from the audience, which looked upon it as an infamous confession.

The witness trembling with shame, but evidently determined to fight to the end, threw a fierce look of hatred at M. Labori and the audience as the gendarmes shouted "Silence! Silence!" After this the audience listened spell-bound as Captain Freystaetter, in a loud voice told exactly what the documents of the dossier were and how Colonel Maurel not only read those documents, but made comments on them. This practically called Colonel Maurel a thorough liar, and the Colonel glared at the Captain ferociously. Captain Freystaetter, however, was not dismayed and his words, spoken in a tone of candor and fearlessness, must have carried conviction to every hearer.

General Mercier then asked to be heard and placed himself by the side of Maurel. The forbidding appearance of these two men, both dressed in civilian attire, was in striking contrast with the erect, unflinching attitude of Freystaetter, who wore the smart uniform of a Captain of artillery, with medals on his breast. It was a remarkable scene.

PARIS, August 26.—Petit Bleu prints a telegram from Rennes saying that it is rumored there that General Mercier has fled from that city and is on his way to the German frontier. It is reported here that the Isle of Jersey, and not Germany, is his destination. Neither story can be confirmed. It is doubtful if Mercier can leave France, for he has been closely watched by the Government and it is thought that his arrest would follow any attempt at flight.

EVENTS OF COURT-MARTIAL.

Bertillon Wearies Judges and Audience With His Tiresome Argument — Exciting Scenes in Trial.

RENNES, August 26.—The reappearance on the stage of the Dreyfus court-martial to-day of the properties of M. Bertillon, the distinguished anthropometer, was the signal of an outburst of hilarity on the part of the audience.

Before continuing his demonstration, M. Bertillon replied to the comments upon his evidence yesterday. In regard to the prisoner's exclamation of "Oh, the wretch!" the specialist asserted that if Dreyfus, who had up to that time retained his self-possession, so far forgot himself at that particular point, as to insult the witness, it was obviously due to the agitation "when he saw that his method of fabricating the bordereau was discovered. My extraordinarily ingenious demonstration yesterday proves the excellence of my system," added the witness.

M. Bertillon then resumed the exposition of the technicalities of his system, passing around charts, plates, etc. Here followed a re-enactment of scenes similar to those of yesterday. The prisoner was apparently quite indifferent to what was going on, and the judges and counsel alone attempted to follow the specialist in his interminable cryptographic problems.

The witness was heard to say during his demonstration, "The system I have the honor to explain to you can only be carried on under our eyes, and if you like I will again read the notes."

Roars of laughter greeted the deprecatory reply of Colonel Jouaust, president of the court-martial, who said: "Oh, no, don't trouble yourself." As the comedy was prolonged it grew so tiresome the audience brought out newspapers and chatted in low tones. M. Jaurès, a member of the Chamber of Deputies, and a strong Dreyfusard, openly showed his impatience, but was not rebuked for so doing.

M. Bertillon advanced fresh proof against the prisoner, namely in the Dreyfus papers seized at the War Office and in which the specialist said he found two words had been traced. As he proceeded the witness became imbedded in paraphernalia. His lecture, delivered in funereal tones, began to pall on the judges, who finally only paid the most cursory attention to the examples submitted. One of M. Bertillon's demonstrations was handed to Dreyfus, who closely scrutinized it and returned the paper with a disdainful shrug of his shoulders and without uttering a word.

M. Bertillon said, concluding: "Fully understanding the responsibility of my positive statements, on my soul and conscience I declare to-day as I did in 1894 on my oath, that the bordereau is the work of the prisoner here."

The witness was asked by the court how he explained the similarity of the handwriting of the bordereau and that of Esterhazy, to which he replied that since 1894 Esterhazy may have practiced imitating the writing of the bordereau in order to render possible the substitution of himself for the prisoner. In support of this theory M. Bertillon produced a fresh array of plates which he alleged proved his hypothesis in regard to Esterhazy. There were murmurs of assent and dissent. The witness pointed out that in Esterhazy's writing there were certain calligraphic blunders which, he asserted, did not exist in the original bordereau, but were found in reproductions of the document in consequence of imperfections in the methods employed to reproduce them. This, he continued, tended to prove that Esterhazy had intended to appropriate the writing of these reproductions.

"Esterhazy," exclaimed M. Bertillon, "is a man of straw and a scoundrel. I have said this in the commencement of the Zola trial." There was a sensation in court at this remark, which was turned to laughter as the witness in his excitement knocked his portfolios to the ground.

SHARP QUESTIONS FOR BERTILLON.

M. Demange asked M. Bertillon if he had submitted Esterhazy's handwriting to the same tests as the bordereau. The witness replied in the affirmative, explaining, however, that the tests were less complete than in the case of the prisoner. Counsel reminded the witness that he said in 1894 that he found in the bordereau a cryptographic signature, "Alfred Dreyfus."

M. Bertillon replied that he was not now positive on this point, to which, he added, he attached "no importance whatever." Referring to M. Bertillon's statements yesterday that he found in the bordereau words Dreyfus was in the habit of using in documents of the War Department, M. Demange asked how the witness accounted for this, and the witness responded with some confusion, that it was a necessary counterpart of the precautions taken by the prisoner when he wrote the bordereau, "in order to make out that he was the victim of a plot."

Asked his opinion of the letter from Mathieu Dreyfus, called the "blotting-pad" letter, from which the specialist alleged the prisoner took the key-word for his work on the bordereau, M. Bertillon replied that he had no opinion on the subject, but he maintained the letter had been written by the same system as the bordereau.

"That is my hypothesis," said the witness. "Many similar ones can be found." (Murmurs of disapproval.)

M. Labori asked how M. Bertillon reconciled the result of the present experiments, namely that the bordereau was written by Dreyfus, tracing Esterhazy's handwriting with his opinion in 1894, that the bordereau was written by Dreyfus, unless it had been most carefully forged. To this M. Bertillon replied that it was only a hypothesis, whereupon M. Labori remarked that the forgery was then of such a nature as to constitute proof in favor of Dreyfus, yet to-day it is made proof against him."

Continuing, counsel said: "Since the witness admits Esterhazy has written by the same mathematical methods, as Dreyfus, why has he attributed the bordereau to Dreyfus rather than to Esterhazy?"

M. Bertillon—It was on Dreyfus' pad that the key word "interest" was found, and Esterhazy might have had access to this word.

M. Labori—Does M. Bertillon admit that Esterhazy is a traitor?

Colonel Jouaust refused to put the question to the witness.

M. Labori, continuing his questions, asked M. Bertillon's opinion as to what system of defense might have been employed by the writer of the bordereau, if the document had been found on him. The witness, in a confused and hardly audible tone, declared that the prisoner would have maintained that the document was a forgery and would have adduced it as a plot.

M. Labori—In that case the prisoner must have foreseen the appearance on the scene of a man so eminent as M. Bertillon, capable of imagining a system so ingenious as the one he exposes to-day. (Laughter.)

M. Bertillon retorted that in his opinion a man of the ability of the accused could have made a model line in a quarter of an hour every time he had occasion to write.

Replying to further questions M. Bertillon admitted he had discovered in Esterhazy's writing peculiarities similar to those in the bordereau.

Counsel pointed out that it was impossible to maintain the hypothesis that Esterhazy was a man of straw, since in 1897, when he might very well have admitted writing the bordereau, he had confessed nothing. The reasoning of M. Bertillon, counsel asserted, therefore fell to the ground.

DREYFUS ANSWERS BERTILLON.

After a short incidental discussion of the Weyl forgery, which it was believed was perpetrated by order of the Prefect of Police, Colonel Jouaust asked the prisoner if he had anything to say in reply to the witness, and the attention of all present was immediately riveted on Dreyfus, who explained how the exclamation, "Oh, the wretch!" escaped his lips yesterday.

"M. Bertillon," the prisoner said, "was constantly turning to me while testifying, calling me the guilty man. I retorted 'wretch' to him. Those are the circumstances under which I uttered the word. I have nothing to reply to the deposition of the witness. But there is one thing of which I am absolutely sure, and that is that I am not the writer of the bordereau."

Referring to his papers which were seized at the War Office, Dreyfus said it would not be strange to see notes written by officers altered. He added: "I was shown yesterday a note relative to General de Miribel. There were in the document corrections made by the chief of department himself, which shows that immediately after having written a note I handed it to the chief of department."

Referring to the so-called blotting-pad letter, Dreyfus said this letter was perfectly genuine. "Mme. Dreyfus can testify to that point. No one here will doubt the word of Mme. Dreyfus and you, gentlemen, less than any one," he added, looking steadily at the judges.

After a brief adjournment the Government Commissary, Major Carrière, called upon Captain Valerio of the artillery to explain M. Bertillon's system and to give an opinion on the subject. The Captain said he thought that M. Bertillon's evidence might be summarized in a sentence. "The bordereau was doctored and the document fabricated by means of secret writing or writing with a key, the key word, 'interest,' being found on the blotting pad letter attributed to Mathieu Dreyfus."

"The system," continued the Captain, "was evidently devised to offer the prisoner two means of escape. Either he would deny being the author of the bordereau by pointing to the difference of the handwriting, or he would contend it was a plot by showing the documents were traced over his writings.

WEAVING A TANGLED WEB.

"However complicated the ingenuity of the human mind might appear," continued the witness, "I propose to show first, that the document was fabricated, second, that it was fabricated by means of the key-word 'interest'; third, that documents written by the prisoner in the War Office contained words written by means of the same key; fourth, that the forgery was intended to enable the prisoner to plead there was a plot against him; fifth, that the prisoner alone could be the writer."

Captain Valerio then attempted to prove his hypothesis, traversing practically the same ground as already laboriously covered by M. Bertillon, during the course of which he pointed to what he alleged were conclusive proofs of the value of M. Bertillon's system. The witness declared that, as he wished to remain on scientific ground, he would not attempt to define the motives actuating the writer of the bordereau, but he was perfectly convinced it could only have been Dreyfus. Esterhazy had declared himself to be the writer, but that could not be true, because it had been proved that the bordereau was forged. In conclusion Captain Valerio declared the court now had in its possession material proof of the prisoner's guilt.

When Dreyfus was asked the usual question, the prisoner pointed out that [...] said. (A great sensation and lively interruptions followed this statement.)

"This telegram, if I remember right," continued the witness, "was in the following terms, 'Dreyfus is arrested. Emissary warned.'" (Renewed cries of "oh! oh!")

At this juncture General Mercier and Colonel Maurel simultaneously asked permission to speak. Their action caused intense excitement, which became breathless as Colonel Maurel stood up, and both the former judges confronted each other with almost defiant looks.

WITNESSES IN CONFLICT.

Colonel Maurel said. "I have only a word to say. The other day Maître Labori drew me from the ground of argument to the ground of secret deliberations. I told him I had only read a single document. These were the words. 'I only read one document.' I did not say 'only one document had been read.'

"I did not go any further than that, and did not wish to violate the secret of the judges' deliberations." Continuing, Colonel Maurel said: "In reply to questions of counsel for the defense, who would have made me say more than I wished, I declared I had only read one of the documents. After reading that document I handed the dossier to the clerk, saying 'I am tired.'"

This caused a sensation and interruptions almost developing into an uproar, which caused Colonel Jouaust to order the commandant of gendarmes to maintain silence.

Colonel Maurel, as he spoke, was greatly excited and troubled. The fingers of his right hand opened and shut nervously while those of his left kept up a tattoo on the bar of the witness stand.

Captain Freystaetter steadfastly regarded his former colleague, his cold, determined attitude having an immense effect on the audience, whose great agitation increased as exciting incidents followed.

M. Labori asked whether Colonel Maurel confirmed the explanations of Captain Freystaetter and what the latter had said in regard to Colonel Maurel. The latter replied, "I answer with all frankness and truth. I only listened to the reading of the documents very absently. It was not interesting." (Shouts of "Oh, oh," and much laughter.)

The witness concluded with saying "That is all, Monsieur le Président. I remember nothing else."

Captain Freystaetter was then requested to definitely give his recollections concerning the production of a secret document at the court-martial of 1894. His manner was quiet and collected as he replied:

"Not only did I see them, but I assert Colonel Maurel had them in his hands. And what is more, I assert that he made a commentary on each document as it passed through his hands." (Immense sensation.)

Colonel Maurel, very pale, nervously protested against the use of the word "commentary," which caused laughter.

"I could not have acted as Captain Freystaetter asserts," said Colonel Maurel. "I was too conscious of my duty to allow myself to influence in any way the judges, whose president I was, and if what Captain Freystaetter has just said in regard to me had been done in my presence, if the president had attempted to exercise pressure on me as a judge, if he attempted to influence me, notwithstanding his age, rank or functions, I would have reminded him of his duty. I would not have waited five years before coming forward to provoke an audience in open court. I have finished. I will say no more in reply to Captain Freystaetter."

Addressing Colonel Jouaust, Captain Freystaetter said: "My excuse for my attitude, my Colonel, is my ignorance of legal regulations. I did not know at all that it was forbidden to make any communication to the judges' room. (Sensation.)

"Moreover, on April 5th last, I wrote to Colonel Maurel, clearly explaining everything I intended to do, when I learned it was irregular to communicate documents in the judges' room."

Colonel Maurel admitted the truth of his statement, adding: "Captain Freystaetter referred to doubts which had been awakened in his mind by Colonel Henry's forgery. He spoke of the anguish by which his conscience was tortured. I did not reply to Captain Freystaetter, because I am accustomed to allow every one the liberty of his own opinions. In my opinion every one ought to guide his ship in his own way."

M. Labori requested the judges to note that no contradiction was offered to Captain Freystaetter's statement that the Panizzardi telegram of November 2d was communicated privately to the judges in 1894, and, under these circumstances, General Mercier having testified that he had given an order that the telegram should not be communicated and whereas he had also testified that the order was carried out, counsel begged the president of the court to ask General Mercier for an explanation concerning the statement, which entirely contradicted his evidence. (Great sensation.)

General Mercier, who had paid close attention to what was going on, pointed out that Captain Freystaetter had spoken of an act of treason alleged to have been described at the 1894 court-martial as having been committed by Dreyfus at the Polytechnic School, adding that Freystaetter seemed to retain very exact recollections of the document communicated, and asked what was referred to in the letter mentioned.

Captain Freystaetter—It referred to a shell. I see the document perfectly in my mind's eye.

General Mercier—So Captain Freystaetter is caught in the very act of lying. (Loud protests.)

"I repeat it," the General said, coolly amid renewed protests. "As a matter of fact the Robin shell to which he refers was only made in Germany in 1895. We were informed of the act of treason in 1896."

Captain Freystaetter adhered to his statement that a shell was mentioned in the commentary submitted to the Generals in 1894.

General Mercier—As for the telegram of November 2d, I maintain that it was not communicated to the court of 1894.

Captain Freystaetter—I am certain that there was a telegram with the words, "Dreyfus is arrested. Emissary warned." There was something else which I do not remember. As regards the reply General Mercier has just made to me, I insist I have not said that there was a document mentioning particular shells, but simply a commentary referring to an act of treason in connection with a shell. I do not know if that affected the evidence of the prosecution. But I only testified that of which I am strictly certain.

General Mercier reiterated that it was impossible to communicate in 1894 concerning the Robin shell.

M. Labori then said: "In view of the incidents occurring, I must insist once more, Monsieur le Président, that the condition of Colonel du Paty de Clam be examined into by impartial physicians. General Mercier has stated that the packet containing the secret documents was prepared by Colonel Du Paty de Clam."

General Mercier interrupted: "Pardon me. I said I had learned from General de Boisdeffre that the package was brought by Colonel Du Paty de Clam. But I also said Colonel Sandherr prepared the package."

M. Labori—Always the dead! Sandherr the dead! Henry the dead! Their testimony is constantly being cited.

Colonel Jouaust protested against these

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SAYS HE WAS A TRAITOR.

ARCHBISHOP KEANE TALKS OF THE OREYFUS CASE.

PROOF OF GUILT SAID TO HAVE BEEN STOLEN UNDER PECULIAR CIRCUMSTANCES.

Returned When the Kaiser Threatened to Make War on the Republic—Story of Catholic Prelate.

Special Dispatch to the "Chronicle."

NEW YORK, October 11.—A special to the Sun from Washington says: Archbishop Keane, who has returned from Rome to assume charge of the finances of the Catholic University, declares that Dreyfus was guilty, and tells a strange story of the manner in which proof against him was obtained. He says:

"There is no doubt that Dreyfus was guilty. The great trouble was that in order to prove his guilt the officers resorted to the absurd and silly method of forging each document and attributing it to Dreyfus. I was given a brief history of the case by a man of unquestionable authority, who had been approached by the leaders on both sides, and was, therefore, able to speak from positive knowledge. When France suspected that her military secrets were being sold to Germany she placed in the household of the German Embassador in Paris a French spy. This spy secured several papers, but he reported to his chief that there were a number of most important papers in the possession of the Embassador which he was unable to procure, as they were never left alone.

"One night soon afterward the Embassy was discovered to be on fire. The fire was soon extinguished, but the firemen were detectives and during the excitement the papers mentioned had disappeared. It did not take the Embassador long to discover where his papers had gone, and he telegraphed his Government. The bold robbery of the Embassy was a breach of international law and Germany responded with a demand on France for the restoration of the papers within twenty-four hours under a threat of a declaration of war. The papers were returned on time, but they were photographed before they were returned, and the secret dossier contained the photographs.

"The proofs of Dreyfus' guilt having thus been lost the French authorities, in order to convict him for the crime of which they knew he was guilty resorted to the stupid plan of forging other incriminating documents. After the conviction the Jews discovered that the evidence was not in the possession of the authorities and determined to force a retrial and on acquittal of Dreyfus in order to wipe out the stain on Jewish honor. Vast sums of money were raised and expended in subsidizing the press and in raising agitation here and there, creating demands for a new trial and stimulating public interest and sympathy, yet the court-martial at Rennes resulted in a verdict of guilty."

MRS. HOUSEWORTH ARRESTED FOR FORGING A WILL.

MRS. S. M. HOUSEWORTH, the Chico woman who is accused of forging a will that enriched her some $9,000, was arrested in this city yesterday and is now in the City Prison awaiting the arrival of a deputy sheriff from Butte county to take her to Oroville for trial.

The arrest was made by Under Sheriff Dave Martin on information received from Butte county officials. He found Mrs. Houseworth at 63 McAllister street. She at once admitted her identity and went to jail as calmly as if she were going to church.

The prisoner is 48 years of age, tall and angular and of sedate appearance. She keeps her own counsel, and her only statement to others than her attorney is, "There is nothing to the charge and I have nothing to explain." A deputy sheriff is expected to reach here and take charge of the prisoner to-day.

Mrs. Houseworth's alleged crime consisted in forging the will of Alfred Fuller, a miser, who died near Chico two years ago, leaving an estate valued at $20,000. The will gave several Eastern relatives $500 and left the rest to Mrs. Houseworth. Dr. J. Ellis Rodley and John M. Garner, alleged accomplices of the woman, are under arrest. Theodore Kytka, the handwriting expert, was a witness at the Grand Jury investigation held in Oroville recently, and testified that the will was a forgery. The findings of the Grand Jury which resulted in the arrests caused a sensation in Chico, where Dr. Rodley and Garner have long been prominent.

CHICO, October 26.—The excitement caused by the arrest of ex-Mayor J. E. Rodley and J. M. Garner on charges of forgery and perjury has not subsided in the least, but, on the other hand, has increased in this city. Chico has never been so thoroughly shaken up by the sensational outcome of the investigations by the Grand Jury. Though both men have for years stood high in business circles in this community, it seemed for a time as though they would be unable to secure bonds. The greater part of last night and until 3 o'clock this afternoon both were busily searching for bondsmen. The bondsmen for Rodley are H. D. Hamerom, $500; Warren Stephens, $250; Mrs. William Elliott, $100, George Vadney, $100, J. W. Barker, $50. Garner's bondsmen are Z. T. Crowder, D. F. Crowder, G. L. Clark and Leon Garner, for $500 each. At 3 o'clock they left with Sheriff Wilson for Oroville.

News reached here to-night that Mrs. Houseworth had been arrested in San Francisco. Bonds for her release were fixed at $10,000 on the perjury charge and $5000 on the forgery. It is thought she will experience great difficulty in procuring sureties. It is reported here that Dr. Rodley's bonds were rejected by Superior Judge Gray, and that Rodley will return to Chico to secure new bondsmen.

Taken Back to Chico.

Mrs. S. M. Houseworth, who was arrested here on information sent from Butte county, charging her with forging the will of the late Alfred Fuller of Chico, was handed over to Sheriff Wilson of Butte county yesterday by the local authorities. She was taken to Chico, in which town she expects to obtain bail and regain her liberty pending her trial.

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FULLER WILL A FORGERY.

Witness Garner Tells of His Part in the Crime.

FULL CONFESSION TO BUTTE OFFICIALS.

PROMISED FIVE THOUSAND DOLLARS TO AFFIX HIS SIGNATURE.

Tempted Four Months Before He Yielded to the Pleadings of Dr. Rodley, the Alleged Arch Schemer.

Special Dispatch to the "Chronicle."

CHICO, October 28.—Late last night J. M. Garner, the well-known farmer who was arrested Wednesday on a charge of perjury and forgery as a witness in the A. Fuller will case, appeared at the office of District Attorney Joe D. Sproul and stated that he desired to make a voluntary statement of his connection with the case. In the presence of the District Attorney, Deputy Sheriff Goe and Stenographer Rosenberg, Garner confessed that he placed his name as a witness to the will some six months after Fuller's death, and that he had been urged to do so by Dr. J. Ellis Rodley. He told how, when and where he was approached by Rodley. He at first refused to be a party to any such transaction, but Rodley persistently urged him for four months and he at last agreed to sign the will, Rodley promising to pay him $5000.

Before allowing Garner to make a statement, the District Attorney informed him that if he should make a statement it would be on his own peril. He reaffirmed his desire to relieve himself of the story. After he had stated all he went to his home and during the night his statement was typewritten. This morning Sproul went to Garner's home with the written statement, which was read in his presence. Garner pronounced it correct, signed his name and made affidavit to it. On being interviewed the District Attorney did not dispute any of the facts and said that he was violating no confidence in saying that Garner had made the statement, which he believed to be true and which would show that Garner was not the prime mover in the affair, but the dupe of the arch conspirators. Garner made the statement freely, being out on bail at the time, and to clear his conscience of the load that had for months borne him down.

District Attorney Sproul for proper reasons declines to make public the confession in full, but states that it coincides with the theory of the prosecution heretofore given out and is, in his judgment, absolutely conclusive of the guilt of the accused parties in this affair. Dr. Rodley came to Chico Friday morning in order to procure new bonds, Judge Gray refusing to accept those offered Thursday. He was unable to get others after Garner's confession was made public, and was taken to Oroville this afternoon by Deputy Sheriff Goe. Mrs. S. M. Houseworth, in whose favor the alleged will was drawn, is now confined in jail.

ROBBED BY FRIENDS AFTER HIS DEATH.

Louis Pardini, a Wagon-Maker, Leaves an Estate, but Most of It Disappears.

When Louis Pardini died among friends and countrymen, he was reputed a wealthy man, but when the estate came to be examined, it developed that his ready money, clothing and jewelry had disappeared.

Justice of the Peace Groezinger stated from the bench that he believed Pardini's landlord took the money, and that the dead man had been robbed by those who should have cared for the property.

Pardini was a blacksmith and wagonmaker on Ohio street, a small thoroughfare near the water front. There, by industry and attention to business, he accumulated a fortune, which was mainly represented by money in bank and furniture. A few days before he died, Pardini received $500 in cash, which was added to a store kept by the wagonmaker in a trunk at the lodging-house of his old friend, E. Delrario. The two men hailed from Lucca, where, no doubt, they made olive oil as boys together. So the confidence reposed by Pardini in Delrario was such as to cause him to trust large sums of money in his room.

In the proceedings before Justice Groezinger brought by Frank Pardini, administrator of his brother's estate, witnesses testified that Pardini had $500 in his room at the time he died. Besides there was jewelry, clothing and other property. The defense claimed that the door of the room was left open, but the Justice was satisfied that Delrario got the coin and gave judgment for $250, the balance having been waived by the administrator.

From the testimony it was gathered that considerable of the decedent's property had been stolen, but as the exact amount of money or description of articles could not be ascertained, criminal prosecution was abandoned.

MYSTERY OF A STOLEN RECEIPT FOR BAIL MONEY

Some One Is Guilty of Forgery.

POLICE SEEKING FOR A CLEW

PAPER STOLEN FROM A CHINESE AT A BANQUET.

The police are working on a case of theft and forgery which incidentally shows the loose methods in vogue in some of the police courts in regard to the return of bail money.

On November 1 See Wah, a Chinese, was arrested for aiding and abetting a lottery. He was taken to the California-street police station, and a friend, Charlie Foo, called and put up $100 cash bail for his release. He obtained a receipt from the officer on duty. When the case was called in Judge Conlan's court the following Monday See Wah pleaded guilty and a fine of $10 was imposed.

Charlie Foo was at a banquet in Chinatown the following Thursday, November 9, when his purse containing $5 and the receipt for the $100 bail money was stolen from him. Friday morning a white man called upon Clerk Rice of Judge Conlan's court and presented the receipt and got an order on the City Treasurer for the amount. The man signed Rice's book "Al O'Neill," but in the Treasurer's book he signed the name "H. Meyer" when the money was handed to him.

Charlie Foo reported the theft of his purse to police headquarters, but it was not till Monday that the discovery of the money having been drawn from the Treasurer was made. Detective Dillon, who was detailed on the case, asked Clerk Rice if he could give any description of the man who presented the receipt to him, but Rice was unable to satisfy him, as he could remember nothing. Dillon remarked that the fact of a white man presenting a receipt for money put up by a Chinese should have aroused suspicion in Rice's mind, but Rice thought differently. The detective had no more success in the Treasurer's office in getting a clew to the identity of the man.

The fact was reported to Chief Lees and he employed Theodore Kytka, the expert on handwriting, to examine the signatures on Rice's book and the Treasurer's book in the hope that some clew might be gotten of the forger. Kytka is now working on the case. What puzzles the police is the peculiarity of the theft of the purse, being evidently the work of a Chinese thief, and a white man the next morning presenting the stolen receipt to Clerk Rice. There is a suspicion that when the facts are known a scandal may be exposed that will lead to trouble for some people.

NEWHOUSE ARRESTED ON CHARGE OF FORGERY.

Culmination of Sensational Mining Litigation Which Has Been Pending in the Courts for Years.

As the outcome of the legal and business troubles of E. A. Willcox and Oscar Newhouse, which culminated in a suit for $[illegible] instituted by the latter, Newhouse is now in jail, charged with forgery. He was arrested at midnight upon a warrant sworn to by J. E. Doolittle, the capitalist mining man, who acts as the representative of Willcox.

Newhouse claims to be in ignorance of the charge made against him, but, according to his story, it is in some way connected with the suit which he commenced on October 24, 1896, against Willcox. The latter is said to have gone to Europe and to have assigned his claims to various interests in mining property to Doolittle.

The suit of Newhouse against Willcox brought out allegations of fraud and unfair divisions of profits, as well as failure to keep agreements made, whereby Newhouse was to have received a portion of one-fourth of all the revenue derived. It has been pending in the courts for years. Among the mining properties involved were the Providence and Gold Blossom groups, situated in Tuolumne and Placer counties. Willcox made counter charges of fraud and some sensational testimony was brought out.

The arrest of Newhouse is an outcome of the past litigation. He says that he supposes the charge of forgery is based upon some of the signatures to documents introduced in the suit and declares that the arrest is but a matter of spite on the part of Willcox, who has got trouble to be sponsor for what may take place.

NOVEMBER 15, 1899.

NEW PICTURES OF CAPTAIN DREYFUS AND HIS WIFE AND YOUNG CHILDREN.

A photographer for Black and White of London has paid a visit to the Dreyfus family at Carpentras and secured the picture which is reproduced here. Mme. Dreyfus has heretofore been presented to the public only in well-meaning but inaccurate drawings. This excellent photograph gives a more faithful idea of this now historic personage, whose devotion to so forlorn a cause will remain memorable in the annals of womanhood. In spite of alarmist reports of the health of Dreyfus, the ex-artillery Captain seems to have been greatly benefited by his stay at Carpentras and to be well on the road toward partial recovery from the terrible sufferings to which he was subjected on Devil's Island.

EVIDENCE OF FRAUD FOUND

Records of Police Court Show What Seem Forgeries.

CHIEF LEES ORDERS AN INVESTIGATION.

HANDWRITING EXPERT KYTKA MAKES SOME STARTLING DISCOVERIES.

Clerk John Rice Appears to Be an Offender—Has Been Under Dark Suspicions Before.

John Rice, clerk of Police Court 2, is suspected of collecting many sums of money deposited with him for bail, and of forging the names of the persons to whom it belonged, or signing fictitious names on the book in which the records of bail money are kept. Chief of Police Lees gave instructions yesterday to Theodore Kytka, the handwriting expert, and to Detective Dillon to make a careful investigation of the book known as "Record of Bail Money Deposited in Police Court 2," and to compare the signatures therein with the signatures on the orders held by the Treasurer and with Rice's handwriting. The result of an examination covering but a few hours' time developed what seemed startling disclosures, and it looked as if the peculations of bail money would reach a large sum.

The investigation was precipitated by the discovery that $100 bail money deposited by Charles Foo, a Chinese, had been collected by some person who was not entitled to receive it. Charles Foo deposited the bail on November 4th for the release of See Wah, who was arrested that day on the charge of aiding and abetting a lottery. Foo was given a receipt numbered 15,641 by Rice. While Foo was attending a party in Waverly place on Thursday night his purse, containing the receipt and $5, he says, was stolen from him. Foo tried to get the bail money, less $10, the amount of the fine imposed, and was astonished to learn that somebody else had drawn the money and had signed the name "Al O'Neil" on the book.

The attention of Rice was called to this, and he was unable to offer an explanation. He declared that he did not know O'Neil, though the same name appears frequently upon the bail book in the column left for the signatures of receivers of bail money. Kytka unhesitatingly pronounces the signature "Al O'Neil" to be in Rice's handwriting. The order for Charles Foo's money in the possession of the Treasurer is indorsed on the back, "H. Myer," in writing very similar to Rice's.

Charles Foo wrote these and other names on a slip of paper for Expert Kytka, but his writing does not bear the slightest resemblance to the signatures in the book or on the orders drawn on the Treasurer.

In the short period of one month the names "Al O'Neil," "K. Walback," "T. T. O'Neil," "A. Campbell" and others, some occurring several times, appear in the book in which the record of bail money is kept, and the chirography of all is very similar to that of Rice.

John Coleman was arrested November 4th, charged with violating the garbage ordinance and he deposited $10 bail for his appearance in court. The money was drawn from the Treasurer before the case was decided. Coleman's name was signed on the back of the order drawn on the Treasurer and also in the bail money book, and both signatures correspond closely with the original entry of Coleman's name which was made by Rice. In the case of George T. Caswell also the bail money was drawn before the case was decided.

The investigations of Expert Kytka and Detective Dillon have only begun, and the instances mentioned are but a few of those that they have noted.

The directory contains no mention of "H. Myer" or "Al O'Neil" or "T. T. O'Neil" or "K. Walback," although there are no fewer than sixteen Campbells whose first name begins with "A." As the makers of the City Directory did not find any one bearing the name "Al O'Neil," which appears eight times, it is judged by the police that the name is fictitious, and as Kytka says, the writing resembles Rice's writing, the police think they need not go far to find the man who signed that and other fictitious names when receipting for bail money. Clerk Rice was not on duty yesterday nor the day before.

This is not the first time that Rice has been under suspicion. Not long ago, less than four months in fact, he was accused by women of the tenderloin who had been before Judge Conlan on [illegible]

YDA ADDIS FREE OF ONE SERIOUS CHARGE.

Action for Assault to Murder Attorney Jackson Dismissed on the Suggestion of the Grand Jury.

SANTA BARBARA, December 9.—The charge of attempt to murder against Yda Addis Storke Jackson, which has been so fiercely contested for three months by her attorney, Clara Foltz, was to-day dismissed at the request of the District Attorney, at the suggestion of the Grand Jury which recently closed its session. District Attorney Squier gave the ground that there was insufficient evidence to show that the defendant intended to take the life of Attorney Grant Jackson. The case had been submitted to the Grand Jury, which failed to find an indictment.

To-day was the time set for the hearing of her motion for a change of venue from this county to Los Angeles, but the motion to dismiss stopped further proceedings. Yda Addis was too ill to appear in court to-day, and the dismissal was as much a surprise to her as it was to the community. She stated to-night that bail of $100 would be secured to-morrow and she would be at liberty pending the appeal on the anonymous letter case conviction.

Yda Addis, on the morning of July 9th, entered Attorney Grant Jackson's room about 3 o'clock through a window and was in the act of administering chloroform when Jackson awoke. She leveled a pistol at him and threatened his life. After waiting for an hour for an opportunity Jackson sprang upon her and overpowered her. During the tussle the pistol was discharged and neighbors were attracted. She claims to have entered into a contract marriage with him and maintained she was in his room only as her right as his wife. She calls herself Mrs. Jackson.

Chronicle feb 4. 19[illegible]

INDICTMENT AGAINST BARTLETT DISMISSED.

The Last of the Perjury Charges Which Have Arisen Out of Mrs. Craven's Suit Has Been Dropped.

Judge Lawlor yesterday dismissed the indictment against Charles S. M. Bartlett for perjury. Bartlett was a witness for Mrs. Nettie R. Craven in the suit in which the two deeds which she claimed that James G. Fair gave her were declared spurious. Bartlett testified that on September 21, 1894, he saw Fair at the office of J. J. Cooney, the notary, at 11 Montgomery street. Mrs. Craven claimed that Fair acknowledged the deeds before Notary Cooney, and Cooney was indicted for swearing that the acknowledgments on the deeds were genuine. The case against him has been dropped. Bartlett was a glib witness, but broke down on cross-examination. Judge Lawlor said that he dismissed the indictment only because the record against Bartlett was lacking, the transcript of the testimony taken before the Grand Jury not being on file. Without the evidence there would be no hope of securing a conviction. The persons who secured the indictment were not desirous of proceeding further against Bartlett, since the suit in which he was a witness is at an end; but, notwithstanding this fact, Judge Lawlor said that he would insist on a trial if it were not clear that the expense would be useless.

TELLTALE MARKS ON THE POLICY.

JUDGE HUNT IGNORES DOUBTFUL WITNESSES.

CASHIER OF THE TALLANT BANK CONTRADICTS MRS. KOZMINSKY.

Testimony of the Widow and Her Son Not Believed and Decision Given Against Them.

Flat contradictions under oath were the distinguishing feature of the case of the Mutual Life Insurance Company against Fred E. Kroeger, Mrs. Emma Kozminsky, her son, H. S. Kominsky, and A. H. Buhne, in which Judge Hunt gave his decision yesterday. Mrs. Kozminsky's son borrowed $3000 from the Tallant Banking Company on February 16, 1896, and gave as collateral security an insurance policy for $5000 on the life of his father, Herman Kozminsky, in which Mrs. Kozminsky was named as beneficiary. On May 1, 1896, A. H. Buhne, who was associated with the younger Kozminsky in business, secured the policy from the bank and gave it to Kozminsky, who returned it to his mother, and she refused to give it back. The bank temporarily parted with it because Kozminsky told Buhne that he could secure a loan on it from a money lender named Solomon and settle with the bank. On December 9, 1896, the bank assigned Kozminsky's promissory note to Kroeger. When her husband died Mrs. Kozminsky applied for the insurance money, and on account of the conflict over it the insurance company brought the suit.

John D. McKee, the cashier of the Tallant bank, testified that the policy had been assigned by Mrs. Kozminsky so that money could be borrowed on it, but when the policy was produced the assignment alleged to have been written on it had disappeared. Traces of writing remained and handwriting experts were called to testify concerning them. Judge Hunt said:

The real point in issue was whether an assignment of the policy was ever made to the Tallant Banking Company. It was claimed by defendants that such an assignment was made and was written on the folded and indorsed portion of the policy. Mrs. Kozminsky and her son swore that such an assignment was never made. Mr. McKee and Mr. Buhne swore that they had seen such an assignment. Mrs. Kozminsky and her son and Mr. Buhne were interested parties, but Mr. McKee was a wholly disinterested party, and therefore great weight is to be attached to his testimony. His testimony is corroborated by the appearance of the paper. Aside from the testimony of the experts introduced on behalf of plaintiff, it appears from an inspection of the photographs, enlarged exemplars of the writing in question, made by Mr. Backus, a witness on behalf of the Kozminskys, that certain letters were originally written upon the paper, which letters were not entirely effaced by the acid or knife used in the obliteration. One of these letters, which I was enabled to see quite distinctly, was the letter "K," and this letter bore a remarkable resemblance to the "K" in the name of the defendant, Emma Kozminsky, as written by her upon her affidavit to an answer on file in this court. Besides this letter the letter "g" was also distinctly evident, and there were shadowy outlines of other letters, so indistinct, however, that I could make nothing of them; but all the counsel interested in the case, including counsel for the Kozminskys admitted that the letters "h-e-r-r" appeared beneath the erasure in question. In addition the witness Buhne testified that young Mr. Kozminsky promised that he would procure his mother's assignment to the policy, and this testimony is nowhere contradicted. Young Kozminsky took the policy with the avowed purpose of borrowing money on it of one Solomon. It would have been farcical for him to have made such an attempt if the policy had not been assigned by the beneficiary, Emma Kozminsky.

Judge Hunt ordered that the amount due on the note, $3358, be paid to Kroeger, and that the balance of the insurance money, $1646, go to Mrs. Kozminsky. At the time that Mrs. Kozminsky testified in this case she was also a witness in the suit of A. C. Rulofson to secure the estate of Captain Winslow G. Hall, which has been on trial before Judge Belcher for months. The testimony in the Rulofson case abounds in contradictions.

WHO IS AT FAULT?

A Scandal in Police Court No. 2 Regarding the Disposition of Bail Money.

The periodical scandal in Police Court No. 2 has cropped up again. For some time that court has been the scene of unsavory scandals, and now the police are determined to probe the matter to the bottom. Yesterday Chief of Police Lees gave instructions to Theodore Kytka, the handwriting expert, and Detective Dillon to make a careful examination of the book known as "Record of Bail Money Deposited in Police Court No. 2."

They were ordered to compare the signatures therein with the signature of the order held by the treasurer.

The suggestion was also made to compare the signature with the handwriting of Clerk John Rice of that department.

The investigation was occasioned by the discovery that $100 bail money deposited by Charley Too, a Chinese, had been collected by some one with no right to receive it. The money was deposited by Loo on November 1th for the release of Lee Wah, who was charged with aiding and abetting a lottery. A receipt was given him, which he claims was afterwards stolen from him at a party given in Waverly place. When he attempted to regain possession of the $100 bail money, less the $10 fine imposed, he found that the money had already been drawn by somebody, who had signed the name of "Al O'Neil" on the book.

Expert Kytka declares that the signature is in the handwriting of Clerk Rice. The latter denies, and says that he does not know O'Neil.

Detective Dillon and the handwriting expert today made a further examination of the books in department No. 2. Besides the case of Charley Loo, the following cases were found where, according to Kytka, the signature of the person receipting for bail money had all been written by the same person.

L. de Benedalli, charged with violating a health ordinance, deposited $10 to insure his appearance in court. The case was dismissed and the money was drawn by G. D. Caswell. The name does not appear in the directory.

Paul Raymond, charged with drunk, deposited $5. The money was paid to A. Campbell, his attorney, who acknowledges having received the money.

Ah Lee, charged with aiding and abetting a lottery, deposited cash to the amount of $100. He was fined $10 and the remaining $90 was paid to T. J. O'Neil.

Ah Sing was charged with the same offense, and the same disposition was made of his case. The money was also paid to T. J. O'Neil.

John Coleman deposited $10 cash as bail, and according to the books, the money was paid to him.

Harley Kai left $40 as an evidence of good faith. The case was dismissed and N. Kai receipted for the $40.

A. O. Ekman was arrested and charged with failure to provide. He left behind $10 as bail. Later his signature appears on the book as having received the money. Several other persons' names appear on the "Record of Bail Money" which, according to Expert Kytka, are all signed by the same person. One peculiar circumstance about the matter, and which will in a great measure acquit Clerk Rice of the charge of having received the bail money is the fact that in no other case than that of Charley Loo has there been any complaint from the rightful owners of the bail money. Had the money been paid to any unauthorized person surely, says Rice, there would have been complaints made to the police. No complaints of this nature other than the single case cited above have been made.

T. J. O'Neil, whose name appears on several occasions as having receipted for bail money deposited by Chinese offenders, is a special officer in Chinatown and frequently acts as their agent in cases of this kind.

Rice denies having on any occasion drawn bail money deposited, and claims that he is willing to court the fullest investigation.

CLERK RICE'S BOOKS.

Expert Williams Has Them in His Custody.

Stories of Irregularities In Police Court No. 2.

Chief Lees has commenced an investigation into the bail books of Police Court No. 2. The inquiry was brought about by the cashing of the receipt of Charles Foo, who went bail for Seo Wah in the sum of $100 on a charge of aiding and abetting a lottery.

On the night of the day that the case was disposed of in the Police Court Foo was robbed of the receipt while attending a party on Waverley Place.

He hurried to the treasurer's office next day, but was surprised to find that Clerk Rice of Court No. 2 had issued an order for the payment of the money which had been receipted for by a man who signed his name Al O'Neill.

Expert Kytka was called in and after making a hasty examination reported that in his opinion the names of Paul Raymond, Al O'Neill, George T. Caswell, A. Campbell, T. J. O'Neil, H. Spencer, E. Joy, A. O. Eckman, N. Ike, Long Kum, K. Wolbeck and A. O. Eckman had all been signed by Clerk Rice.

Rice ridiculed the story this morning and stated that it was peculiar that if wholesale robbery had been carried on in the repayment of bail nobody had appeared to make a protest. He claimed that the system now in vogue protects the department of bail against all chances of fraud.

Expert Williams of the Board of Supervisors this morning took possession of the books of Court No. 2 for the purpose of investigating them.

NOVEMBER 16, 1899.

NETTIE CRAVEN SAYS THE WILL IS INVALIDATED

Sues to Set Aside the Fair Testament.

GROUNDS OF THE PETITION

CONTESTS FILED BY CHILDREN HAVE THIS RESULT.

If Even the Theory of the Suit Prevails the Millionnire's Estate Must Be Distributed to the Heirs.

Mrs. Nettie R. Craven, as the alleged widow of the late James G. Fair, has filed another action in the Superior Court for the purpose of gaining possession of one-third of the estate of the deceased millionaire. The action is in the nature of an application for partial distribution to her of a widow's portion of the estate and if even the theory upon which the motion is made is approved by the court the entire estate of the deceased will be distributed according to law without reference to the will which has been admitted to probate.

The motion contests the right of Charles L. Fair, Virginia Vanderbilt and Theresa A. Oelrichs to the interests bequeathed them by Senator Fair on the ground that they have violated the provisions of the will, and hence are not legally entitled to take advantage of its provisions.

After setting forth the fact that the income from decedent's estate exceeds $500,000 a year, and that since Senator Fair's death the income has amounted to over $4,631,454, Mrs. Craven quotes a section of the will as follows: "I now expressly provide that if any one or more of the legatees or devisees in this will named or provided shall at any time commence any proceeding to contest this will the legacy, devise and provision therein bequeathed, devised and provided for shall from that time become void."

Mrs. Craven cites the fact that on May 7, 1895, Charles L. Fair, and on March 23, 1897, Virginia Vanderbilt and Theresa A. Oelrichs commenced contests against the will, and in consequence the provisions of the will bequeathing them interests in the estate are void and the properties and accumulated income are only subject to distribution to the heirs-at-law of the deceased. In keeping with this theory Mrs. Craven prays for the distribution to her of one-third of the properties, the widow's portion.

Pence & Pence, W. W. Foote, Denson, Oatman & Denson, A. Ruef and John H. Dickinson appear as petitioner's counsel.

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The Official County Paper

A WHOLESOME SENTENCE.

Judge Oster fittingly closed the trial of Yda Addis Storke yesterday, when he sentenced the defendant to imprisonment for the maximum term provided by the law. He expresses the regret of the community when he said he was sorry the penalty was not greater, for a year in the county jail was not sufficient punishment for the crime committed.

But the sentence will be welcomed with feelings of relief by the people of the county. They know that a dangerous and desperate woman is where she can do no harm for a few months at least. The county is to be congratulated upon the result of the trial; and congratulations from the county are due those who conducted the case so successfully. District Attorney Squier made a state record by the manner in which he handled the prosecution.

Much credit, too, should be given one whose good work has possibly been partially overlooked in the excitement of succeeding events; but who, by his scientific and painstaking analysis of the writings involved did much to strengthen the case against Mrs. Storke. It is Theodore Kytka to whom reference is made. Mr. Kytka is an ideal witness; he was on the stand longer than any one handwriting expert in any other single trial in the United States. He underwent a severe cross-examination for four days. But not a flaw could be found in the mass of convincing testimony presented by him; so admirably was his evidence presented, that it was only strengthened by the attacks upon it. Kytka impressed all who heard him as fully qualified as an expert, and conscientious and truthful as a witness.

RAILWAY CONSTRUCTION IN 1899.

SAN FRANCISCO, NOVEMBER 18, 1899.

HALLO, Theodore Kytka!

Hello, Angus!

A.—What do you think of the way business is done in the clerk's office of the police court?

K.—Vile. Perjury, forgery, grafting and robbery appears strongly in evidence, but it is hard to get the lead pipe cinch on any of the evil doers. That corruption exists has long been known. As writing expert for the city I know what I am talking about.

POLICE ACCUSE CLERK RICE OF FORGERY.

Charge, However, Is Not Easy of Explanation.

Claim to Have Discovered Glaring Irregularities in Payment of Bail Money.

SOME THINK IT IS ONLY A MARE'S NEST.

The Man Himself Submits His Books to the City's Expert for Examination.

Detective Thomas Dillon, acting under the instructions of Chief of Police Lees, is deep in the investigation of the official acts and affairs of John Rice, clerk of Department 2 of the Police Court, and claims to have brought to light glaring irregularities in connection with the payment of money deposited with him for bail. In fact, Dillon and Kytka, the writing expert, say unhesitatingly that Rice is guilty of forgery. According to them a comparison of the handwriting of the clerk and the signatures appearing in the "Record of Bail Money Deposited" and those on the orders in the Treasury are one and the same.

The discovery that $100 deposited by Charles Foo, a Chinese, for the release of See Wah, arrested on November 1, for aiding and abetting a lottery, had been collected by some person not entitled to receive it, precipitated the investigation. The receipt was given to Foo by Rice. The following Thursday, while the Chinese was attending a party in Waverley place his pockets were picked and a purse containing the receipt and $5 stolen. He reported the matter to a patrolman of the Chinatown squad, who accompanied him to the treasury in order to stop the payment of the receipt if it were presented. They were too late. An order for the money, less $10, the amount of the fine imposed on Wah, had been paid on the indorsement of one H. Meyer. In Rice's record book the name of Al O'Neil appears in receipt for the order from the court.

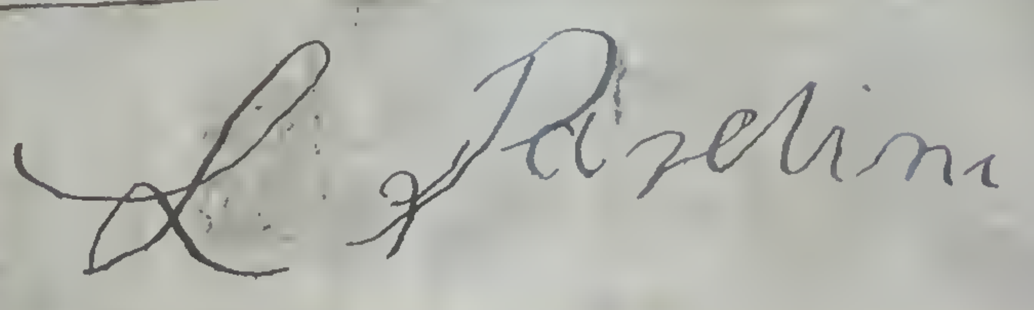
Rice says that he does not know O'Neil. The man presented the receipt and he gave him the order. Police Court methods of doing business are lax, at the best, and Rice filled out the order without demanding the indorsement of the Chinese who had deposited the money. It has been the custom for three years past, in order to obviate the necessity of a prisoner or one depositing money for bail being identified by the arresting policeman, or the station-keeper to make the orders "payable to bearer." Following this practice Rice made out the order in that way, and gave it to O'Neil.

The startling discovery that Dillon says he has made is that the names of O'Neil and Meyer, the indorsers, are all in Rice's handwriting.

Rice denies this and asks how it would be possible for him to have secured the receipt from the Chinese, for it is presumed that it was one who robbed Foo at the party. This morning he turned his books over to Expert Williams to be examined. Another point that the police do not explain is why more persons have not come forward and asked for the return of their bail money. Dillon cites ten specific cases in which he alleges the same crookedness obtains as in the Foo case.

A great many who are arrested and give bail, later give the receipts for it to their attorneys, who accept them as fees. Some of the court clerks demand that the name of the depositor be indorsed on the back, but others are not quite so exacting. Another thing that would explain the different signatures is that in many cases a friend or relative gives bail for a prisoner and, of course, their names would not be the same.

Why persons in the cases mentioned have not asked return for their money is a mystery that the police say they will try to solve by making a personal canvass. There are many acquainted with the method obtaining at present in the Police Court, who believe they have stirred up a mare's nest.



DECLARE IT A FORGERY.

Representatives of L. Pardini's Estate Decline to Pay a Note.

In the suit of John Pasleno against the estate of L. Pardini, deceased, for $2,500, argument is to be heard by Judge Hunt to-morrow.

The foundation of the claim is a note which the representatives of the estate declare to be a forgery. Several witnesses who examined the paper said they believed the signature to be spurious. In support of this theory, those acting on behalf of the Pardini estate introduced in evidence documents showing that Pardini was doing business on a cash basis; that he had a large amount of money in bank subject to his demand, and that he owned property which yielded him over $200 a month. In addition to this a due bill for $500, signed by John Paslene and his brother, Andrew Paslene, which was found in Pardini's safe after his death, was introduced in evidence, together with a contract, by the terms of which Pardini agreed to advance money to Paslene brothers, they to buy potatoes with the money and divide the profits with him.

Attorney Magee explained that the purpose of this evidence was to show that Pardini would not be likely to make a note for $2,500 to one member of the firm when he held the firm's due bill for $500 and was under contract to advance money to be used in their business as dealers in produce.

According to Pardini's books, the firm of Paslene Bros. was indebted to him for five years before and at the date of his death for work and materials furnished.

On behalf of the plaintiff it was stated that the $2,500 transaction represented by the note was a private matter between Pardini and John Paslene and had nothing to do with the partnership affairs of Paslene Bros. Andrew Paslene testified that he saw Pardini sign the note, but knew nothing of the business with which it was concerned. J. J. Joseph, who is employed by Paslene Brothers, corroborated Andrew Paslene in regard to the signature.

COURT AND EXPERT COULD NOT AGREE.

Points in a Disputed Signature That Judge Hunt Failed to See.

In the suit of John Paslene against the estate of L. Pardini, deceased, to collect $2,500 on a note for that amount, purporting to have been signed by the decedent, John F. Holland, and J. J. Joseph testified before Judge Hunt yesterday that they saw Pardini sign the note.

Theodore Kytka was called as an expert in handwriting and declared the signature of Pardini to be a forgery. He exhibited an enlarged photograph of the signature and pointed out what he declared to be pin points that had been used as guides by the person who wrote the signature.

"You may be right, but I must confess that my eyes do not detect the signs you mention," said Judge Hunt.

Attorney J. C. Campbell asked Mr. Kytka if experts Ames and Carvalho did not disagree with him in regard to the genuineness of testator's signature in the Davis will contest. Mr. Kytka admitted that to be true, but said those gentlemen received $2,500 each for their services.

Mr. Campbell offered to be sworn in order that he might dispute Mr. Kytka's statement, but Judge Hunt said it was immaterial and closed the incident. Additional testimony will be taken to-day.

Handwriting Experts Not Believed.

Judge Hunt has little faith in experts who give theoretical testimony. He announced his judgment yesterday in favor of the plaintiff in the suit of John Pastine against F. Pardini, administrator of Luigi Pardini's estate, for $2500 on a promissory note. Positive testimony that the deceased Pardini had signed the note was given, but T. Kytka, a handwriting expert, and a bank cashier declared the signature a forgery.

ALLEGED FORGERY OF A NOTE.

Handwriting Question to Be Solved by Judge Hunt.

The suit of John Paslene against F. Pardini, administrator of Luigi Pardini's estate, on a promissory note for $2500, dated June 1, 1898, was on trial yesterday before Judge Hunt. The genuineness of the signature on the note was disputed. John F. Holland and J. J. Joseph, who had been in Paslene's employ, testified that they saw Pardini sign the note. F. Brigeano, cashier of the Columbus Savings and Loan Society, testified that in his opinion the signature had not been written by Pardini.

Theodore Kytka was called as an expert, and he asserted that the writing on the note was a forgery, and that the name had been copied from a genuine signature. Judge Hunt seemed to be skeptical as to some of Kytka's theoretical points. Attorney J. P. Campbell maintained that the testimony of the handwriting experts was worthless, as they were paid to testify, and in every important case in which experts were called to give opinions on one side other experts made equally positive declarations for the other side. The testimony for the plaintiff was to the effect that Pardini was standing up when he wrote his name on the note, but Kytka said that no difference in the character of the handwriting was caused by the position of the writer. The trial was not finished.

SUIT ON A NOTE

John Pastine is suing the estate of L. Pardini before Judge Hunt to collect $2500 on a note which bears the alleged signature of Pardini. Pastine declares the signature on the note to be a forgery, and refuses to make payment. Theodore Kytka, as an expert, declared that the signature was a forgery. The Court, however, does not seem inclined to take Mr. Kytka's testimony as final.

JUDGE TROUTT IS NOW IN DOUBT.

Attorney Wheeler's Argument Has Effect—Important Ruling in Favor of Mrs. Craven May Be Changed.

By an argument that began in the morning and ended in the afternoon yesterday, Attorney Charles S. Wheeler, speaking in behalf of the children of James G. Fair, succeeded in causing Judge Troutt to doubt whether a ruling which he made lately in favor of Mrs. Nettie R. Craven was correct. The ruling was to the effect that the decree of partial distribution of the real property of the Fair estate, which was made in 1897, and which cannot now be changed or appealed from, does not forever debar Mrs. Craven from claiming that she is Fair's widow and that she can petition for a share of the remaining property as widow and heir. The decree stated that the only heirs of Fair were the three children, and declared as a fact that he left no widow. Mrs. Craven has applied for an allowance of $5000 per month as Fair's widow. In their answer to her petition the Fair children say that she was a party of the proceedings for partial distribution, and was represented by her attorney in court when they took place, that she presented no claim then as a widow and that it is now too late to urge such a claim.

The demurrer to the first answer filed was sustained by Judge Troutt on the ground that while the decree of partial distribution stopped her from claiming any of the property described in that decree, it could not keep her from demanding a widow's share of the other property. An amended answer was then filed, and the demurrer to it was argued yesterday.

Wheeler said that an application for partial distribution is not an insignificant proceeding. A whole estate may be distributed by it, as was done in the Jessup case. It would be an anomaly to have the court's decree on one day that certain persons are the heirs and on another that others are the heirs. He remarked that if Mrs. Craven were allowed to pose as an heir now, later on there might be another claimant in the person of a child of James G. Fair's deceased son. The anomaly was to be avoided, if that could be done, by a certain construction of the law.

Judge Troutt said that he felt that he should give further thought to the matter, notwithstanding his ruling, as it was important and he wanted to be right. He will notify Attorney Pique by next Monday as to whether he desires to hear further argument from him on Mrs. Craven's behalf.

FAIR EXECUTORS ARE MUCH VEXED.

2, 1902

May Soon Disturb the Plans of Rich Man's Children.

The attorneys for the Fair children, the executors and trustees, and Mrs. Nettie R. Craven gathered in Judge Troutt's court yesterday to discuss a motion with reference to one of Mrs. Craven's numerous petitions which was on the calendar, but the matter went over for a week. An opportunity was afforded the lawyers to do some talking out of court, and it appeared that, while the Fair children and the executors named in the trust will have been standing together against Mrs. Craven, they have differences of their own, which may become more manifest before long. The executors are Messrs. Goodfellow, Angus and Crothers. Garret McEnerney is attorney for Goodfellow and Pierson & Crothers are the lawyers for the other two. These attorneys have allowed Charles L. Fair's contest against the trust will to slumber in court at the request of Attorney Heggerty, representing Charles L. Fair, but they are now disposed to force it to trial without further delay. This will disarrange the children's plans.

On behalf of the Fair children complaints have been made that they have received none of the income of their father's estate since his death, while the attorneys for the executors and other parties have been paid hundreds of thousands of dollars. Attorney McEnerney, speaking on this point yesterday, explained that the estate had been so tied up by the proceedings instituted by the children that the executors had no authority to pay them anything at present.

The dissatisfaction on the part of the children has already developed a mild spirit of resentment on the part of the executors, who have been the target of the children's criticism. It is said on behalf of the executors that it was the children who first joined hands with Mrs. Craven and got her into the estate matter as a disturbing element. They wanted to use the pencil will which she brought forward in order to knock out the trust will.

"They sowed the wind and are reaping the whirlwind," remarked one of the attorneys for the executors yesterday. He ventured the prediction that if the Fair trust will should be declared void by the Supreme Court the children would compromise with Mrs. Craven and give her part of the estate.

OBJECT TO HER CLAIM AS THEIR STEPMOTHER.

Children of the Late James G. Fair Seek to Estop Mrs. Nettie R. Craven-Fair.

Feb 1, 1900

Judge Troutt of the Superior Court heard argument by Charles S. Wheeler yesterday on behalf of the children of the late James G. Fair who oppose the application for family allowance made by Mrs. Nettie R. Craven-Fair, who claims recognition as the widow of the deceased.

Mrs. Theresa Oelrichs, Charles L. Fair and Mrs. Virginia Vanderbilt set up in answer to Mrs. Craven-Fair's petition for family allowance that she is estopped by reason of previous proceedings in the case. They say that when they petitioned for partial distribution of the real estate to them on the ground that they were the sole heirs at law, Mrs. Craven-Fair was present and made herself a party to the proceeding, that she presented no objections to their claim that they were the sole heirs at law, that the only objection offered by Attorney D. M. Delmas, speaking for Mrs. Craven-Fair and in her presence, was that an attempt was being made to deprive her of two pieces of property to which she alleged that she held valid deeds, that thereupon their petition, so far as it related to those pieces of property, was dismissed and abandoned by the children of Fair, that Mrs. Craven-Fair laid no claim to being the surviving wife or widow of James G. Fair and claimed no interest or heirship to the estate by reason of alleged widowhood.

On behalf of the children of Fair, it is contended that the order of court made at that time, declaring them the only heirs at law, determined the succession to the estate of James G. Fair and acts as an estoppel to claims now set up by Mrs. Craven-Fair.

Judge Troutt took the matter under advisement until next Monday, at which time he will announce whether he desires to hear argument from the attorneys representing Mrs. Craven-Fair.

A NEW ATTACK BY MRS. CRAVEN

FORFEITURE CLAUSE IS AMMUNITION FOR HER.

FAIR'S WILL PROVIDED THAT A CONTESTANT SHOULD GET NOTHING.

Her Attorneys Maintain That the Millionaire's Children Have Lost All Right to Inherit.

Lafe Pence, who was a Populist Congressman in Colorado, has busied himself since he came here to reside in preparing petitions of all sorts on behalf of Mrs. Nettie R. Craven, he being the latest addition to her list of attorneys. In the last few months numerous applications for the purpose of securing for her a share of James G. Fair's estate have been filed in the Superior Court. The names of all of her counsel have been signed to them, but Pence has been the active man in the new campaign against the Fair children. The lawyers on the other side say that this is the only local case that he has as yet, and that he is consequently devoting all of his time to devising pleas to advance Mrs. Craven's claims. Mrs. Craven, who calls herself Mrs. Fair, and the barristers supporting her manifest a determination to keep the litigation over the estate alive for years, and Pence has suggested that it can be carried into the Federal courts when the processes of the State courts are exhausted. The last petition presented for Mrs. Craven attacks the right of the Fair children to take any of the estate on account of this provision in James G. Fair's trust will, dated September 21, 1894, which was admitted to probate:

I expressly declare and provide that if any one or more of the legatees or devisees in this will named or provided for shall at any time commence any proceeding to contest this will, the legacy, devise and provision therein bequeathed, devised and provided for shall from that time become void and I hereby revoke the same, and neither the court having jurisdiction of my estate nor my said executors or trustees shall have any authority to distribute, pay or deliver to such legatee or devisee any portion of the legacy or devise to which they would otherwise be entitled under the provisions hereof.

The petition states that on March 15, 1895, Charles L. Fair, Mrs. Theresa A. Oelrichs and Mrs. Virginia Vanderbilt, the children of Fair, offered for probate a will dated September 24, 1894, claiming that it was the last will of their father and proceeded to contest the trust will; that on May 7, 1895, Charles L. Fair commenced proceedings to contest the trust will by filing in court his written grounds of opposition; that on March 23, 1897, Mrs. Virginia Vanderbilt commenced proceedings to contest the will by filing a petition relating to real property belonging to the estate, the defendants being the executors named in the will; that Charles L. Fair commenced proceedings, in which his sisters joined, against the will, by suing the executors to have the provisions in the will for the disposal of the real estate declared unlawful; that on March 23, 1897, the three children took further steps to oppose the will by petitioning for the distribution to them of the real property belonging to the estate, alleging that the trust provided for in the will was void; that on April 28, 1897, they filed a similar petition in relation to the personal property of the estate; and that on November 15, 1897, Charles L. Fair began other proceedings against the will by petitioning that its probate be revoked. It is contended that the right of the children to take under the trust will has thus been forfeited.

Charles J. Heggerty, attorney for Charles L. Fair, said yesterday that Pence had not been here long enough to get acquainted with the case fully. He stated that the proceeding in which the three children joined was a petition to have the will construed. Such a proceeding was not a contest, he remarked. Charles Fair began a contest, which was still pending in the Superior Court. It could be dropped if deemed advisable, and then Fair would not be a contestant. Mrs. Craven endeavored lately to intervene in this contest so that she might have some authority in directing it, but she was shut out by Judge Troutt. The course of the proceedings on behalf of the children will depend on the Supreme Court decision with reference to the trust. Judge Slack decided against the trust in relation to the real estate. Heggerty said that if the Supreme Court sustained that decision the whole trust would be invalidated, since the court could not give the trustees the right to hold the personal property alone, as that would amount to making a new will for Fair. The children will, therefore, take as heirs all of the property set apart for the trust, and that will end their objections to the will. Even if the contest should fail, Heggerty observed, none of the children will lose as provided in the forfeiture clause, for where there is reasonable cause for a contest courts will not enforce such a provision against a contestant. As an authority on this point Heggerty read "Schouler on Wills," published in 1892, as follows:

No arbitrary rule meets well the cases likely to arise under this head, but circumstances ought to influence the construction. The English rule applied to legacies seems the true one, namely, to treat a condition, not to dispute the will as in terrorem and void against sound policy wherever it appears that the legatee had probable cause for contesting the validity or effect of the will, though not otherwise. In this country the question appears still an open one, though a few decisions bearing upon the point may be found.

Heggerty admitted that Mrs. Craven could begin a proceeding to prevent the children from getting their share of the estate, but he said that she would have to prove first that she was Fair's widow before she could become a party in interest and get a standing in court to press the proceeding.

EXECUTORS AND LAWYERS GET ALL

Children of Late Senator Fair Are Longing for Dividends.

Nov. 11 '99

ACCOUNT STATED.

Received from the estate of James G. Fair, deceased.

Theresa Fair Oelrichs, daughter	100,000
Charles L. Fair, son	100,000
Virginia Fair Vanderbilt, daughter	100,000
Pierson & Mitchell, attorneys	105,000
Garret W. McEnerney, attorney	62,500
Houston, Hamilton & Bechell, attorneys	20,505
G. M. Spier, attorney	2,500
Van R. Paterson, attorney	10,000
A. J. Treat, attorney	1,500
W. S. Goodfellow, executor	62,249
T. G. Crothers, executor	62,249
J. S. Angus, executor	62,249
L. C. Breese, executor (dead)	15,000
Total paid to lawyers	$192,005
Total paid to executors	201,747
	$392,762
Total paid to children of deceased	$300,000

An additional $50,000 is in the hands of the executors as a special fund provided by testator to pay expenses of administration.

JAMES G. FAIR has been dead for nearly five years—it will be five years on the 28th of next month—and as yet not a cent of his estate has passed into the hands of his children, though the income of the estate in that time has been over $4,000,000, and nearly $400,000 has been paid out as fees to the executors and their lawyers," said Charles J. Heggerty.

Mr. Heggerty is a member of the firm of Knight & Heggerty, who represent Charles L. Fair in his struggle to obtain possession of part of his father's estate.

"It is safe to say that no more allowances will be made to executors or lawyers if Senator Fair's children can prevent it, until after the affairs of the estate are settled and the property is ready for distribution," Mr. Heggerty added. He spoke for Charles L. Fair, client of his firm, but said it was well understood that Mrs. Theresa Oelrichs and Mrs. Virginia Vanderbilt were also opposed to any more payments to outsiders until they are placed in a position to handle some of their father's millions.

"Of course no one questions the sincerity of the gentlemen on the other side, but Senator Fair's children realize as well as any one else that so long as a cow is producing cream it is not to be expected that the persons whose buckets are being filled will voluntarily turn her out to grass," said Mr. Heggerty. "In the past years it has been the regular custom for the executors and their lawyers to go into court and obtain allowances 'on account of services performed,' and there is nothing to show that the estate is any nearer settlement now than it was six months after Senator Fair's death. If this were allowed to go on without protest there would be no incentive to make the executors and their lawyers hasten the winding up of the estate. It is not in human nature to expect them to do that so long as they may reap such a harvest by prolonging the proceedings."

Mr. Heggerty said that the Fair heirs do not protest against the expenditure of money by the executors in pushing the improvements at North Beach, but that they favor completion of that work, by proper outlay of funds, at the earliest possible moment. The management of the executors has not been attacked in any manner. On the contrary, the administration of the estate's affairs has been satisfactory to the heirs, with the exception of the frequent allowances of fees to the executors and their attorneys.

"Nor do the heirs of Senator Fair object to liberal compensation to all these gentlemen," Mr. Heggerty said. "On the contrary, they are quite willing for all of them to get every dollar they are entitled to, but the children do think it a hardship that others should enjoy their father's fortune while they, who ought to have the first preference, get nothing, but must await the convenience and pleasure of those who have charge of the property."

Fair Estate Claimants to Appear.

Judge Troutt yesterday made an order in accordance with the petition of Mrs. Nettie R. Craven that all persons interested in the estate of James G. Fair set forth their claims under section 1861 of the Code of Civil Procedure. Monday, March 5, 1900, is the day fixed for the appearance of these persons in court. The hearing of Mrs. Craven's application for an allowance of $500 a month as Fair's widow will be taken up by Judge Troutt as soon as he disposes of a few matters ahead of it on the calendar.

RECLAMATION ON THE SAN JOAQUIN.

The principality won for California during the past few years in the lower stretches of the San Joaquin and Sacramento rivers equals, both in size and promise, more than one of the European states, a work, the importance of which is not realized, perhaps, by many not directly interested.

The great productiveness of the vast reaches of "tule lands," in the valley "bottoms" of these rivers, was early appreciated and attempts made to reclaim these lands. Hand levees were thrown up at great expense and other improvements made, the San Francisco banks loaning large sums for the carrying out of this work. The first season of high water, however, would sweep these slight obstructions away resistlessly, and the result was, in every case, loss and destruction to all concerned. After years of an unequal struggle, the attempt to win these lands from the waters was abandoned, except in special instances where the conditions were favorable. The result was severe depreciation in the value of the property, the ruling price even to day for unreclaimed land being only from $6 to $10 an acre. The difficulty of the situation may be better realized when it is understood that the larger proportion of the tule lands average a foot or more below the level of mean high tide at the edges, or borders, of the rivers and sloughs, while the centers of the islands are perhaps 18 inches lower. When it is also remembered that the rivers frequently rise 10 or, in places, 20 feet during high water, the necessity for strong and substantial levees will be apparent.

AN IMMENSE DREDGER BUCKET.

Californian energy has, however, in this, as in so many other cases, risen superior to the occasion, and, as in gold saving machinery she leads the world, so she does in dredging, the work of reclamation being now carried out more cheaply in California than in any other country. This has been accomplished by the large size and perfection of detail of the dredgers employed.

The one chosen for illustration is Golden Gate Dredger No. 1, the property of the Golden Gate Dredging and Reclamation Company of San Francisco, Willis G. Witter, president, and Marshall C. Harris, manager, which, we believe, bears the reputation of being the largest bucket dredging machine ever constructed. It is the product of the shops of the Golden State and Miners Iron Works of San Francisco, built according to the plans of the owners, and represents the latest advance in that line to the date of its construction, two years ago. The enormous capacity of this machine may be imagined from the illustration of the bucket, in which a man almost disappears from view. The bucket is 7 feet across, and its cubical capacity is 4 yards even full, while the weight of its load may be 16 or 20 tons, according to the material. This load is lifted at the end of a boom 135 feet long, which swings with a radius of 270 feet, grasping its burden, raising it, swinging to the opposite side and depositing it, in the average record time of 52 seconds.

The exhilaration of standing in the pilot house of this great machine, while in operation, where one man controls every movement of the immense crane, is very fine, especially at night, when the surrounding blackness is accentuated by the sharp outlines of the electric lights with which the dredger is supplied. The triumphant thrill of feeling man's power over the forces of nature is intense.

When visited by the writer this dredger was working on the grade of the San Joaquin Valley railroad, directly west across the tule lands. This work was completed in April last, and the dredger is now engaged in deepening the Stockton channel, under contract with the United States government.

With such great machines, levees are constructed as high as desired, of the solid material raised from the bottom of the river, the base of the levee being usually made 100 feet, and the top from 15 to 25 feet wide. With such an embankment, there is almost absolute security, and the immediate result is seen in the enhanced values of the lands, which bring from $60 to $100 an acre. That such prices are not extravagant, however, is shown by the value of similar lands in Holland, which, not a whit superior, but even inferior in not possessing the virgin richness of this new reclamation, are held at hundreds and even thousands of dollars to the acre. That a like valuation lies in the near future for the California lands is indicated by the eagerness with which moneyed men are investing in large tracts, one of the latest purchases being the 4000 acres cut off the upper, or southern end of Bacon Island by the grade of the valley railroad, just mentioned. O. Y. Woodward, one of the men made rich by the fertility of other reclaimed lands, well known on the rivers for his enterprise, was the buyer of this tract.

The justification for such purchases is found in the exuberant fertility of the reclaimed sections. Two crops a year of potatoes is usual, and the yield is often as high as 300 sacks per acre. Potato fields of 1000 acres have averaged as high as 200

SERIOUS CHARGE OF FORGERY IS MADE

Supervisors Asked to Investigate a Contract Held by Street Contractors Flynn & Treacy.

Herman A. Druhe, trustee of the estate of the late John H. Druhe, in a communication to the Board of Supervisors this morning, makes statements that reflect upon the firm of Flinn & Treacy, contractors for streets work.

Druhe claims that the Board recently passed a resolution of intention to lay curbing and pave Lafayette street, between Union and Green streets. A few days later, he alleges, Flinn & Tracy filed a petition to the effect that they had received the signatures of the majority of the property owners favoring the work and employing the firm to do the work. The Druhe estate owns a frontage of eighty feet on Lafayette street. In the letter the trustee says:

"I did not sign the contract with Flinn & Treacy nor was my name placed there by me, nor did I authorize any agent to sign for me, and I emphatically state that my signature which appears on said contract of Flinn & Treacy was placed there without my consent, authorization or knowledge."

Druhe also complains that the signatures of other property owners appear upon the contracts of the firm, although the parties concerned have not affixed them. When the matter goes to the Board it is likely that an investigation will be instituted in an endeavor to glean information as to who did forge signatures on the contracts, as averred by Druhe.

"INDIAN LUCY" THE LEGAL WIFE OF MILLIONAIRE JOHN R. HITE.

LUCY HITE, THE INDIAN PLAINTIFF IN THE MARIPOSA DIVORCE CASE FROM A PHOTO TAKEN FOR THE BULLETIN.

John Hite Wrote His Name and That of His Wife.

If the Hotel Record Stands He Has Himself Proved Indian Lucy's Case.

MARIPOSA, Sept. 25.—This morning both sides in the Hite divorce case introduced testimony, but it was a field day for the plaintiff.

William Stanley was the first witness called by the defense, but he knew nothing.

John Matthews, a [illegible], knew Hite twenty-seven years and always heard Lucy referred to as Lucy Hite, "Hite's woman" and "Hite's squaw."

Then the plaintiff called Sherman C. Reynolds, and Attorney Hanlon produced the hotel register from a sack, causing a profound sensation. Attorneys and reporters gathered about the book and witness.

Reynolds lives in San Francisco and identified the book. On line 12, under date of October 30, 1877, the witness identified entry.

"J. R. Hite and wife."

The Court examined the page with a glass. The witness denied changing anything in the book.

On cross-examination by Foote the witness admitted having been on both sides of the case. He admitted taking money from both sides. Foote asked the witness if he had made an affidavit in the case.

"Yes."

"Is that it?"

The witness looked at the affidavit and answered that it was.

While Foote was proceeding with the cross-examination plaintiff's attorneys examined the affidavit.

"Hold on, there," shouted Hanlon. "This is not the right affidavit."

Then he said to the witness:

"Is your name James E. Wilson?"

"Of course not."

"That's all right," said Foote, calmly. "I gave him the wrong affidavit purposely."

"Now, then," to the witness, "is this the affidavit?" giving him another document.

The witness was very nervous.

"What's the matter with your hand?" asked Foote. "Hold it up and let the court see how it trembles."

Foote asked the witness repeatedly if he did not know who rubbed out the entry, now blank, but the witness denied knowing.

Foote asked the witness if he did not know that John A. Wall rubbed it out.

Answer—No.

By stipulation Foote then examined Reynolds as a witness for the defense.

"Did not you steal that book?"

Answer—No.

The witness testified that he had known John and Lucy Hite a long time. He didn't know them as husband and wife. Reynolds made a pitiful figure throughout his examination.

Hanlon, Church and Wall were sworn and corroborated Reynolds' testimony regarding the hotel register of the El Capitan Hotel. Attorney Patterson's statement to the same effect was accepted.

In the cross-examination of Church by Foote, the witness said that Lucy boarded with the witness' wife in San Francisco for several months.

J. W. Congdon, attorney for the defense, was called by the plaintiff. Congdon testified that he had never heard Lucy referred to as Lucy Hite. Hanlon then produced records of a criminal case of ten years ago, in which Lucy Hite was a witness, and was called Lucy Hite by Congdon. The witness did not remember calling her Lucy Hite.

Lorenzo Alcard, who yesterday swore he had never heard Lucy called Lucy Hite, was recalled by plaintiff. He admitted being a juror in the same case, but did not remember that Lucy Hite was a witness.

Thomas Gibbs, called by plaintiff, was familiar with Hite's handwriting. He looked long and earnestly at the entry in the hotel register and finally said the inscription was dim and was not positive.

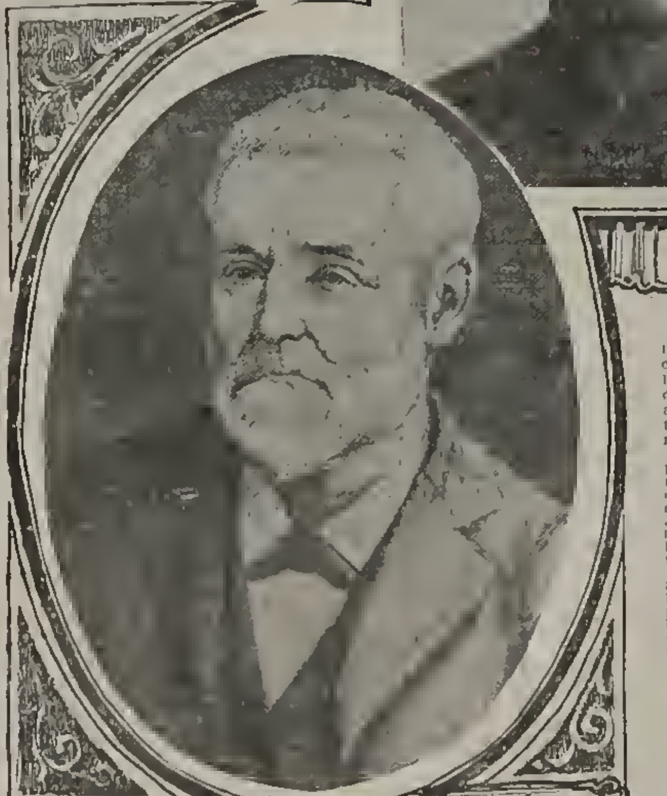
(Continued on Second Page.)

Judge Jones Decides Suit in Her Favor.

Also Grants Her Prayer for Annulment of Tie

INDIAN LUCY, who, as a dusky-hued maiden, sat upon the knee of John R. Hite twenty-eight years ago and solemnly declared "Conna me ohn," while Hite, with equal gravity, replied, "Meenee conna longa," has been declared by law the legal wife

Lucy Hite.



John R Hite

of the millionaire mine-owner, though with the declaration comes the annulment of the marital tie, for which she prayed. Thus has been decided one of the most unique cases ever tried in a California court and one which has attracted attention throughout the United States. An Indian marriage under the old Statute has been declared valid, and as a consequence John R. Hite will be called upon to share his millions with the woman, who, in times of adversity, occupied his humble miner's cabin and administered to his wants, but who, when wealth lay at his feet, was thrown aside, as a cast-off garment, to have her place usurped by a white woman.

Yesterday Judge Joseph P. Jones, before whom the celebrated case was tried, handed down the long-looked for decision. It not only makes "Lucy" Mrs. Hite in the eyes of the world, but allows her $50 monthly alimony, pending further action for a division of community property and gives to her attorneys $1000 in fees. Though the decision does not so mention, it is obvious that Hite's subsequent marriage to Celia Nouignes, who nursed him through a critical illness, is invalid.

Next will come a suit for the wife's share of the wealth the millionaire has amassed, and doubtless long delays and stubbornly-contested appeals, which may drag along for years in court. The history of this unusually interesting case, at points, is as dramatic as the early life of John Hite and "Lucy" was romantic.

In 1855 Hite, a tall, muscular and handsome Southerner, came to California and drifted into Mariposa county. He was a favorite in the mining camps, and when he took a pretty young Indian woman into his cabin, after the irresponsible fashion of the early days, there were none to question his right. She followed him about on his prospecting tours, and it was her keenness which located the spot, which, from Hite's first prospecting, developed into the great Hite mine and made the owner a millionaire.

This pretty Indian woman died, but a younger sister, "Lucy," survived, and though she was then the mistress of another's cabin, Hite induced her to come to him, and he gloried in the personality of the prettiest squaw in the county. Then, after a time, those Indian words were spoken to which meant to Hite "I am your wife" and to the girl "I am your husband."

Lucy grew old and Hite tired of her as his wealth increased. Finally, in October, two years ago the millionaire married a former nurse, casting off "Lucy." Then came the suit for [illegible]

Attorney W. W. Foote of Hite's counsel, who had charged, in a stinging speech, that blackmail was being attempted. The scene at the time was one of excitement, heightened by talk of "guns," "assassination" and other similar expressions. Finally the case was ended and Judge Jones retired to Mariposa county to prepare his decision.

Prior to this time the Supreme Court was appealed to to make an order allowing "Lucy" alimony and sufficient funds out of Hite's hoard with which to prosecute her case. This motion was denied, on the ground that the plaintiff must first prove her legal title to wifehood.

In his decision Judge Jones goes at length into the descriptive and quotes much of the testimony introduced. After recalling the cause of action and the defendant's answer it reads:

The plaintiff is an Indian woman, about 50 years of age, but has a white, otherwise her age is not so apparent [illegible] in her action and of modest demeanor. Some time in the latter sixties she lived and cohabited with one Jerry Gibbs, and by him had a child, now a man in years and who has testified in this case and whose father is now dead. In the years 1867 or [illegible] she lived and cohabited for a time with one Hutchinson, otherwise known here as "Yankee Jim." Part of the year [illegible] and 1871 she lived and cohabited with John R. Hite, the defendant in this action. She left him in the latter part of 1871 and went to live near a place called Schroeder's Mill. In the early part of 1872 she again returned to live with defendant at Hite's Cove, and remained with him there until 1880, when she went with him to Indian Peak, about sixteen miles from Hite's Cove, in Mariposa county, which place is also known as the Alta ranch and the Hunt ranch, and remained with him until the latter part of 1886, during which period they occupied the same house, same room and same bed together, Hite paying her and some [illegible] with credit and paying board, furnishing her with food and paying her bills, both at Hite's Cove and the Alta ranch, where he built a small house, a barn, some fencing and other improvements, making a home. There they remained and lived together until the time when he left Mariposa county for a trip through Mexico, New Mexico and Arizona, making some investments. He returned to Fresno county and there purchased some lands, which he managed and worked until 1891, when he came to the city of San Francisco. The plaintiff has remained at the [illegible] of that ranch since Hite left Mariposa county, being supported by him till the latter part of the year 1896, he visiting the Hunt ranch occasionally after 1886.

Hite, the defendant, as he appears here, is a man of 70 years of age, with white hair and whiskers somewhat on the decline. From the date of the discovery of the Hite mine he has been an industrious, hard-working, active and energetic man and continued so up to the time of his [illegible] in San Francisco in 1891. [illegible]

unions in this State. All of the cases cited are construed to bear directly on the point at issue and over which many days were spent by the attorneys in arguments and presentation of authorities. Then the Court continues by summing up Lucy's testimony as follows:

I know John Hite. I was married to him a long time ago. I never was married to any one but John Hite. I lived with Jerry Gibbs, not married to him. I also lived with "Yankee Jim." Most time John Hite want to take me home. First time John Hite came for me I went with him. I left John Hite, he no talk to me that time marry me. Next time he send Bill Stanley; said if I come back he would marry me. John Hite say make me wife, he no want me to go away. As soon as I get there he want to marry me. I was sitting in his lap. He said to me "Conna me ohn, meenee conna longa" in Indian language. All means, "You my wife I your husband." I repeated the words "Conna me ohn," "I your wife." Hite said "Meenee conna longa," "I your husband." After that I lived with him as his wife.

After an extended summary of Hite's testimony, in which he declares he first met Lucy in 1862, lived with her, but never acknowledged her as his wife, the Judge expresses it as his view from the testimony that Hite presumed a formal Christian or civil ceremony was necessary to constitute marriage. Several pages of testimony from various witnesses, tending to show that Hite introduced the Indian woman as his wife, precede this conclusion:

All the witnesses who knew the parties during the period practically agree that from the early part of 1872 to the latter part of 1886, a period of nearly fifteen years, the plaintiff was living with the defendant, and other witnesses who knew the parties for a shorter period testified to the same effect.

The testimony of the defendant shows that he associated with the Indians before he lived with Mary, Lucy's sister. That during this time he was acquainted with Lucy from the time she was a child with her Indian parents in 1858 to 1872. He must have known her reputation, the fact of her having lived with Jerry Gibbs, by whom she had a child, and who has been a witness in this case. He knew she was living with "Yankee Jim," otherwise Hutchinson, that he, Hite, took her from or persuaded her to leave "Yankee Jim" and live with him, the defendant, in meretricious cohabitation for several months, during which time he did not talk of marriage. After which both plaintiff and defendant testify that their relations for several months were [illegible].

The plaintiff also knew defendant from her childhood, that he had lived with her sister, that another sister was living with Hogan as his wife. And from the testimony she desired to be the wife of the defendant. She testified that he sent for her to come and he would make her his wife. She went to his house. At Hite's Cove there followed such an agreement and understanding between them that she lived with him from 1872 to 1880 at Hite's Cove, when he moved to Indian Peak and established a home, taking her with him, remaining there continuously until the latter part of 1886, making a continuous period of more than fourteen years that he lived with her before he became tired of her and went away, returning thereafter only occasionally, but furnishing her support and paying her bills, even though his affection for the plaintiff had waned, until he became infatuated with Cecelia Nouignes he recognized his obligation to the plaintiff. And this was the first time that he made himself believe that the plaintiff had no further claims on him or for support. After having recognized and so acknowledged her to many people, some of whom have testified here, as his wife for a period of twenty-five years, it would be against good conscience, good morals and against the interest of society for the court to fail to recognize the obligations the testimony shows he assumed for that long period.

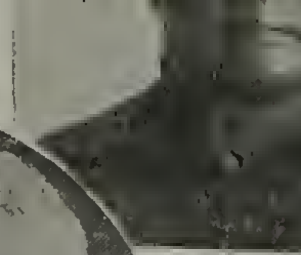
The marriage, to my mind, is established from the evidence, under the laws of this State as it existed prior to the adoption of the codes.

John R. Hite, the defendant, should be held to provide a support for the plaintiff [illegible] and alimony.

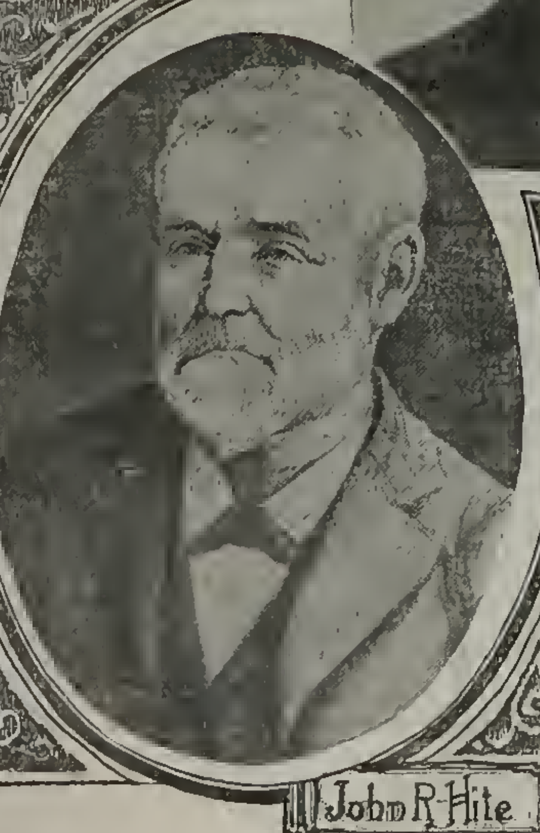
In the matter of alimony and [illegible] in this case [illegible] of the State [illegible] the Supreme Court of this State [illegible] only question determined [illegible] from the headnote of the [illegible]

"In an action for divorce brought by the wife where the marriage is denied [illegible] [illegible] a preponderance of the [illegible] A mere prima facie showing [illegible] is not sufficient."

[illegible]



Lucy Hite.



John R. Hite.

of the millionaire mine-owner, though with the declaration comes the annulment of the marital tie, for which she prayed. Thus has been decided one of the most unique cases ever tried in a California court and one which has attracted attention throughout the United States. An Indian marriage under the old Statute has been declared valid, and as a consequence John R. Hite will be called upon to share his millions with the woman, who, in times of adversity, occupied his humble miner's cabin and administered to his wants, but who, when wealth lay at his feet, was thrown aside, as a cast-off garment, to have her place usurped by a white woman.

Yesterday Judge Joseph P. Jones, before whom the celebrated case was tried, handed down the long-looked for decision. It not only makes "Lucy" Mrs. Hite in the eyes of the world, but allows her $50 monthly alimony, pending further action for a division of community property and gives to her attorneys $1000 in fees. Though the decision does not so mention, it is obvious that Hite's subsequent marriage to Celia Nougues, who nursed him through a critical illness, is invalid.

Next will come a suit for the wife's share of the wealth the millionaire has amassed, and doubtless long delays and stubbornly contested appeals, which may drag along for years in court. The history of this unusually interesting case, at points, is as dramatic as the early life of John Hite and "Lucy" was romantic.

In 1855 Hite, a tall, muscular and handsome Southerner, came to California and drifted into Mariposa county. He was a favorite in the mining camps, and when he took a pretty young Indian woman into his cabin, after the irresponsible fashion of the early days, there were none to question his right. She followed him about on his prospecting tours, and it was her keenness which located the spot, which, from Hite's first prospecting, developed into the great Hite mine and made its owner a millionaire.

This pretty Indian woman died, but a younger sister, "Lucy," survived, and though she was then the mistress of another's cabin, Hite induced her to come to him, and he gloried in the ownership of the prettiest squaw in the county. Then, after a time, those Indian words were spoken in which she said to Hite "I am your wife" and to the girl "I am your husband."

Lucy grew old and Hite tired of her as his wealth increased. Finally, in October, two years ago, the millionaire married a former nurse, casting off "Lucy." Then came the suit for acknowledgment and wealth, the decision of which has just been handed down.

The action was for divorce on the ground of infidelity, naming Cecilia Nougues as co-respondent, though she had come through the marriage ceremony with Hite, for alimony and a division of community property. In answer Hite denied he had ever married "Lucy," denied her title to "wife," declaring that Cecilia Hite was his lawful wife and denying the existence of any community property. The divorce action was begun in Mariposa, September [illegible] of this year, but subsequently was transferred to this city, where Judge Jones held court in the offices of Bogess & Paterson, attorneys for the plaintiff.

A bitter legal struggle ensued. So intense did the conflict wage that it engendered hard feelings among the attorneys, and at one time the "lie" was bandied in the courtroom, directed at Attorney W. W. Foote of Hite's counsel, who had charged, in a stinging speech, that blackmail was being attempted. The scene at the time was one of excitement, heightened by talk of "guns," "assassination" and other similar expressions. Finally the case was ended and Judge Jones retired to Mariposa county to prepare his decision.

Prior to this time the Supreme Court was appealed to to make an order allowing "Lucy" alimony and sufficient funds out of Hite's hoard with which to prosecute her case. This motion was denied, on the ground that the plaintiff must first prove her legal title to wifehood.

In his decision Judge Jones goes at length into the description and quotes much of the testimony introduced. After reciting the cause of action and the defendant's answer it reads:

The plaintiff is an Indian woman, about 50 years of age—her hair white, otherwise her age is not so apparent; sprightly in her action and of modest demeanor. Some time in the latter sixties she lived and cohabited with one Jerry Gibbs, and by him had a child, now a man in years and who has testified in this case, and whose father is now dead. In the years 1870 or 1871 she lived and cohabited for a time with one Hutchinson, otherwise known here as "Yankee Jim." Part of the years of 1870 and 1871 she lived and cohabited with John R. Hite, the defendant in this action. She left him in the latter part of 1871 and went to live near a place called Schneider's Mill. In the early part of 1872 she again returned to live with defendant at Hite's Cove, and remained with him there until 1880, when she went with him to Indian peak, about sixteen miles from Hite's Cove, in Mariposa county, which place is also known as the Alta ranch and the Goat ranch, and remained with him until the latter part of 1886, during which period they occupied the same house, same room and same bed together, Hite paying her board, furnishing her with credit and paying her bills, both at Hite's Cove and the Alta ranch, where he built a small house, a barn, some fencing and other improvements, making a home. There they remained and lived together until the time when he left Mariposa county for a trip through Mexico, New Mexico and Arizona, making some investments. He returned to Fresno county and there purchased some lands, which he managed and worked until 1891, when he came to the city of San Francisco. The plaintiff has remained at the Alta or Goat ranch since Hite left Mariposa county, being supported by him till the latter part of the year [illegible], he visiting the Goat ranch occasionally after 1886.

Hite, the defendant, as he appears here, is a man of [illegible] years of age, with white hair and evidently somewhat on the decline. From the time of the discovery of the Hite mine he has been an industrious, hard working, active and energetic man, and continued so up to the time of his appearance in San Francisco in 1891, though he now claims he is a resident of the county of Fresno. From the [illegible] of him offered in evidence he must have been, in his early manhood, a tall, handsome man. During which period, [illegible] the choice of [illegible] environment, it is not now necessary to determine, [illegible] the Indian [illegible] Indian [illegible], and took Mary, a sister of the plaintiff, to live with him until the time of her death, which seems to have occurred in the late sixties.

After Mary's death, and in the year 1870 or 1871, he took Lucy, the plaintiff, to live with him at his abode at Hite's Cove. At this time his relations with her were meretricious, and so continued up to the time she left him in the latter part of 1871. After an absence of some months she again returned to live with him at Hite's Cove, and on this return plaintiff claims that their relations were changed and they became man and wife. And this raises the principal issue in this case, that of marriage.

At this point the opinion quotes many sections of the law and interpretations of it in various cases relative to common law marriages before the revision of the statutes, which prohibited such unions in this State. All of the cases cited are construed to bear directly on the point at issue and over which many days were spent by the attorneys in arguments and presentation of authorities. Then the Court continues by summing up Lucy's testimony as follows:

I know John Hite. I was married to him a long time ago. I never was married to any one but John Hite. I lived with Jerry Gibbs, not married to him. I also lived with "Yankee Jim." Most time John Hite want to take me home. First time John Hite come for me I went with him. I left John Hite, he no talk to me that time marry me. Next time he sent Bill Stanley; said if I come back he would marry me. John Hite say make me wife; he no want me to go away. As soon as I get there he want to marry me. I was sitting in his lap. He said to me "Conna me cha; meenee conna longa" in Indian language. All means, "You my wife, I your husband." I repeated the words "Conna me cha," "I your wife." Hite said: "Meenee conna longa," "I your husband." After that I lived with him as his wife.

After an extended summary of Hite's testimony, in which he declares he first met Lucy in 1862, lived with her, but never acknowledged her as his wife, the Judge expresses it as his view from the testimony that Hite presumed a formal Christian or civil ceremony was necessary to constitute marriage. Several pages of testimony from various witnesses, tending to show that Hite introduced the Indian woman as his wife, precede this conclusion:

All the witnesses who knew the parties during the period practically agree that from the early part of 1872 to the latter part of 1886, a period of nearly fifteen years, the plaintiff was living with the defendant, and other witnesses who knew the parties for a shorter period testified to the same effect.

The testimony of the defendant shows that he associated with the Indians before he lived with Mary, Lucy's sister. That during this time he was acquainted with Lucy from the time she was a child with her Indian parents in 1855 to 1862. He must have known her reputation, the fact of her having lived with Jerry Gibbs, by whom she had a child, and who has been a witness in this case. He knew she was living with "Yankee Jim," otherwise — Hutchinson, that he, Hite, took her from or persuaded her to leave "Yankee Jim" and live with him, the defendant, in meretricious cohabitation for several months, during which time he did not talk of marriage. After which both plaintiff and defendant testify that their relations for several months were severed.

The plaintiff also knew defendant from her childhood, that he had lived with her sister, that another sister was living with Hagan as his wife. And from the testimony she desired to be the wife of the defendant. She testified that he sent for her to come and he would make her his wife. She went to his house. At Hite's Cove there followed such an agreement and understanding between them that she lived with him from 1872 to 1880 at Hite's Cove, when he moved to Indian Peak and established a home, taking her with him, remaining there continuously until the latter part of 1886, making a continuous period of more than fourteen years that he lived with her before he became restless and went away, returning thereafter only occasionally, but furnishing her support and paying her bills, even though his affection for the plaintiff had waned. Until he became infatuated with Cecelia Nougues he recognized his obligation to the plaintiff. And this was the first time that he made himself believe that the plaintiff had no further claims on him or for support. After having recognized and acknowledged her to many people, some of whom have testified here, as his wife for a period of twenty-five years, it would be against good conscience, good morals and against the interest of society for the Court to fail to recognize the obligations the testimony shows he assumed for that long period.

The marriage, to my mind, is established from the evidence, under the laws of this State as it existed prior to the adoption of the code.

John R. Hite, the defendant, should be held to provide a support for the plaintiff.

In the matter of alimony and suit money in this case, heretofore determined by the Supreme Court of this State, I take it the only question determined by the decision, citing from the headnote of the opinion, was:

"In an action for divorce brought by the wife, where the marriage is denied, to entitle her to alimony and suit money she must prove it by a preponderance of the evidence. A mere prima facie showing is not sufficient."

Defendant Hite, though in the [illegible] when he first [illegible] the plaintiff, is now an old man, the plaintiff, her hair almost white with age, [illegible] and unable to sustain and provide for herself [illegible] action. And it appears [illegible] should be provided as such support, it seems should be provided, [illegible] in this case, in the sum of $1000, and [illegible] for her support and maintenance the sum of $50 per month during the pendency of this action.

The plaintiff is entitled to a decree of dissolving the bonds of matrimony existing between the plaintiff and defendant.

Permanent support to her [illegible] all property rights of the parties [illegible] determined and tried after the court had determined the question of marriage and [illegible] alimony and expenses of suit.

JOSEPH P. JONES, Judge.

The transcribed evidence, depositions and other documents in the case, it is said, compose [illegible] volumes [illegible]. The [illegible] Indian action tried [illegible]. The counsel for the plaintiff were Attorneys Wall, Paterson, Hanlon, [illegible] and Castelhun, while Attorneys Foote and [illegible] represented Hite.

HANLON'S BIG CARD.

Close to Sensation.

Evidence Erased.

Hite Registered Indian Woman as His Wife in 1873.

Bulletin — Sept 28-99

The Register Was to Be Used as Evidence, But Some One Has Erased the Names.

MARIPOSA, Sept. 28.—A big sensation was due this morning in the Hite divorce case, but for obvious reasons it did not take place.

Mrs. Hite had a great card up her sleeve, and it was upon the playing of this card that she expected to win her case. On the register of the El Capitan Hotel, Merced, under the date of Tuesday, October 30, 1877, was this entry: "John R. Hite and wife." Attorney Hanlon had brought to Mariposa with him this register and had intended this morning to spring it with great lime light effect. But when the attorneys opened the register this morning they found that the name had been erased and there was nothing but a blank space there. Of course it was not introduced, but the attorneys hope to be able with the use of a glass and chemicals to bring the name out so it can be seen by the court and jury.

This bit of evidence was practically the whole case for the plaintiff, and it would have been strong testimony.

THE PLAINTIFF IN THE CASE ILL TO-DAY.

MARIPOSA, Cal., Sept. 28.—The Indian plaintiff in the Hite divorce case was not in court this morning, and it is said she is ill. John Visher was the first witness. On his direct examination by Hanlon, he said that, as to the repute of John Hite and Lucy Hite, he knew nothing except that she was called "Mrs. Hite."

On cross-examination by Foote, he said that Luther Grove first spoke to him about testifying in this case. He met Mr. Grove between the sawmill and Wawona. He was hauling lumber to Raymond. Asked as to who he had heard call Lucy "Mrs. Hite," the witness gave the names of several parties. The witness personally called her Mrs. Hite, and his wife visited the Hites and called Lucy "Mrs. Hite." He had also heard Mrs. Hite referred to as "Mrs. Gibbs."

On redirect examination by Van R. Paterson, he said that Luther Grove was looking up witnesses and testimony for the defense.

Judge Paterson asked: "How much were you offered by Grove to testify in this case that Lucy, the squaw, was not the wife of John R. Hite?"

"Not a cent. I told Grove that for ten years I had known her, and that she bore the reputation of a lady. Grove asked me, 'How much are you getting hauling lumber?' and said: 'If you knew anything that would be advantageous to Mrs. Hite, you could be a witness in this case. You are not making anything hauling lumber.'"

Thomas Gibbs was recalled for the plaintiff, and Hanlon showed him letters and asked him to identify the signatures and handwriting. The witness said it was the writing of John R. Hite. Gibbs was then withdrawn temporarily.

Judge Paterson rose to his feet and said: "I understand a continuance will be demanded by our opponents in this case, and

visited Hite's Cove several times and worked there. Hite was not there at the time.

Gibbs was recalled for the plaintiff and Attorney Hanlon showed him letters addressed to him and introduced for the purpose of showing the confidential family relations which existed between the defendant and the witness. The first letter refers to the prospective sale of Hite's mine to a New York syndicate. Witness identified each letter from Hite.

Foote objected to the several letters and excepted to the ruling of the Court admitting them.

William Cathey was then called for the defense, his direct examination being conducted by W. W. Foote. He knew the plaintiff and the defendant when living at Hite's Cove. After a legal fight the witness was permitted to answer the following question:

"What was the general repute as to their personal relations?"

"They were not supposed to be man and wife."

On cross-examination by Paterson the witness could not remember any one who had referred to Lucy as Mrs. Hite. She was called "Hite's squaw." The witness never heard Hite call her his wife.

Asked by Paterson if he would dare to refer, in Hite's presence, to Lucy as "your squaw," the witness replied: "No."

The witness was then asked by Paterson if he remembered the case in which John R. Hite was the defendant in a prosecution for cutting timber on Government land, and that Hite and Snyder, defendant's partner in the lumber business, both testified that Hite was a married man and claimed timber rights as a married man. He answered "No."

Asked if he was paid anything by the defense, the witness said, "Ten cents per mile."

The case was then continued until 1:45 P. M.

The most interesting evidence given yesterday afternoon was that of John W. Wilcox, "the Mariposa blacksmith," once a prominent politician. He said:

"I got acquainted with John Hite in 1860. From 1865 we were confidential friends up to two years ago, when Mrs. Nougues, whom Hite has since married, broke up our friendship. John Hite commenced living with the Indian woman in 1871. I often visited him. He treated her as his wife. Common repute in the neighborhood regarded her as his wife. I have seen him take her in his lap and address her with endearing names. He called her Mrs. Hite and Mrs. Lucy, and at times he called her 'my dear.' In 1873, in San Francisco, I advised him to cut loose from the Indian woman and marry some decent white girl. He replied: 'The advice is good, but it is too late. I am as much married to my wife Lucy as you are to your wife.' In 1894 he told me he was going to take Lucy to New Mexico and live with her there, because the people of Mariposa did not think she was good enough to associate with, but that in New Mexico race lines were not drawn that way.

"I saw Hite and his white wife on their wedding day in San Francisco. Both were pretty full. Before Mrs. Nougues married Hite I told her that in her attentions to Hite she was barking up the wrong tree; that Hite wouldn't marry, and would not give up any money. She replied, 'He never had one of my kind after him before.' I told Hite of this conversation, and he repeated it to her. Since then we have been unfriendly."

In the cross-examination Mr. Foote attempted to show the prejudice and animosity of the witness, and the fact was developed that in 1875, during the session of the Legislature, when Wilcox struck a reporter over the head with a cane at Sacramento, Hite went there and loaned Wilcox $500 with which to pay his fine. Wilcox testified that he repaid that money.

BONO FORGERY CASE.

Thomas A. Kelly on Trial for His Acts as Police Court Clerk.

Edward Reilly testified before Judge Lawlor and a jury yesterday that he did not sign the bail bond on which a negro named Wilson was released several months ago.

Thomas A. Kelly, formerly a Police Court clerk, is on trial on a charge of forgery. He is accused of having assisted in the preparation of the forged bond on account of which Wilson was released.

Reilly told of his whereabouts on the evening when the bond was given and gave an account of his movements until 11 o'clock that night, which was long after the time at which the bond was said to have been executed. He said he was visiting John T. Hogan on the evening in question and in this he was corroborated by Hogan and John Marshall.

INDIAN LUCY ON THE STAND

Hite Divorce Case Is Transferred to This City.

JUDGE JONES HOLDS COURT IN AN OFFICE.

MARIPOSA MILLIONAIRE IS NOT PRESENT TO HEAR THE STORY.

Plaintiff Is Denied an Interpreter, but Is Able to Strike Back at Attorney Foote in Broken English.

Lucy Hite, the Indian woman with whom John R. Hite lived for years, and whom he afterward repudiated, is in San Francisco, and the court which is to decide her claims in the first instance is at present sitting in Judge Van R. Paterson's office, with Judge Jones of the Superior Court of Mariposa county presiding. It was easier for the Judge and his reporter to come to San Francisco and continue the divorce trial than for the crowd of San Francisco witnesses and the numerous attorneys to go to the mountains, and, besides, there is a possibility of local prejudice at Mariposa.

Mrs. Hite was under fire almost all day yesterday, but the Mariposa millionaire was not present. The attorneys for Hite refused to allow the woman an interpreter. She speaks English lamely, and understands only the simplest words and construction. Consequently W. W. Foote, who was cross-questioning her, brushed up all the long Latin words in his vocabulary, asked her if she "announced" her marriage and insisted upon knowing other things which the uncomprehending eyes of the woman showed clearly she did not understand.

Once or twice the keen wit of the daughter of the soil got back at the redoubtable Mr. Foote. When he had thundered at the little dark woman huddled up in her American clothes and smelling a contradiction, had shouted, "Didn't you say in your deposition——" the little aborigine answered brokenly but quickly, "Yes, but you scare me to death that day." Lucy Hite is used to the loud talk of the mining camps, but she finds the big voice and terrible manner of Foote much more distressing.

The Indian woman, who is the plaintiff in one of the most remarkable divorce cases ever filed in this State, is interesting to look at. She is small and slender and straight as she was in the days when John Hite was glad to have her in his cabin. Her features are not heavy. Her coarse hair has turned white, but it is still abundant, and her eyes are almost as bright as when she was called a beauty in the Tumalea tribe. On chin and forehead she bears the blue mark of Indian tattooing, but her skin is bronzed and glossy and her face is neither stolid nor wooden.

The plaintiff was dressed simply in black, with an old-fashioned gold buckle in her belt, such as Hite might have given her in the days when he cared for her. Sometimes she smiled, but in the main she was serious as a sphinx. The important parts of her testimony were when she told how she had left Hite twice because of his infidelity and how she had returned to him only upon his promise to marry her. She came down the valley at nightfall, she said, and found Hite waiting for her in the door of his cabin. Then and there, she swore, he took her in his arms and said to her in the Indian tongue the words which made them man and wife, according to the custom of her tribe. Judge Jones had his doubts as to whether this informal ceremony would amount to a marriage according to the Indian ideas, and he was not sure whether the marriage, even if followed by a public assumption of the marital relation, would constitute a valid marriage in this State. However, he admitted the testimony over the objection of the defense. Later Mrs. Hite showed, on cross-examination, that such an Indian marriage was regarded as permanent, though Attorney Foote tried hard to induce her to say that when the parties to such a ceremony tired of each other they were free to separate and contract other alliances without divorce. The plaintiff gave a long list of persons to whom she said Hite had introduced her as his wife.

Another important bit of testimony came out when the woman referred to Father Williams, a German Catholic priest, who had devoted his life to the Indians. It was one of Father Williams' aims to induce white men to marry the Indian women with whom they had lived, and on one occasion, when the priest had stayed over night at the Hite cabin, he told Hite that he ought to marry Lucy. Upon this, according to Mrs. Hite, the miner said to the priest: "How many times do you want me to marry her? I am married to her just as much as I ever can be."

Much of the day was taken up by the introduction in evidence of the Hite family photograph album. In this book are the pictures of many residents of Mariposa county, their children and their wives. Mrs. Hite identified most of the pictures, stated that either the subjects of the pictures or Hite had given them to her, and that the head of the household had requested that the photographs be placed in this album, which was then put upon the parlor table as an ornament. Among the pictures were those of Hite's Eastern relatives. According to the witness Hite's sister and his niece, Mrs. Hutchings, visited the Hite house, and the sister thought enough of the Indian woman to sleep with her during most of her visit, and the niece was very affectionate and called the witness "aunt."

One of the points made by the plaintiff was that Hite would not allow her to eat at the boarding-house because there were too many men hanging about the saloon and store which she must pass in going to her meals. Foote had a curiosity to know of the earlier love affairs of the Indian woman. He questioned her about the other white men whom she had known, but was not highly successful in his search for dates, as the woman professed herself utterly unable to remember dates of that kind. Everything with her was "long time ago." She told of the child she had borne to Hite and of his indifference to its death. Once when Foote was jubilating over a discrepancy which he had found between the witness' testimony and her affidavit the witness said with a sly twinkle: "Oh, I fun," and when Foote took her to task for jesting with an oath she said: "You begin it." Lucy Hite is cleverer than she looks. Foote asked innumerable questions about the time in 1877 when Hite and the woman took a trip to Merced by moonlight in a buggy. This part of the testimony was enlivened by a row between Attorneys Charles Hanlon and Foote, but after some calling of names matters settled down, and the case went over until this morning at 9:30 o'clock.

HOW PRINTING BILLS ARE PAID

Supervisor Byington Says the City is Charged Double Rates.

AUDITOR PASSED THE BILL

County Clerk Signed the Account and Judge Cook Held the City Liable for It.

A bill presented by P. O. Fall, which has been paid by the Treasurer, charges the city $1 50 a page for printing the transcript of the Botkin case. When Supervisor Byington heard that the bill, which is for $1,470, had been paid, he asserted that the city had been robbed, as the work could have been done for 75 cents a page.

"The rate charged," said Byington, "which was $1 50 a page, is just double what the best work can be done for. Transcripts can be printed for 50c a page, but the standard price for first-class work is but 75 cents. It seems to me that the city ought to get this kind of work done at a reasonable price instead of at double rates. This is an illustration of how the various funds are depleted."

Fall's bill had come up before the Printing Committee of the Board of Supervisors, where it lay for weeks. A few days ago it disappeared from the Printing Committee box, and Supervisor Byington found that it had been taken from the jurisdiction of the Supervisors and paid after it had been O K'd by the County Clerk and passed by the Auditor. The Auditor obtained a certificate from Judge Carroll Cook saying that the work had been done, and that a decision of the Supreme Court held the County Clerk liable for it. Judge Cook did not look at the amount of the bill, and the certificate he issued was not intended as an order for the money.

"The payment of the bill had been delayed for weeks," said Mr. Fall, the printer, last night. "I finally took it to the County Clerk and he O K'd it. The price is not excessive. I printed double the usual amount of copies. The regular price for such work is $1 a page. I only charged 50 cents a page for the extra twenty-five copies. County Clerk Deane's Chief Assistant, Mr. Goddard, passed the bill and I took it to the Auditor. He said he would pass it if I would get a paper from Judge Cook, saying that the work had been done and that the county must pay it. Judge Cook gave me such a certificate. I took it to the Auditor and the bill went through. There was nothing wrong in the transaction."

NO CLEW TO THE BAIL MONEY THIEF

The investigation by the police to discover the man who presented the stolen receipt for $100 bail money deposited by Charlie Foo for the release of his friend See With has not so far resulted in developing a clew. Clerk Conway of Judge Mogan's court told Detective Dillon yesterday that a man showed him the receipt last Friday morning, and he took him to Clerk Rice of Judge Conlan's court. Conway also said that he happened to be in the Treasurer's office when the man was paid the money. He did not know the man, but thought he had seen him hanging around the Police Courts.

Expert Kytka examined Rice's books and reported to Chief Lees that the signature "Al O'Neil" resembled the handwriting of about a dozen other names in the bail book, and he was of the opinion that they were all written by Rice. Several were signed "T. J. O'Neil," a Chinatown guide, and he was asked to look at the signatures. He admitted they were in his handwriting, as Chinese often gave him the receipts for bail money so as to save them the trouble of going to the City Hall themselves. Another was the signature "A. Campbell," which turned out to be that of Attorney Archie Campbell. Expert Kytka was at fault in regard to these signatures, and Clerk Rice declares that he is equally at fault regarding the others. Rice handed his books over to Expert Williams of the Board of Supervisors yesterday and demanded a full investigation.

Judge Conlan announced from the bench yesterday that in future he would initial all receipts for bail money, and would personally see that the presenter was identified. He did not propose to have any scandal attached to his court.

The police do not explain why no complaints have been made to them if Rice has been doing a wholesale business in securing bail moneys for himself. The present expose will have the effect of putting an end to the existing lax system.

Beware of Substitutes or Imitations
Hostetter's Stomach Bitters
Private Revenue Stamp

Fierce Opposition Developed to Judge Coffey's Schedule for Probate Litigation.

JUDGE J. V. COFFEY, WHO SAYS THAT SOME ATTORNEYS OBJECT TO HIS SCHEDULE FOR HONEST FEES IN PROBATE CASES.

JUDGE COFFEY'S SCHEDULE FOR FEES IN PROBATE

In the Matter of Compensation of Attorneys.

From and after this date the following maximum standard of compensation is established in estates in which the Public Administrator is appointed and qualified to act as administrator. This is to be taken as a guide in all cases where the conditions are analogous:

Amount of Estate.	Maximum Att'y Fee.
$ 1,000	$ 25
2,000	45
3,000	65
4,000	85
5,000	105
6,000	125
7,000	145
8,000	165
9,000	185
10,000	205
20,000	365
50,000	655
100,000	1105
1,000,000	3,155

In all estates of a valuation intermediate and above these figures the same ratio shall obtain.

October 12, 1898.

Probate business was diverted from this department in the first place on a false pretext by a previous presiding judge, who had thought to monopolize and usurp it all, but who had not the courage of his intentions.—Judge Coffey in an Interview.

SWARMING bees never made such a buzzing as did the lawyers and litigants in the corridors and courtroom of the New City Hall yesterday anent the expressions of indignation by Judge J. V. Coffey because important probate cases have been diverted from his department of the Superior Court recently, leaving him what he designated as "the ragtime litigation of the calendar."

The most important event of the day, from a judicial point of view, was a "consultation" between Judge Coffey and Presiding Judge Daingerfield in Judge Coffey's chambers. The seance lasted over an hour, while anxious attorneys and their clients awaited the close of the conference.

"I have no censure for any individual because of the notable change that has come about in regard to the distribution of probate litigation, and have not spoken concerning it from pique or malice, and this I told Judge Daingerfield, but the fact remains that there has been a departure from the well-established rule," said Judge Coffey.

"There is no [illegible] among the local lawyers of San Francisco in [illegible] [illegible] were assigned to this department?" the Judge continued, "that there are some attorneys who object to appearing in this department for reasons that cause me regret. **They object to placing their cases before me because of my schedule for the compensation of attorneys.**

"That is all there is to it. This opposition does not come from the leading members of the bar. They are satisfied with that schedule and are content to abide by it, for it is an honest schedule for honest men and they know it. The fees allowed in that list are fair alike to attorney and client.

"They are as high as an honest lawyer ought to demand, and as high as an honest estate can rightfully afford to pay."

Judge Coffey referred to a printed notice on his desk showing what he has long considered proper as a maximum standard of compensation for attorneys in settling estates in probate. It provides for the payment of $25 for winding up the affairs of a man who dies, leaving property valued at $1,000, and increasing progressively to $3,155 for attending to a $1,000,000 estate, with the proviso that in all estates intermediate and above these figures the same ratio shall obtain.

Returning to a consideration of the causes that led up to the present discussion of the changed method of distributing probate cases, Judge Coffey said:

"My attention was first attracted to this matter by the infrequent appearance of Attorney Keane, who usually represents Public Administrator Drinkhouse, and Attorney Burt in the litigation from the Public Administrator's office. When he came in a fortnight or so ago with a few applications, I remarked that he had become something of a stranger, and inquired what had kept him away. He replied that he had been busy in Department 10, before Judge Troutt. I naturally supposed that the office had not been idle, as business in the Public Administrator's office is constant. His reply suggested a casual inspection of the record, and it was soon seen that the bulk of the Public Administrator's cases had been deflected from his department.

"I was informed that since the beginning of the year only sixteen per cent of these cases had been sent here.

"Now, I didn't particularly object to that, and would have enjoyed the let up of the pressure on the calendar if I could likewise have been relieved from the pestiferous unclean cases, and the vexatious guardianship matters that fill a court room with antagonistic family parties with all their domestic squabbles and disturbances. The most natural thing for me to do was to ask the officer of this court who has charge of this branch of the business why such a state of affairs had come about. When Mr. Northrup told me that the disposition of probate litigation was subject to the personal requests of members of the bar I was astounded, and said so, for such a thing was probably never heard of before.

"Probate business was diverted from this department in the first place on a false pretext by a previous presiding judge, who had thought to monopolize and usurp it all, but who had not the courage of his intentions."

Reverting to the time when he was Presiding Judge of the Superior Court, Judge Coffey said that before he took the place there were several culprits at large who had been given assurance of immunity

(Continued on Page Two.)

from punishment; that he took pleasure in assigning Judge John Hunt and former Judge J. F. Sullivan to the trial of criminal cases, which caused consternation among the "push" as well as those who prided themselves on having a pull; that while one of these gentry was patrolling Market street an officer touched him on the shoulder and said, "You are wanted," whereupon the indignant member of the "push" cried out: "What have you to do with me? I 'squared' that case." Nevertheless he was taken into custody and just about as he was to be sent to jail for misdemeanor and he was threatening to "squeal" somebody paid his fine.

"It required backbone then to resist the suggestions that persons were eager to offer to the presiding Judge of the court, and backbone is still needed to keep aloof from volunteer advisers who have no more right to interfere with the court's affairs."

Presiding Judge Daingerfield called on Deputy County Clerk V. F. Northrup yesterday, saying that he wished to make an investigation and ascertain for himself whether there was any cause for complaint on account of the distribution of cases on the probate calendar. Mr. Northrup is the registry clerk in the Probate Department and exercises his official functions, under the immediate supervision and direction of the Presiding Judge of the Superior Court.

"The general rule laid down by me at the beginning of the year was that the probate cases should be assigned alternately to Department 9 and Department 10," said Judge Daingerfield.

"That is so, and the rule has been adhered to, unless ordered otherwise for special reasons by your Honor," said Mr. Northrup.

Presiding Judge Daingerfield explained that he had never intentionally interfered with the operation of this general rule, except for good cause.

"If it was made to appear that a matter just filed involved points of law that had been threshed out in one department, and that it would be advantageous to have the new case go to that department, I have usually assented to such disposition of the case," said Presiding Judge Daingerfield. "I have taken into consideration the disposition of public business, and when two suits involving cognate principles have been filed anywhere near together I have sent them both to the same department, regardless of whether it gave one Judge more cases than some other Judge."

"But Mr. Samuels did ask to have the Van den Bergh case assigned to Department 10, didn't he?" was asked of Presiding Judge Daingerfield.

"All cases look alike to me, and so many applications of that kind have been presented that I can't remember whether Mr. Samuels personally made that request or not," answered Presiding Judge Daingerfield jocularly.

Mr. Northrup said he had been misunderstood, that he did not tell Judge Coffey that Mr. Samuels almost went down on his knees to Presiding Judge Daingerfield in order to get the Van den Bergh case kept out of Department 9. What he did say, Mr. Northrup explained, was that some of the lawyers almost went on their knees to the Presiding Judge in their eagerness to have their cases assigned to some other department than Department 9. Mr. Northrup made the statement that Mr. Samuels requested Presiding Judge Daingerfield to send the Van den Bergh case to Department 10, instead of to Department 9.

Judge Troutt, who is collaterally interested in this discussion, because of the fact that his department has received the cases diverted from Judge Coffey's department, said he had nothing to say in regard to the matter, that he accepted such business as was assigned to him without question, and had no knowledge of the general probate calendar, that he did not know whether any preference had been shown to any Judge or not.

The present controversy recalls a lot of gossip that was heard about the corridors of the New City Hall several years ago, when the James G. Fair estate case was assigned to Judge Coffey's court one day and transferred to former Judge C. W. Slack's department the next day, on the ground that an error had been detected in the preliminary papers, which gave the Presiding Judge jurisdiction to make and enforce the second order.

CHIEF LEES TO RETAIN OFFICE.

Commissioners Leave the Appointment to the New Board.

At the meeting of the Police Commissioners held last evening it was decided that no action should be taken by the present Board toward the election of a Chief of Police, inasmuch as a new Board is to be appointed, under the provisions of the charter, on the first of the year. When the matter came up for consideration Commissioner Alvord declared that he was not ready to vote. After a consultation Chairman Tobin announced that there would be no action taken, and that Chief Lees would hold office until his successor was appointed by the new Board. This disposed of the chief interest in the meeting, for it had been rumored that, as Chief Lees' term of two years had expired, he was either to be re-elected or a successor named.

The charges made against Special Policeman [illegible] by [illegible], who alleged that the officer threatened him with a pistol and had kicked him from a quarry in which he was interested, resulted in a prolonged trial, at the termination of which the charges were dismissed. The testimony rehearsed the war waged by rival stone contractors some time ago.

Patrolman W. H. Harrison, who admitted having been three blocks off his beat, where he was discovered drinking coffee in a restaurant, paid dearly for his breakfast. It cost him a fine of $20.

Sergeant T. H. Hutchinson and Patrolman Thomas J. Thorpe were retired upon pensions by the Commissioners, under the clause exempting from duty officers over 60 years of age. Patrick Mahoney and Annie Williams were retired for disability.

The following appointments were made: George Fischel, Philip Hefley, W. H. Frost, Harry P. Healy and Robert Wall. Kennel [illegible] has for years been a driver of one of the patrol wagons at the Seventeenth-street Station, and is now made a regular patrolman. At the next meeting of the Board several additional appointments will be made.

THE FINISH OF LEES AS CHIEF OF POLICE

I. W. LEES, ACTING CHIEF OF POLICE.

His Term Expires, and the Commissioners Refuse To Re-appoint Him---The New Board Will Act.

LAST night marked the beginning of the end of Isaiah W. Lees as Chief of Police.

The Police Commissioners announced that they would not fill the vacancy caused by the expiration last Monday of Lees' term as Chief, as they did not think it proper to interfere in any manner with the action of their successors who will come in under the new charter. Meanwhile, Lees will continue to act as Chief until his successor is chosen by the new Board. As he has no possibility of appointment by that body, his days of service with the Police Department are now practically ended.

The most important business before the Police Commissioners at their meeting last night was the election of a Chief of Police. The term of office of I. W. Lees expired on December 4th, the first Monday in the month. He was appointed for two years.

Since his appointment Chief Lees has worked hard to succeed himself. His friends have confidently announced that he would be reappointed. There was also some general talk that he claimed to be entitled to a four-year term, and that he would institute litigation to continue himself in office if the Board did not reappoint him. Lees, however, made no public threats of litigation, although he was happy in his declaration that he would continue in office.

More than usual interest attached to any action the Police Commissioners might take in the premises, as their terms will expire, by operation of the new charter, on January 8th, on which day the new Commissioners, to be appointed by Mayor Phelan, will assume their duties. The friends of Lees asserted that the present Board would reappoint him for two years, and that the incoming of the new Board would not disturb the tenure of his office. It was thought, however, by many acquainted with the disposition of the Police Commissioners, that they would not attempt to interfere in any way with the exercise by their successors of the free choice of a head for the Department, and, therefore, that they would not reappoint Lees. It was even suggested that upon the expiration of his term he might be pensioned, and an acting Chief detailed until the new Board took action. This action was not considered very probable as it might have been construed as unnecessarily affronting an old officer who was about to go out of service in a few weeks anyway.

After the Commissioners had transacted [illegible] Gunst suggested to the President that some definite action should be taken about the vacancy in the office of Chief.

"The public know the office is vacant," said Mr. Gunst, "and they look to us to do something about it. Something definite should be announced."

Mr. Gunst also spoke to Commissioner Alvord. All the members of the Board were in accord on the wisdom of allowing their successors to choose their own Chief. President Tobin expressed the opinion of the Board as follows:

"The term of office of the Chief of Police having expired, the Board has unanimously decided not to fill the vacancy, as the Commissioners do not think it proper to interfere with the appointments to be made by the new Commissioners who will come into office in a very few weeks. Chief Lees will continue to perform the duties of Chief until his successor shall have been appointed and qualified. I think that is all that it is necessary to say or do in the matter."

Commissioners Alvord and Gunst gave their assent, the clerk, Captain Wright, was instructed to make a record in his minutes of the announcement of the President, and the Board then adjourned.

After the meeting Commissioner Tobin again expressed his opinion on the position assumed by the Board much as he had done at the meeting.

"The new Commissioners, to be appointed by the Mayor, will come into office in a few weeks," he said. "We did not think it proper to foist upon them as Chief of Police a man with whom they may not be in accord. Therefore we decided not to fill the vacancy caused by the expiration of the term of Lees. He will continue to serve as Chief until his successor shall be appointed by the new Board. The law provides that the Chief serves until his successor qualifies. So we simply allowed the matter of filling the vacancy to stand over. We will not elect a new Chief, as we think the new Commissioners should do that. On this matter the members of the Board are unanimous."

The failure to secure his reappointment last night is a blow to Lees. His friends still he had hoped to induce Messrs. Tobin and Alvord to support him. Their refusal to fill the vacancy and the announcement that they will not do so means that Lees may now count the days that remain of his reign over the Police Department. He may make an endeavor to secure his appointment under the new board, but it is generally understood that the new Commissioners will be men of modern ideas who will enter upon their duties with the resolution to end the old regime of which Lees has been the animating figure for years and to revolutionize the department.

HONEST PATRICK CROWLEY BRANDS THE INFAMOUS FALSEHOOD OF LEES

Lieutenant Esola Was Not Removed From Chinatown for Cause---Rotation Applied to All Officers on That Detail---Discredits the Statements Attributed to Lees.

Former Chief of Police P. Crowley.

"Sergeant Esola was never removed from Chinatown for cause. There was no suspicion in my mind in 1894, when Captain Dunleavy was ordered to place a new squad of police in Chinatown, that Esola was corrupt. It had been my practice to relieve policemen in the district as I saw fit. I have always had great confidence in Esola. I believe him to be an honest man. I considered him an excellent officer all during my administration.

"The order of 1894, making the change, speaks for itself. Had Esola been under a cloud he would not have been instructed to point out the location of lottery and faro games to his successor. I am averse to entering into newspaper controversy so far as my successor as Chief of Police is concerned. I cannot believe that Chief Lees, in the presence of the Police Commission, made the charges ascribed to him. He may have talked that way outside, but it is hard for me to believe that he said to the Commissioners that Esola was removed because of rumors of corruption. I was Chief in 1894 and should certainly have heard about the charges of corruption at the time if such had been reported. Esola was never discussed by the Commissioners as a subject."—*Statement made by former Chief of Police Crowley in an interview yesterday.*

CHIEF of POLICE LEES is increasing his efforts to keep Lieutenant Price and his squad on duty in Chinatown. When Lees appears before the Police Commissioners Monday night he will present more documents, which have no bearing on the question of corruption in gambling cases, but which he thinks will tend to show that Price and his men have faithfully performed their duty. The object of the Chief is evidently to prolong the inquiry by the presentation of long extraneous statements, in the hope that under the mass of matter he thus accumulates the main issue will be forgotten.

At the last meeting of the Commission his request that Price should not be disturbed pending the investigation was granted. Lees had not finished half his statement when the board adjourned. Next Monday night he will probably try to repeat his performance, and then ask for a second adjournment. It is known that Com- ... superiors. But the Chinese Consul-General has not been restricted in the Price matter by the ordinary rules of diplomacy. After the Commissioners had ordered the Chief to withdraw Price from Chinatown, the Consul-General had an interview with Lees in which he spoke in behalf of Price, and asked that he be kept in the Chinese district. The representative of the Chinese Government then sent his private attorney to the Police Commissioners to request them not to withdraw Price. As the Commissioners had already concluded that the Chinatown squad should be removed, and this fact was known by its publication in "The Examiner," the endeavor of the Consul-General to save a policeman suspected of corruption in the Chinese quarter, seems extraordinary. It has caused considerable comment, not all of which is favorable to Ho Yow.

Lieutenant Price admitted yesterday that many of the gambling games whose addresses were published in yesterday's "Examiner" are doing business. He said his men visited these places daily, but he excused their continual existence on the ground that since the exposure of the condition of affairs in his district, his assist- ... know Ching Bach Gi, the other alleged agent, though not by that name.

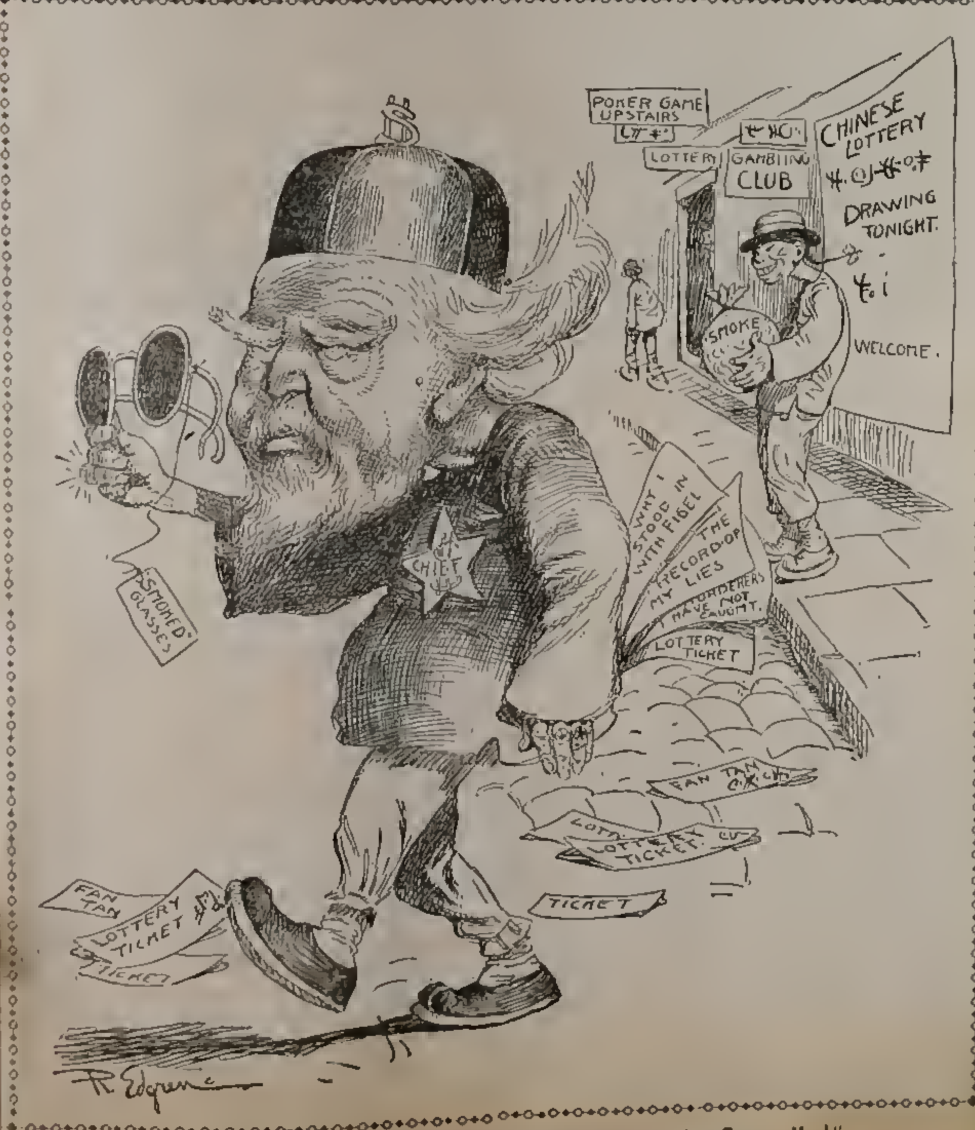
"Of course I know Quong Wuy," said Price. "It would be strange if I did not. That's what I am here for—to know people. I may know the other man, but not by that name."

Quong Wuy was a cousin of "Little Pete," the notorious gambler and race-course plunger, who was murdered in Chinatown some time ago, as a result of one of the long feuds. Wuy gained much of his knowledge of corruption from his shrewder relative, who was one of the keenest Celestials that ever did business with a "sack." It was not long ago that Quong Wuy was a general target for the kicks and cuffs of the Chinatown squad. He seems to have regained a position of grace, for his apparel is of better material than of yore, and his person no longer bears the marks of police clubs.

The Price investigation has been so fruitful in results that it may bring about a general investigation of the Police Department by the Commissioners. The force has deteriorated greatly under Lees. The discipline is poor, the service is not what it should be, and the morale of the entire force has been reduced. The Police Department to-

EXAMINER, SAN FRANCISCO: SATURDAY MORNING, APRIL 15.

IS THIS OFFICIAL REALLY BLIND?



"Gambling Games? Why, I Can't Find One to Save Me!"

LINDHEIMER WANTS TO SHOULDER BLAME

CAPTAIN SEYMOUR.
(Photo by Bushnell.)

SERGEANT WOLF.
(Photo by Elite.)

SERGEANT LINDHEIMER.
(Photo by Bushnell.)

"SERGEANTS LINDHEIMER and Wolf are a pair of grafters. They are incompetent and unfit for duty in the City Prison."

So said Police Captain Seymour, when he learned all the facts surrounding the treatment of James D. Grant, the homeless and unfortunate old man who was forgotten in a prison cell and left to die among felons because he was found on the street, hungry and friendless.

Captain Seymour is in immediate charge of the City Prison. Lindheimer and Wolf are detailed to duty under him. They have immediate charge of the prisoners in the daytime between 8 o'clock in the morning and 4 in the afternoon. They receive all prisoners arrested in that time and dispose of those in the prison according to the judgment of the courts. Practically all the prisoners liberated are given their discharges during the watch of the two sergeants.

Grant, the unfortunate old man, was found on Third street, near Harrison, on the night of November 20th, by a policeman, who took compassion on him. He sent him to the prison, where he would be given something to eat, and the next day he was to be taken to the Almshouse, where he could rest and enjoy the homely comforts the place affords. Records were properly made of the arrival of Grant at the prison by the officer then in charge.

It was the duty of Lindheimer and Wolf to see that Grant was sent to the Almshouse. The records were plain, but a mistake was made. Carelessness and incompetency was the cause of it, says Captain Seymour, and Grant remained forgotten in the prison. For nearly two weeks the old man sat among criminals in a damp, dark and cold cell. All that time he was uncomplaining of his treatment and waiting patiently for the end. It came at last. His exhausted constitution could stand it no longer, and on the morning of December 6th he was found by a prison trusty unconscious in his cell. None knew who he was. The Court bailiffs were sent for, but none had seen him in the courts. Sergeants Lindheimer and Wolf were asked to search the prison records to establish the identity of the old man, but they were unable to tell how the old man came to be in the prison.

Finally Lindheimer declared that the man was a "drunken old bum," and ordered that he be sent to the Receiving Hospital, and the Sergeant sent instructions to the surgeons to let the old man go when they saw fit, as he was not wanted in the prison any longer.

For two days the old man occupied a cot in the hospital, and then death came to his relief.

It was not until then that inquiry began to ascertain the old man's identity. He had died as an unknown, but the prison records should have told who he was. During the time he had been in jail he had been lost, and his death probably can be traced to the carelessness of the prison officials.

Captain Seymour, when he heard of the man's death, demanded the old man's name of Lindheimer and Wolf, but neither could answer him. Then commenced an investigation, and Captain Seymour charges the two Sergeants, and particularly Lindheimer, of trying to cover up the truth to shield himself from his blunder.

A prisoner, who had occupied the same cell with the dead man, volunteered the information that he thought the name of the old man was Grant. Lindheimer was sent to find when Grant was arrested. The Sergeant reported that James D. Grant had been arrested on November 11th and charged with drunkenness, and that he had been discharged the following day. The policeman who made the arrest was sent for, and he identified the body of the man as that of the person whom he had sent to the prison.

Lindheimer declared up to that time that Grant, who was charged with drunkenness, had not been brought back to the prison. Also that the old man who had died was one of a number of drunks that had been gathered in the day before he was sent to the hospital, and that the man had forgotten the name he gave.

Captain Seymour made a search of the prison records himself and plainly found how Lindheimer had tried to deceive him. The records of Grant's two arrests were plainly set forth and the Captain is firmly of the belief that Lindheimer knew of the time Grant was brought to the prison en route to the Almshouse when he reported and maintained that the man had only once been arrested and was discharged a month before he died.

The prison trusty who found the old man unconscious in his cell reported to Captain Seymour that Lindheimer had cautioned him to know nothing of the affair if he should be asked concerning it when an investigation was commenced.

Confronted with his carelessness as an official, Lindheimer tried to shift the blame for his part of it on some of the minor officials of the prison, and even on the trusties. Sergeant Wolf, who also tried to hamper the investigations of the Captain, declared Lindheimer was solely to blame.

Wolf's position in the City Prison is not clearly defined. He has practically nothing to do but help the others, and the others do not need his help. He is a nephew of the acting chief and draws a salary as a sergeant. Captain Seymour is determined to sift the conduct of the two sergeants to the bottom.

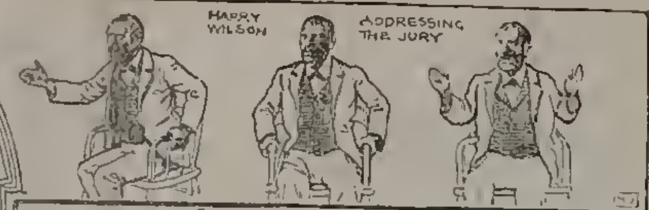
"I have said the two sergeants are incompetent for duty in the prison, and I will tell the Commissioners so," said the Captain. "They are a pair of grafters. Ever since I have been captain of the prison they have been grafting for a gang of police court shysters. They have neglected their duty time and time again and I have repeatedly called their attention to it, but they gave no heed to my warnings. The time has come when I will stand it no longer, and they will either leave the prison and let others who will attend to their duties take their places or I will ask that some other man take the responsibility of conducting the prison."

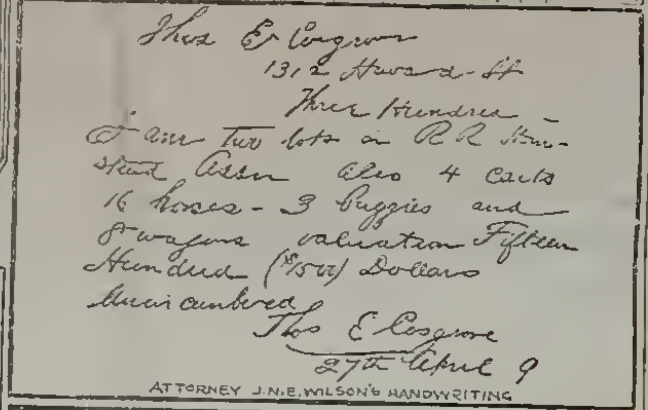
"It was a case of oversight on my part," said Sergeant Lindheimer last evening at his home, 222 Van Ness avenue. "I remember now that Grant's name was on the book, but I overlooked it at the time when he should have been sent to the Almshouse. When I learned of his condition later I had him sent to the hospital as 'John Doe.'

"On the morning of December 7th one of the 'trusties' told me a prisoner was sick. He thought the man's name was Grant. I looked over the book and the only Grant I could find was arrested for drunkenness on November 11th. I concluded that the sick man couldn't be Grant and so I marked him 'John Doe.' You see, I knew that this fellow Grant was not in the prison all that time and I didn't stop to consider that he was arrested on two occasions. It was simply a mistake on my part and I hadn't any purpose in making it.

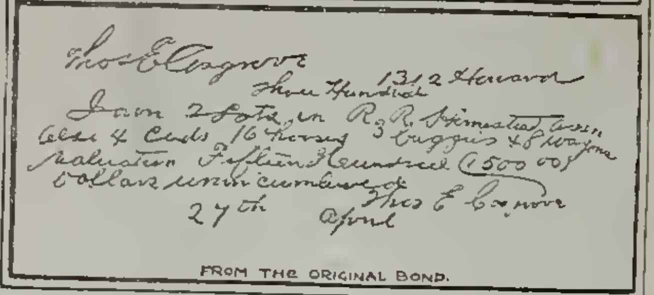
"If Captain Seymour says that I have been 'grafting,' as they call it, he is telling a falsehood. There isn't the slightest bit of truth in it. No man in that department or anywhere else can say truthfully that I have tried to get a cent out of prisoners. I have attended to my business honestly.

HANDWRITING ON THE WILSON STRAW BOND UNDER SCRUTINY.




Thos E Cosgrove
1312 Howard St
Three Hundred –
I own two lots in R R Homestead Assn Also 4 Carts 16 horses – 3 Buggies and 8 wagons valuation Fifteen Hundred ($1500) Dollars unincumbered
Thos E Cosgrove
27th April 9

ATTORNEY J.N.E. WILSON'S HANDWRITING


Thos E Cosgrove
Three Hundred 1312 Howard
I own 2 lots in R R Homestead Assn Also 4 Carts 16 horses 3 buggies & 8 wagons valuation Fifteen Hundred (1500 00) Dollars unincumbered
Thos E Cosgrove
27th April

FROM THE ORIGINAL BOND.

Much Evidence of a Contradictory Nature.

THE HANDWRITING of Attorney John N. E. Wilson will be a subject of testimony to-day at the trial of Thomas A. Kelly in Superior Judge Lawlor's court. When Wilson was on the witness stand for the purpose of exculpating himself as well as Kelly from suspicion, he wrote from dictation, at Assistant District Attorney Black's request, the words with which the straw bonds in the case had been filled in, the filling in having been done, according to Wilson, by a man named Thomas E. Cosgrove, whom nobody knew and whom the police cannot find. As Black said yesterday, he was amazed at the similarity, on comparing Wilson's writing and that on the bonds. Carl Eisenschimmel, the handwriting expert, took a look at them yesterday, and was surprised at the resemblance. Though a kind of pen different from that used by Wilson on the stand was employed for writing on the bonds, the resemblance in every line of the document is apparent. Eisenschimmel will be questioned on this subject as a witness to-day. Wilson asked yesterday that his writing be submitted to three experts.

Kelly, who was a Police Court clerk, is accused of felony for accepting the bonds for the release of a colored man named Harry Wilson without having either E. Riley or Thomas E. Cosgrove, the men named as sureties, before him to be sworn. Harry Wilson has testified that he gave Attorney Wilson $300 to get him out of prison, and that the attorney told him after he was released that his case was "squared." In every detail the two Wilsons flatly contradicted each other under oath. Attorney Wilson asserts that Edward Reilly was the man who was mentioned as E. Riley in the bonds, and Edward Reilly has sworn that he knew nothing about the bonds. The bonds were made out on the night of April 27, 1899, and on that night Harry Wilson fled from the city. Attorney Wilson testified that when his client failed to appear next morning in the Police Court he did not ask for a continuance, but moved that the bonds be declared forfeited.

Christopher E. Newman, bond expert for the Board of Supervisors, testified yesterday that Attorney Wilson did ask for a continuance on April 25th, and that the Prosecuting Attorney made the motion for the forfeiture of the bonds. Attorney Wilson declared that he never received a cent from Harry Wilson, directly or indirectly.

The colored man, who was recalled to the stand yesterday, repeated his assertion that he gave Attorney Wilson three $100 bills, which he got in his room at Fourth and Howard streets after leaving the City Prison. He took occasion to turn to the jury and say, "Mr. Wilson is a very smart man, and he wants to clear his skirts, gentlemen of the jury." He was aggrieved because, as he averred, he had parted with his money, and is still in jail with bad prospects ahead. The colored man was earnest in his manner. He seemed especially hurt because Attorney Wilson had mentioned that he was in jail as a suspected strangler of women and had testified that he ran away when Attorney Wilson's back was turned after his release on the bonds.

Attorney Dibble for the defense asked Harry Wilson if he had not told William S. Barnes that he and a white woman with whom he was living, were robbing people, and Wilson denied that he ever made such a statement. Attorney Black had brought out testimony that no one was sufficiently interested in Wilson to procure his release on bonds unless he paid money to secure his liberation. Dibble said that this woman was interested. The house in which she and Wilson roomed, was said to be on the south side of Market street, near Sixth. Wilson has testified that the only room in town which he had was on Fourth and Howard streets. W. S. Barnes will be called to-day to testify.

Attorney Black said yesterday that he never had a case in which there were so many contradictions. Edward Reilly and two friends have sworn that he was at John T. Hogan's room at 1206 Market street at the time on the night of April 27th when Attorney Wilson and Kelly said that Reilly was with them on Grant avenue. Mrs. Catherine Serres, who keeps the house at Fourth and Howard streets, where Harry Wilson said that he had a room, produced her books yesterday to show that she was right in saying that Wilson did not room there. One of her clerks, James Mclenne, corroborated her. James Bowlan, a politician, and Samuel Salomon, a tailor, testified yesterday that they saw Reilly, Kelly, Attorney Wilson and another man together on Grant avenue on the night of April 27th. The fourth man, according to Attorney Wilson and Kelly, was the phantom Cosgrove, whom neither of them saw before or since. Attorney Wilson's story, in opposition to Harry Wilson's, that he and his colored client went to Collins' saloon on Montgomery and California streets on that night after the bonds were filed, was corroborated by the barkeeper there, Charles J. Walsh.

A private detective named Henry Hartling, who was doing some work for Attorney Wilson, corroborated the latter's statement that the colored man ran away. Henry H. Adams and Edwin M. Sweeney, attorneys, testified that Edward Reilly had offered himself to them as a surety on a bond in which his name was given as E. Riley and the property described was the same as that mentioned in the bonds involved in this case. The recorded deed, conveying the property to E. Riley in 1885, was offered in evidence. Reilly admits that the deed was to him, though he said that he never spelled his name Riley.

for the Board of Supervisors, testified | Attorney Black said yesterday that | deed was to him, though he said that he never spelled his name Riley.

EXAMINER, SAN FRANCISCO: FRIDAY MORNING, APRIL 14, 1899.

GOOD CITIZENS, LOOK ON THIS!

JUST ONE MORE BRAND.

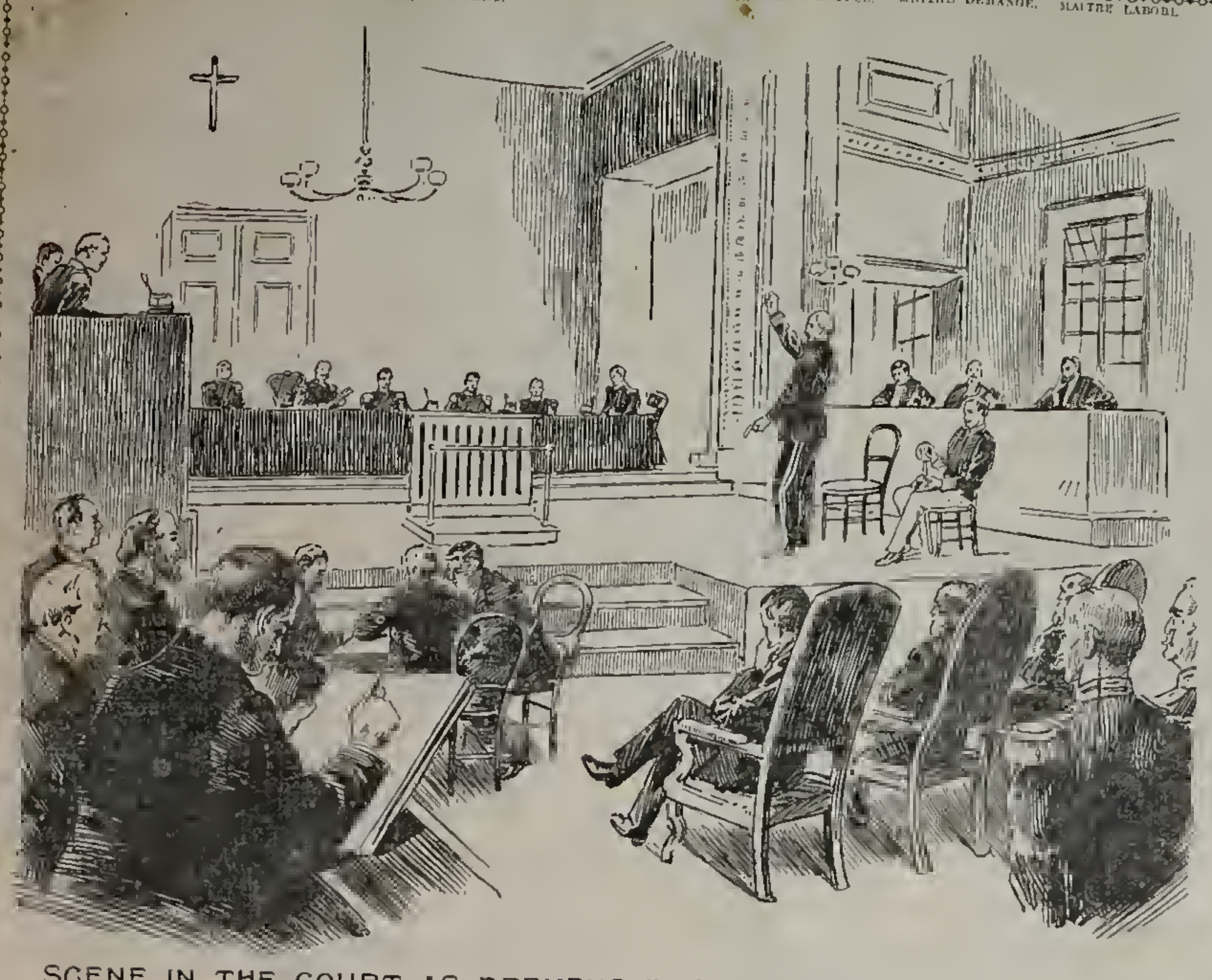
The Examiner.

SAN FRANCISCO: SUNDAY MORNING, APRIL 16, 1899.

PREPARING TO FACE THE COMMISSION.

"I Wonder if a Little LYE Wouldn't Clean This?"

BERTILLON GIVES HIS QUEER REASONS FOR BELIEVING CAPTAIN DREYFUS GUILTY



SCENE IN THE COURT AS DREYFUS DECLARED HIMSELF INNOCENT.

"I can bear everything, my Colonel, but once more, for honor of my name and my children, I am innocent."

RENNES, August 25.—After M. Bertillon, the handwriting expert, who is at the head of the anthropometric department of the Prefecture of Police of Paris, had concluded the first installment of his so-called demonstration of the guilt of Captain Dreyfus, a prominent Dreyfusard referred to him as the fin de siecle Cagliostro.

The Dreyfusards refuse to regard him as anything but the prince of quacks. They cover his remarks with ridicule and protest that the admission of his fantastic theories as evidence before the court-martial is a disgrace to France.

Nevertheless, even the Dreyfusards do not deceive themselves as to the effect M. Bertillon's testimony, or "demonstration," may have upon the Judges, who, they fear, will be gulled by what the Dreyfusards consider spurious. All the Judges have passed through the Ecole Polytechnique, the highest school of science in France, and they are thus peculiarly interested in such "evidence" as that of Bertillon. Moreover, with the aid of innumerable diagrams and specimens of writing which he submits to them they may be able to follow his reasoning intelligibly, which is more than any member of the audience could do to-day. If the Judges accept Bertillon's premises—that Dreyfus, as an expert spy, did not write in ordinary handwriting, but in close imitation, even contriving to give letters the appearance of having been traced, in order to be able to repudiate them as forgery if detected—then the structure built upon this groundwork may be scientifically correct. Even Dreyfus, when shown Bertillon's demonstration, admitted the ingenuity and plausibility of the system, though he naturally declared that it was built upon a false basis.

A remarkable feature of Bertillon's deposition was the heat and excitement he put into what was expected to be a calm, dispassionate exposition of his theory. He thundered, shouted and waved his arms as though engaged in some terrible dispute. Once he literally shrieked, and numbers of the usual audience, who had been unable to follow him and were taking the air in the courtyard, rushed back into the hall, breathlessly inquiring what had happened and imagining that he was fulminating some dreadful denunciation of the accused.

Their excitement was turned into hilarity when they found he was momentarily impressing upon the Judges the significance of the exact space, measured in centimeters, between two words in the bordereau.

The military witnesses, all of whom sit in a bunch, leaving Colonel Picquart and M. Hartuhs severely isolated, followed M. Bertillon's statement with a grave and wise expression of countenance, upon which never a suspicion of a smile appeared, as though they understood every word. Evidently they had received a "mot d'ordre" to preserve this attitude, for, without seeing the diagrams, they could not have understood any better than did the general public.

The "Echo de Paris" announced to-day that the counsel for Dreyfus had obtained possession of certain documents mentioned in the bordereau, in Esterhazy's writing, which they would produce in court next week, as a coup de theatre. Your correspondent inquired as to this in competent Dreyfusard quarters this afternoon. He was assured that the statement was erroneous, but was also told that the defense intended, in the event of Captain Dreyfus being condemned, to ask the German Government to communicate these documents proving his innocence, and that they had reason to believe such a request would be granted.

At the opening of the court this morning the clerk read a medical certificate, signed by two doctors, declaring it was impossible for Du Paty de Clam to leave his bed to come to Rennes and testify.

M. Labori, leading counsel for the defense, asked the President of the court, Colonel Jouaust, to instruct two well-known medical men to examine Du Paty de Clam, but Colonel Jouaust refused.

Rowland Strong, an English newspaper man, was then called to the witness stand, and he deposed to the fact that Major Count Esterhazy confessed to him that he wrote the famous bordereau.

The next witness was M. Gobert, an expert of the Bank of France, who can claim the honor of being the first man in France to have declared in favor of Dreyfus. He reported, on examining the documents in the case, that Esterhazy, not Dreyfus, wrote the bordereau. The witness opened his deposition with a brief, personal statement, protesting against being characterized as a "doubtful expert" by the military party.

"But," he added, in tones of profound pity and turning towards Dreyfus, "I have no right to complain and am silent when I see before me the unfortunate man who sits there."

A murmur of approval from the audience greeted these words of sympathy.

M. Gobert then repeated the evidence he had given before the Court of Cassation. He gave his testimony in a clear, convincing manner, and was most emphatic in attributing the bordereau to Esterhazy.

Answering questions of the Judges, M. Gobert declared his conviction that the bordereau was written in a running, natural hand, and said there was no tracing or other trickery.

General Gonse asked to be confronted with M. Gobert and put a number of questions, over one or two of which the witness stumbled, to the infinite satisfaction of the military witnesses, who smiled and exchanged joyful glances.

M. Bertillon, the noted anthropometer, was called as the next witness. He wore a dark blue frock coat and carried a high hat in his hand. M. Bertillon requested permission to bring in his diagrams and papers. The request was granted and M. Bertillon retired for a moment, returning at the head of a squad composed of an infantry Sergeant and four privates, all staggering under the weight of immense leather satchels, bulging with documents, charts, etc., which they deposited on the stage as a roar of laughter echoed throughout the court. Even the Judges were unable to suppress a smile as they gazed on M. Bertillon's stage properties strewn over half the platform.

M. Bertillon commenced his deposition at 8:30 a. m. It occupied the whole of this session and will perhaps occupy a good part of to-morrow's session.

The courtroom presented a curious scene while M. Bertillon, whom the Dreyfusards in their most indulgent moments describe as a "dangerous maniac," spent the three remaining hours of the session in explaining, in unintelligible terms, his "infallible system" of proving Dreyfus the author of the bordereau. The majority of the public, however, utterly unable to comprehend M. Bertillon's theories, had left the courtroom. Even "la Dame Blanche" abandoned her post. In the meanwhile M. Bertillon, with gestures and in the shrill, pitched voice of a quack at a country fair, continued his monologue, producing every minute some fresh paper covered with wonderful hieroglyphics, copies of which he presented to the Judges, who, with an expression of owl-like wisdom, carefully examined them, their heads clustered together, their eyes gazing on the long, wide strips of paper, while M. Bertillon leaned over their table, trying to explain his mystifying diagrams, which were afterwards passed to MM. Labori and Demange, who, however, apparently did not derive much profit from their perusal.

Dreyfus gazed at the scene with a look of stupefaction.

The clearest utterance of M. Bertillon during the course of his demonstration was that the handwriting of the bordereau "obeys a geometrical rhythm, of which I discovered the equation in the prisoner's blotting paper."

The witness finally announced that he would give a practical demonstration of the writing of the bordereau, according to his system. Then he theatrically cleared the desk attached to the witness bar, drew his chair nearer, deposited his high hat on the floor, and, sitting down, began copying the bordereau. The audience watched him, bent over the desk, busily drawing letters, the Judges gazing at him until, at the end of ten minutes, the people and the Judges became restlessly impatient and Colonel Jouaust remarked that it was not necessary to copy the whole bordereau and that a few lines would suffice. A few minutes later M. Bertillon rose, strode to the Judges' table and laid before them his copy. The Judges, counsel, Government Commissary, Major Carriere, and the clerk of the court clustered around in one group, eager to see the result. The audience watched this strange spectacle until Colonel Jouaust shrugged his shoulders, and then the spectators knew that M. Bertillon had failed to satisfy them.

M. Bertillon noticed this and said apologetically, "I was so badly placed."

M. Demange, in response to a look of inquiry from Dreyfus, whispered a few words to the prisoner, with a shrug of his shoulders and a smile on his face. Dreyfus appeared perfectly satisfied.

Colonel Jouaust then, at 11:45 o'clock adjourned the court, and M. Bertillon packed up his belongings and the soldiers carried them out.

The newspaper men who crowded around M. Labori asked him for his impressions. He said there was a certain resemblance to the bordereau, adding, "But that is all. M. Bertillon only did what dozens could do. It only proves that he is a clever forger. That is all."

The Taverniere Inquiry.

PARIS, August 25.—The Minister of War, General Marquis de Galliffet, has transmitted the dossier of the Taverniere inquiry into the conduct of Colonel Du Paty de Clam to the court-martial at Rennes, as requested by Maitre Labori, leading counsel for the defense, on Wednesday last.

MULLER'S STORY A LIE.

Emperor William Did Not Annotate the "Libre Parole."

BERLIN, August 25.—Your correspondent was informed to-day at the War Office that the statement made on the stand at Rennes yesterday by M. Morilan de Muller that he had seen a newspaper, the "Libre Parole," bearing a postage stamp, in Emperor William's bedroom at Potsdam, and that on the paper were certain words in German, meaning "Dreyfus has been arrested," could not possibly be true. It was pointed out that his Majesty invariably puts his desk in order before leaving his room, and that nothing is left lying around or open, but, if he should fail to do so, it is the duty of his valet to put things away. Besides, it was also said, the Emperor does not read whole newspapers, but only marked clippings which later are incorporated in scrap books.

TO EXPOSE THE TREASON.

Italy Willing to Disclose the Documents in the Bordereau.

RENNES, August 25.—One interesting report comes from Paris to-night to the effect that the Italian and German Governments have been consulting on the question of whether they will send to France all documents alluded to in the bordereau and others received from that same source, with a clear and indisputable statement as to the identity of the French traitors. Italy, it is said, is quite willing to do so, but Emperor William takes the ground that Germany, having definitely announced that she never had any dealings with Dreyfus, does not feel called upon further to interfere in a purely French matter.

The anti-Dreyfus press here is becoming more bitter and incendiary in its attacks on Jews and the foreign correspondents here. Its language is a scarcely disguised incitement to violence. A soldier who had been sentenced to prison for some offense spent the last two days of his confinement in a cell next to Dreyfus. His time expired at 2 o'clock this afternoon. When he left the prison he was closely guarded and taken to the barracks, whence, under escort, he was sent to the railway station and placed aboard a train. Every precaution was taken up to the last moment to prevent him from communicating with journalists and others.

ITALY AND GERMANY COMPLAIN.

Allege That Their Diplomatic Correspondence Is Opened in Paris.

LONDON, August 26.—The Rome correspondent of the "Daily Mail" says Italy and Germany have obtained proofs that diplomatic correspondence passing between Paris and other places is systematically opened. This has been the case, particularly since the campaign against Dreyfus began, the French War Office having sought proofs to strengthen the accusation against him. Questions on this subject will be asked in the Italian Parliament.

THE EXAMINER SAN FRANC

PROMINENT HOLLISTER WOMEN WHO FIGURE IN A BIG SCANDAL.

Mrs. B. B. Mansfield, Accused of Writing the Scandalous Letters.

Mrs. E. C. Conrad, Who Received the Anonymous Notes.

HOLLISTER HAS A BIG SENSATION

Attempt to Blacken a Prominent Woman's Character.

ANONYMOUS LETTERS OF SLANDEROUS IMPORT.

COPIES SENT TO FRIENDS OF THE INTENDED VICTIM OF THE PLOT.

Well-Known Farmer's Wife Accused and the Grand Jury Investigating—Envy Declared the Motive.

Special Dispatch to the "Chronicle."

HOLLISTER, December 3.—A dark cloud hangs over Hollister's most exclusive circle of society, which threatens to break at any moment despite the most strenuous efforts that have been made to preserve secrecy. An anonymous letter writer has stirred up a scandal which is now being aired before the Grand Jury of San Benito county, and in which two women, one of social prominence and the other of excellent reputation are the principals in the social drama which is being enacted before the county's inquisitorial body. Mrs. E. C. Conrad, the wife of a prominent farmer, and Noble Grand of the local Rebekah Lodge, has accused her neighbor, Mrs. B. B. Mansfield of being the author of the defamatory epistles which have not only been received by herself, but by prominent society women of Hollister. These letters with exemplars of the handwriting of Mrs. Mansfield have been submitted to three chirographic experts in San Francisco, and acting independently of each other, they have given opinion that the scurrilous letters and the exemplars were written by the same person. It was upon the strength of this expert opinion that the facts were recently laid before the Grand Jury. The accused and the accuser were recently interrogated by that body as well as six other witnesses, and more evidence will be submitted when the Grand Jury convenes again on December 12th.

The scandalous letters first commenced to appear a year ago. They were received by Mrs. Conrad and a number of her most intimate friends in Hollister, among whom were Mrs. A. Tunn, wife of the cashier of the Farmers and Mechanics' Bank; Mrs. B. F. Scott, Mrs. Dr. Porter and Justice of the Peace Agnew. All were warned against associating with Mrs. Conrad, charges in this connection being made that seriously reflected upon her character at an early period of her life. The letters were couched in terms most slanderous and were of a nature so vilifying as to drive any innocent person almost to the verge of insanity.

In accusing Mrs. Mansfield of being the author of the slanderous letters, Mrs. Conrad does not hesitate to attribute envy as being the motive that caused their circulation. Both women live about two and one-half miles east of town in the Enterprise school district. For thirteen years they have been neighbors, living only a quarter of a mile apart, and have been on close terms of intimacy.

Their friendship continued even for six months after the anonymous letters made their appearance, and not until last October were their relations severed, when Mrs. Conrad reached the conclusion that her erstwhile friend was the enemy that was seeking to blight her reputation and destroy the happiness of her home. Then she made a trip to San Francisco and submitted a number of letters together with samples of Mrs. Mansfield's handwriting to Expert Kytka. The decision that he gave influenced her to lay the matter before District Attorney John L. Hudner with the object of securing an investigation at the hands of the Grand Jury. The matter was of such grave import and of so delicate a nature, that Hudner declined to act until he had secured corroborative expert evidence. He sent the letters and the exemplars to Expert Eisenschimel of San Francisco, and his judgment tallied with that of Kytka's. Far yet from being convinced he submitted the documents to Expert Ames of the metropolis, and again the same opinion was rendered. It was then that he felt justified to bring the matter before the Grand Jury, and that body consumed two days last week in sifting the charges. Owing to the prominence of the parties involved, Superior Judge Dooling admonished the jurors in administering the oath not to allow the slightest detail of the testimony given in the jury-room to become public. They were forbidden to mention even the ...

She associates with the members of Hollister's upper-tendom, in which Mrs. Mansfield has thus far failed to gain a foothold. Then, again, Mrs. Conrad has been "taking all the chairs" in the Rebekah lodge, and when she reached the rank of vice-grand, the chair preceding that of noble grand, another batch of anonymous letters made their appearance. Some of these were received by the members of the lodge, and Mrs. Conrad believes that their object was to poison the minds of her lodge sisters in order that they would prevent her election to the chair of noble grand, for which position she was then in line. Were that the object of the calumniating letters, they failed of their mission, for in due time the highest honor in the gift of the lodge was bestowed upon Mrs. Conrad.

The green-eyed monster was later on aroused when the Conrad family appeared resplendent in a new surrey, the finest of its kind that could be purchased of the metropolitan dealer from whom it was obtained. To the Hollister mind, the possession of such an equipage is a conceded mark of social distinction. The Conrads then moved a peg higher in the esteem of Hollister's exclusive set, and their social elevation was quickly followed by another outburst from the unknown writer.

Then came the determination of Mrs. Conrad to bring the guilty party to justice. She had frequently communicated to friends her suspicion as to who was the author, and, acting under advice, she secured a number of the letters, and with those received by herself, submitted them to the expert. Some of the letters which were received by her Hollister friends have been suppressed, their contents being of such a shockingly scandalous nature that it was deemed prudent not to permit their inspection by the Grand Jury. With that body the matter now temporarily rests. The San Francisco experts have yet to give their testimony, and upon this evidence will largely depend the actions of the Grand Jury when it resumes its labors next week. There is a grave element of doubt as to whether the accused woman wrote the defamatory letters that have caused the sensation that is now agitating the upper crust of Hollister society. There is no marked similarity between the handwriting of the mischief-breeding epistles and that known to have been penned by Mrs. Mansfield. The experts, however, profess to find the same peculiarities of chirography in the hooks and curves, and declare from the depths of their experience that they cannot be mistaken. But to the untutored layman there is no suspicious resemblance.

Mrs. Conrad, however, does not wholly rely upon the judgment of the experts to make out a case against her quondam friend. With a woman's intuitive knowledge she sees the hand of Mrs. Mansfield in the affair by reason of many incidents of the past which now appear to her to be circumstantial support to her opinion. Her mind goes back five years ago, when the devilish work of an anonymous letter writer led to the shooting of a man named Kalinowski by Antone Schill and subsequently the suicide of the latter. The Conrads were also involved in this tragedy. Their children and those of Schill, who was a near-by neighbor, had a quarrel at the district school over a trifling matter. The respective parents took up the matter and between the two families there reigned a bitter feud that was increased by the receipt by Schill of anonymous letters assailing the character of himself and wife. Schill supposed that the Conrads were the authors, and the enmity then reached such a pitch that threats of murder were freely made by both parties. In the early summer of 1894 Schill and Conrad met in the road, the latter being accompanied by Kalinowski. The quarrel was renewed and ended in Schill picking up a shotgun that lay in his wagon and emptying its contents at Conrad. Kalinowski received the charge, the man for whom it was intended being unharmed. Schill was arrested and charged with assault to murder, but before the day fixed for his trial was reached Kalinowski recovered, after an illness of several months, and brought suit against Schill in the United States Circuit Court for $5000 damages. These troubles weighed heavily upon the mind of Schill. Shortly before the time set for his arraignment he was found dead one morning behind his woodshed. He had ended his mental misery by taking strychnine.

It is said that the Conrads never indited the letters that harassed the nervous-minded German, and they now intimate freely around Hollister that they were written by the same person who is the author of the documents that are at present in the hands of the Grand Jury.

Mrs. Conrad is a woman of petite figure and refined manner and although about 35 years old her features still retain evidences of beauty which existed before her troubles deepened the lines of her face.

"I have only taken up this matter," said she to a "Chronicle" representative, "in justice to my three children. I value my character above all things in life and am determined to protect it. I would be greatly pleased if Mrs. Mansfield should be able to vindicate herself. My suspicions were first directed against her because of the handwriting in the letters. I know it as well as I do my own."

The accused woman is older by some ten years than her accuser. She treats the affair with a coolness that is surprising and the investigation has not alarmed her to the extent of forcing her to engage an attorney. She denies the authorship of the letters and expresses the opinion that they were written by some member of the lodge who was jealous of the continued advancement of Mrs. Conrad in that order. Against her accuser she displays not the slightest animosity and, if guilty, possesses a phenomenal faculty for not betraying any evidences of it. She freely and unhesitatingly answered every question of her interviewer, and furthermore stated that letters received by herself from the anonymous scribe had been voluntarily turned over by her to the District ...

DEAD MAN'S LETTERS OFFERED FOR SALE.

Charles L. Fair Was Told They Could Be Used Against Mrs. Craven, but He Declined to Purchase.

The trial on the question as to whether Mrs. Nettie R. Craven and James G. Fair were married by contract as she alleges may be begun soon, her application being on Judge Troutt's calendar. She calls herself Mrs. Fair and had that name painted on the door of a room in the Parrott building that she recently rented. The offices of Charles L. Fair and his attorneys, Knight & Heggerty, being on the same floor, they objected to her sign, and the manager of the Parrott building compelled her to remove it.

Charles L. Fair and his attorneys are constantly in receipt of letters referring to the contest over his father's estate. Among them are missives offering evidence on payment of money. A recent epistle of this sort stated that the writer had in his possession letters which were taken from a man who was found dead on a trail in the Klondike. These letters, it was said, could be used against Mrs. Craven. Fair declined to buy them.

He lately received an anonymous letter from Los Angeles, the writer saying that she was the wife of Charles L. Fair's deceased brother, James G. Fair Jr. She set forth a claim for a share of the estate. Who the woman is Fair and his attorneys do not know.

MAY KNOW HER FATE ON MONDAY

San Benito Grand Jury Will Then Report on the Mansfield Case.

THE ENERGY OF MRS. CONRAD

Victim of an Anonymous Letter-Writer Discourses Upon Her Duty.

[Special Dispatch to "The Examiner."]

HOLLISTER, December 4.—The Grand Jury for nearly two weeks has been investigating a libel charge which has been made by Mrs. E. C. Conrad, and on Monday will make its report. Mrs. B. B. Mansfield is the woman accused. The trouble is over scandalous, anonymous letters.

About a year ago E. C. Conrad, husband of Mrs. Conrad, received two letters, written in a coarse hand, slandering his wife. Then Mrs. Conrad herself received a letter, written in a fine, running hand, warning her that "a certain fact in her life was known." As long as no one else received the letters the Conrad family ignored the missives. But certain ladies in town received letters written in the same fine, running hand, in which the writer began thus: "My Dear Mrs. ——. As a friend I warn you against associating with such a creature as Mrs. Ed Conrad," etc. Then a specific charge was made. The writer deplored that such was the fact and stated that others who knew of the matter were also sorry, but it was the writer's duty to warn unsuspecting people against such a woman.

In one letter Mrs. Conrad's rise in the local Rebekah Lodge was regretted. In another it was hinted that she made use of a new surrey to obtain friends. Among those who received letters was Judge G. Agnew, a citizen who stands high in political and fraternal circles. But his letter was written in a coarse hand, the same as those sent to Mr. Conrad. The Judge handed the letter to Mrs. Conrad.

There are in all nine letters known to have been written. Seven letters were laid before the District Attorney. Among those was one received by Mrs. Mansfield. Mrs. Mansfield says she received two letters warning her against cultivating Mrs. Conrad's acquaintance. Another letter, known to have been written, was not handed over owing to the vile phrases used.

Some years ago a man named Schill received some anonymous letters reflecting upon himself and family, and owing to a quarrel, arising from trouble among the children at school he accused the Conrads of writing the letters. Schill committed suicide. Those letters have been kept, however, and it is now thought the same party wrote the Schill and Conrad letters. The Conrads say they can now fully sympathize with Schill's bitter feeling, although he labored under a mistaken suspicion.

Mrs. Conrad and Mrs. Mansfield talked over the letters, and at last certain little things occurred which made Mrs. Conrad suspicious. Then as a matter of justice to her children, her husband and herself she determined to discover the writer of the screeds. She obtained opinions of an expert in San Francisco and then submitted her case to District Attorney Hudner. Many women have testified before the Grand Jury on the case.

The accused Mrs. Mansfield is a woman of education and an excellent conversationalist. She denies emphatically having written the letters, and asserts that she cannot understand the reason for the attempt to injure Mrs. Conrad. Both ladies have resided here for a long time and are well known. Mrs. Conrad has been advanced to office in the local Rebekah Lodge, which contains several of Hollister's leading society ladies.

MRS. CRAVEN'S MARRIAGE CLAIM.

Attorneys for Fair's Daughters Demand the Particulars.

Lloyd & Wood, attorneys for Mrs. Theresa A. Oelrichs and Mrs. Virginia Vanderbilt, daughters of James G. Fair, yesterday filed a motion in Judge Troutt's court that Mrs. Nettie R. Craven, "falsely styling herself Nettie R. Fair," be required to make her petition for partial distribution of Fair's estate certain as to the time and place at which she was married to Fair, as she alleges. They want to know whether the marriage was ever licensed, solemnized, authenticated or recorded, and when, where and by whom the ceremony was performed if any took place. If the marriage was by contract they ask that she be required to set forth the terms of the contract, and to state with certainty and definiteness the time and place at which it was made, and whether or not it was ever authenticated or recorded.

Mrs. Craven and her daughter, Mrs. Henry Koehler Jr., formerly known as Margaret Craven, the actress, arrived from St. Louis Friday and secured apartments at the Palace. Mrs. Craven, who registered as Mrs. N. R. Fair, has been visiting her daughter in St. Louis and the two returned to attend the contest over the Fair millions, which will again come up in court next Wednesday. Mrs. Koehler will remain in this city during the trial. Rumors that the young lady would again go on the stage are laughed at by her. She asserts that her home in St. Louis and her domestic happiness are all that she could desire and that she would not again appear before the footlights for any consideration.

Bulletin Sept. 21, 16

MILLIONAIRES GO IN FOR MICROSCOPY.

Interesting Exhibits Made at the Meeting of the Society.

The meeting of the San Francisco Microscopical Society, held at its rooms, 132 Montgomery street, Wednesday, was not lacking in interest. In the absence of the president, the meeting was called to order by Dr. Gustav Eisen, the vice-president. After the usual routine business, the members were called to vote on nine names submitted at the last meeting for life membership, and the following were declared duly elected: J. B. Stetson, Alvinza Hayward, Charles N. Felton, Claus Spreckels, George Crocker, Russel J. Wilson, Timothy Hopkins, Charles G. Lathrop and William H. Crocker. As the fees for life membership are entirely devoted to the purchase of books, the accession of so large a number at this time means much to the library.

The public are probably not aware that the San Francisco Microscopical Society is the oldest society of microscopists in the world, having been organized in 1870 and incorporated in 1872, fully four years before the organization of the Royal Microscopical Society of London. By the earnest endeavors of its members in its early career, the foundation was laid for the accumulation of a library of books on subjects connected with the study and use of the microscope. The chief pride has been in its library, which is now recognized as the largest and best in its special field in the United States. The fact is patent to the two universities that this collection of books is one of the most valuable consulting libraries accessible to its faculty and special students. The trustees will now add a number of sets not in any other library on the Coast, and thus further enhance its usefulness.

The meeting had as its special feature the informal exhibition of microscopical preparations, about which the exhibitor in each case gave a few minutes' talk. W. J. V. Osterhout, Ph.D., of the botanical department of the University of California, exhibited a cross section of leaf and also the outer cuticle of the same, showing a very curious and effective method of storing and retaining moisture in the leaf. D. C. Booth had a slide of diatoms of his own preparation from a deposit on the Island of Fur, Denmark, showing some of the most curious and rarest forms of these interesting objects. Dr. Gustav Eisen exhibited a section of muscle of an anthropod, showing the striations very perfectly. F. T. Bioletti of the University of California exhibited a chromogenic bacterium, showing a decidedly dark brown (almost black) coloring matter in its composition, not the result of stains. It was believed, however, that this accumulation of chlorophyl was the result of association in the growth and development of the bacteria.

THE FULLER CASE STILL CONTINUES

Daily Register Oroville

Number of Witnesses Examined Friday

Dec 2nd 1899

Mrs Houseworth Refused to Testify on the Ground that She Might Incriminate Herself

The arena in the court room yesterday was an interesting one. The room was crowded the entire day, during the afternoon nearly sixty ladies were present. All seemed deeply interested in the outcome of the suit and all paid close and careful attention to the statement of the witnesses. The interest of all was held closely from the shrewd and careful manner in which the case was managed. Mr. Geo. Knight, the managing attorney for the heirs of Alfred Fuller was cool, careful, collected, cautious and keeping well within his ground but he was dramatic in action, emphatic in tones and striking in gestures. He impressed all as a safe, shrewd, keen and able lawyer who managed his case with great tact and ability. He was assisted by attorneys Richard White and Carleton Gray.

Messrs Schooler and Yell were alert and watchful. They kept an eye constantly on Mr. Knight, lest he get in a question that might damage their side and it would be safe to assume that every other question asked by Mr. Knight, was objected to. Ninety-eight out of every hundred were overruled.

When Mrs Houseworth was called there was a dramatic scene for a few moments. She refused to testify. Was asked to take the stand and then when asked a question she stated her grounds for refusing to answer was that she was now under indictment for two crimes and if she answered the questions it might incriminate her.

Her attorneys have been watchful, careful and cautious. Perhaps too eager and determined in their objections, for they served only to hold back and delay the trial in many instances, but her case is being well managed and they doubtless feel that they have enough solid objections to cause a reversal of the case when they appeal it.

Mr. Carmac testified that he received the purported will of Alfred Fuller through the mail. Then he went to see Mr. Rexford who was ill, spoke to Mrs. Rexford about Mrs. Houseworth, and said he had some information that would be of value to Mrs. Houseworth and requested her, Mrs Rexford, to write to Mrs. Houseworth and tell her so. The will, he carried for a short time, but then placed it in a tool chest in his buggy house, the chest being locked. That when he spoke to Mrs. Rexford, the latter wrote to Mrs. Houseworth and asked him, Carmac, to take the letter to Mrs. Daniels, or to Justice of the Peace Collins, as one or the other would probably know the address of Mrs. Houseworth. He did take the letter to Mr. Collins and gave it to him and supposed that he mailed it. Some days later a party told him that Mrs. Houseworth was home and he went to the residence of Mrs Rexford to ascertain where she, Mrs. Houseworth was. She happened to be there and at that time he handed her the letter, saying he supposed that was the will he had heard her talk about in the past. Mrs. Houseworth thanked him, said she never could repay him for what he had done and that had he been like some, he would have perhaps kept the letter or will. He stated that he knew nothing about the will until he got it through the mail. It was addressed to him and postmarked Chico.

His cross examination by Mr. Schooler was long and severe but he did not deviate from his general statement. Some one told him later that Mrs. Houseworth stated that he demanded from her $2,000. He asked her if this was true and she said she had never stated anything of the kind.

In reply to question he stated that he did not get the letter from the papers of the late R R Frimple, and absolutely knew nothing about it until it came to him through the mail.

Mrs Montgomery stated that she was residing in Washington at present but had lived for several years in Chico and knew Mr Fuller well. She had rented a house from him and had received a number of letters about rent and other general matters. She knew his handwriting from these letters and from the fact that they had talked about the contents of the letters afterwards and that he spoke of having sent them to her.

She could not swear positively that he wrote them because she never saw him write anything. He did write a line or two in her daughter's album and that writing was like the letters. As she did not see him write in the album this testimony was ruled out. She had received receipts from him but had never seen him write one. Was asked regarding her education, her years of schooling, where she attended school, how many months in the year she attended, etc.

Was asked who paid her expenses for coming to this trial as a witness and said Mr R White did. Asked if he wrote to her and she replied that she came on a telegram stating that her expenses would be paid.

Major A F Jones was then sworn. Mrs Houseworth objected to any testimony from the Major because he at one time was her attorney and because what she had written him was a privileged communication.

The Major stated that he had acted as her attorney and must refuse to answer unless ordered to do so by the court. He was shown a public record which purported to bear the signature of the lady and asked if she signed it. The Court held he must answer the question and the Major stated that so far as he could recall she did sign it.

Repeated objections were made to his answer.

When court adjourned for the evening Kytka, the famous handwriting expert, occupied the witness stand.

Landis Note Case

Nearly every person in Butte county capable of reading the daily papers are familiar with the suit of A J Landis vs E M Woodman, as administrator of the estate of Alfred Fuller, deceased, and the recent opinion of the Supreme Court in this matter is therefore of general interest. It will be recalled that the administrator rejected the claim of $15,000 presented in the form of a promissory note by Landis against the estate. Landis instituted suit, a demurrer to the complaint was sustained, and later one to the amended complaint was sustained without leave to amend.

In commenting upon the ground taken by the lower court that the complaint was fatally defective because the claim was defective, the Supreme Court says:

"Among other matters Sec. 1494 of the Code of Civil Procedure declares: 'Every claim which is due when presented to the executor or administrator must be supported by the affidavit of the claimant, or some one in his behalf, that the amount is justly due, that no payments have been made thereon which are not credited, and that there are no offsets to the same to the knowledge of the affiant. If the claim be not due when presented, or be contingent, the particulars of such claim must be stated.' It was held by the trial court that 'the particulars' required to be stated in a claim that is not due were not set out in this claim. The single question involved by this appeal is: Does the claim presented substantially comply with the requirements of this statute?

"Respondent rests the case upon the proposition that the 'particulars' of this claim are not stated, and in seeking for the meaning of the word 'particulars,' he declares that if it refers to the four essentials of a valid contract,

CEMBER 5, 1899.

namely: parties capable of contracting, consent, a lawful object and a sufficient consideration. He then admits that it shows three of these essentials, but declares it fails to show a sufficient consideration. Even if it be admitted that this construction of the statute is the sound one, we would be loath to hold this claim too weak to form the basis of a cause of action. We would consider long before declaring such a claim no claim. Especially is this so in view of a statute that is so general and indefinite as the one here under consideration. If respondent rejected this claim for the reason that it contained no statement as to the true consideration actuating these parties in making the contract, it would seem but just and right to the claimant that he should have been so informed by the administrator, in order that an amended claim could have been presented to meet that objection.

"The 'particulars' of this claim are sufficiently stated. The date of the contract is shown. The parties are named. The amount to be paid is stated. When it is to be paid and kind of coin is also stated. This must be held to be a substantial compliance with the statute. Especially are we inclined to such conclusion when we find in Sec. 1494 and 1499 of the Code of Civil Procedure ample power vested in the court and the administrator or executor, to investigate to the lowest dregs the validity and honesty of all claims which may be presented to them. We are also disposed to this conclusion in view of the fact that the business would be badly handicapped in dealing with commercial paper if a history of such paper is to be required to accompany it from its inception throughout its long and devious travels. To obtain such a history would be impossible in numberless cases.

"A promissory note past due requires no statement of particulars other than that found upon its face, yet there is no good reason why the law should make any different rule in the two cases. 'Particulars' are as necessary in the one case as in the other. Of course in the case of contingent claims the propriety of the rule is readily apparent, and very possibly in many other cases where claims are not due. But in a simple, plain, ordinary promissory note, we see no necessity for stating any other particulars than those appearing upon its face.

"The Indiana Statute requires a 'succinct and definite statement of the claims.' Under such a requirement a copy of a promissory note has been repeatedly held to constitute a compliance of the law. Wolfe vs. Wilsey, 28 N. E. Rep., 1004. So, it would seem that the language of the Indiana statute is fully as broad and explicit as the word 'particulars' found in the aforesaid provision of the Code of Civil Procedure. We conclude that this note upon its face gives the 'particulars' called for by the statute.

"For the foregoing reasons the judgment is reversed and the cause remanded.

GAROUTTE, J.

"We concur: Harrison, J; Van Dyke, J.

MRS. HOUSEWORTH WANTS MORE TIME

Asks a Continuance Until Next March.

Chico Record

PRESENTED TWO AFFIDAVITS

In Which She Asserts that Her Attorney Deserted Her Without Any Warning—Intimates That Rodley and Garner Will Refuse to Testify in the Case.

Special to the Enterprise

OROVILLE, Dec. 5.—When the Fuller will case was called this morning, quite a ripple of excitement was occasioned by the introduction of two affidavits from Mrs. Minnie Houseworth, John Guidery, Attorney Wm. H. Schooler and Attorney Knight taking leading parts in the performance.

Attorneys White, Knight and Gray appeared as attorneys for the contestants of the will, and when John Guidery offered to read the affidavits of Mrs. Houseworth, Attorney Knight objected to Mr. Guidery reading them as he was a Deputy Sheriff and not an attorney.

Guidery stated that he merely appeared as an act of friendship to Mrs. Houseworth, as she had no attorney.

After considerable discussion Guidery decided not to read the affidavits, when Mrs. Houseworth arose, and presenting the affidavits, requested that Deputy Clerk C. F. Belding read them. Belding then read the two affidavits.

The first affidavit asked that the trial of the case be postponed to March, 1900. It says that Mrs. Houseworth had employed F. C. Lusk to act as her attorney and that Lusk had taken entire charge and management of her defense; that he had agreed to attend to the full preparation for and trial of her case without expense to herself; that she need give neither time nor money in preparation for her defense; that Lusk has not at any time requested her to make any preparation or spend any money in preparation for the trial; that she believed Lusk had employed other attorneys for her, viz: Jo D. Sproul, A. F. Jones and John Gale, to assist him in the contest; that she is informed and believes that on November 27, 1899, without any cause or notice to the Court, Lusk had withdrawn as attorney in violation of his duty to petitioner.

The affidavit further states that she was informed and believed that Sproul, Jones and Gale had also withdrawn from the case, stating that their arrangements were with Lusk and not with her. She is therefore left without any attorney in the contest. She sets forth the indictments of Rodley and Garner; also states that she is unable to give bail and cannot personally attend to the preparation of her case, and it would be unfair to her and to the interest she has in the estate to permit the trial to go on prior to the trial of the criminal action. Should the trial proceed at once, she would be deprived of an opportunity to properly prepare her case; that the motion for a continuance was not made for a delay but by the continuance prayed for she would have an opportunity to make arrangements with her attorneys to go on with the case.

The second affidavit states that she had relied entirely upon the attorneys mentioned in the first affidavit to attend to arranging for the contest; that this matter was published in the various papers and was commented upon in an unfavorable manner, and she believed all the time that Lusk and Jones would appear for her; that when she found that they would not do so she was prostrated, both mentally and physically; that no notice was given her and she has been informed and believes that Rodley and Garner, who are both in jail, will refuse to testify in the matter, and that it is unreasonable to expect them to appear as witnesses, owing to the charges on which they are confined in jail; that she has been unable to employ counsel, and that the attorneys above mentioned had given her to understand that she had a good and meritorious case.

After the reading of the affidavits, Knight asked Judge Gaddis if he would hear testimony regarding the case, and upon receiving an affirmative reply, called Guidery to the stand.

The following questions were asked and answers given:

Q. Whom did you get those affidavits?

A. I drew them.

Q. Are they now in the form in which you drew them?

A. I had been given an outline and filled them in.

Q. Where did you get them?

A. Out of a letter addressed to Col. Henshaw, who had requested me to open the letter.

Q. Where did they come from?

A. From Sacramento.

Q. From whom did they come?

A. Grove L. Johnson.

Further questioning brought out the fact that a letter was also contained in the envelope with the affidavits and Knight asked that the letter be produced.

On the order being given, Guidery left the court-room to procure the letter, and W. H. Schooler, who had been an attentive listener, and who is associated with Grove L. Johnson in the defense of J. E. Rodley, departed also in quest of Guidery. Schooler met Guidery as he came out of the Sheriff's office with the letter, and advised him (Guidery) that as the letter was a personal one from Johnson to Henshaw, not to show it, except under protest.

On returning to the court-room, Guidery was asked by Attorney Knight if he had been interviewed by an officer of the court, to which Guidery replied that he had been warned by Attorney Schooler to not read the letter except under protest.

The court ordered the letter to be read, which was done under protest.

Knight then made much ado about Schooler attempting to advise Guidery while the latter was a witness on the stand, and those in attendance began to believe that Schooler was to be charged with contempt, but no such thing occurred.

At the conclusion of Knight's remarks, the court ordered a continuance until 10 o'clock to-morrow.

Dec 7-99

MRS HOUSEWORTH FILES AFFIDAVITS

Oroville Register

In Which She Severely Scores Lusk.

Attorney W H Schooler Alive to His Client's Interests, Narrowly Escapes Contempt.

As usual the court room was crowded yesterday morning to listen to the proceedings in the much talked of Fuller will contest. Attorneys Knight, Gray and White appeared as counsel in behalf of contestants and the defendant, Mrs Houseworth, was again unrepresented by counsel. Under-Sheriff Guidery attempted to read two affidavits presented by Mrs Houseworth, asking for a continuance of the trial until March, 1899, and which it afterward developed he had been requested to do by Col. Park Henshaw.

Attorney Knight vigorously objected, claiming that Guidery as Under Sheriff had no legal right to represent anyone in court; finally in the face of this objection the attorney desisted from the attempt to read the affidavits and at the request of Mrs Houseworth Clerk Belding read and filed them.

The burden of the affidavits is a plea for continuance until March by which time defendant will have been able to secure a legal representative and be prepared for trial.

As a reason for not being prepared for trial she alleges that she employed F C Lusk to defend her and he agreed to furnish all the necessary expenses incurred in preparing for the trial and make all necessary preparations until he notified her to the contrary. She received no notification and believed that everything was satisfactory, until the day first set for trial, when it was announced that Lusk had withdrew from the case, without any apparent reason therefor, and without giving notice to her or to the court beforehand, that in the meantime Lusk had engaged A F Jones, John Gale and Jo D Sproul to assist him but when he withdrew they dropped out also, on the ground that all arrangements had been made with him.

She further affirms that when the date of the first hearing was set she was an inmate of a hospital in San Francisco where where she underwent a dangerous operation, leaving her for weeks afterward unable to perform any work, that the county papers contained so much misleading matter regarding the finding of the indictments, etc., that a dangerous feeling existed and still continues to exist, regarding the principals, that she is not guilty of the crimes she is charged with; that she believes neither Rodley or Garner was guilty, and if she is forced to a trial now she will be deprived of their testimony, as she has been informed that they will refuse to testify under the circumstances; further that she has no money with which to hire an attorney and being in jail is unable to attend to her interests individually, therefore she believes it would be a gross injustice to compel her to go to trial at this time.

When the reading of the affidavits was finished attorney Knight requested that Mr Guidery be placed upon the witness stand, when it was soon disclosed that the affidavits had been forwarded by Grove L Johnson of Sacramento and the fact that he also had in his possession a letter from Johnson to Henshaw and the witness was ordered to procure it. When the witness returned Knight asked him if he had not been approached by an officer of the court during his absence from the room, and instructed not to allow the letter to be read, and he admitted that he had been accosted by Attorney W H Schooler, who was present looking after the welfare of his client, Dr Rodley.

For a moment things looked squally for Schooler, but the contempt phase was overlooked, and the letter read, it proving to be merely a brief business communication.

Judge Gaddis then continued the case until this morning at 10 o'clock, when it is generally believed it will be gone ahead with.

CONTINUANCE WAS DENIED

The Fuller Will Case Must Proceed.

Chico D. Enterprise

MRS. HOUSEWORTH HAS ATTORNEYS

But they Were Only Employed Yesterday Afternoon and Will Have to Get Ready to Try the Case Before Ten O'clock To-morrow.

Special to the ENTERPRISE.

OROVILLE, Dec. 6.—The Fuller will case will proceed to trial to-morrow morning at 10 o'clock, even though Mrs. Housworth, who claims that the document bequeathing to herself almost the entire estate of Alfred Fuller is genuine, had only secured counsel yesterday afternoon.

When the motion for continuance was called at 10 o'clock this morning W. H. Schooler arose and stated that last night he had been called into the case by J. P. West, son of Mrs. Housworth, and that he simply appeared at this time to make a motion for a continuance of the case.

Judge Gaddis then ordered a continuance until 1 o'clock to allow Attorney Schooler time to consult with his client.

On reconvening at 1 o'clock Mr. Schooler stated that he had two affidavits to read in connection with his motion for a continuance. With Attorney Schooler appeared Ex-Senator Yell, of Sacramento, who also appeared as attorney for Mrs. Housworth.

The affidavits of Mrs. Housworth were very similar to those of yesterday, but added as another ground for the continuance asked for (to March, 1900), that she had had no time to consult with her attorneys, Arom & Yell of Sacramento and W. A. Schooler of Chico; that there were a number of persons who she desired as witnesses and whose testimony was of great importance to her, which witnesses could not possibly be present should the case proceed to trial at this time. One of these witnesses is Carrie West-Powers of Alaska, who could not possibly appear before March next; that the testimony of Mrs. Powers is material, and the facts to which she will testify cannot be gotten from any other person; further that she had had absolutely no time to consult with her attorneys.

Attorney Yell also presented an affidavit in which it is stated that he was only called into the case yesterday afternoon and had arrived in Oroville at a late hour last night; that he knows nothing of the case, and has had no time to consult with his client. He asked that the case be postponed until he could have sufficient time to look into the case.

After hearing the arguments Judge Gaddis denied the motion for a continuance and ordered that a continuance be had until 10 o'clock to-morrow morning when the trial will proceed.

Attorney George A. Knight of San Francisco is registered at the Union. He is one of the Attorney for the Fuller heirs in the will case which comes up for hearing tomorrow. The attorneys for the heirs are Knight and Heggerty of San Francisco, Richard White of Chico and Carleton Gray of Oroville.

Theodore Kytka the handwriting expert has been in Oroville several day's preparing his exhibit for the Fuller will case.

NEW FULLER HEIR A HALF-BREED

And Reported to Be 28 Years of Age.

Chico Daily Enterprise

WAS BORN IN TUOLUMNE COUNTY

It Is Asserted That the Deceased Lover of Coin Was, In His Early Days, Also a Lover of a Certain Maiden With Black Hair and Dark Skin.

Special to the ENTERPRISE.

OROVILLE, Dec. 6.—The mysterious heir to Alfred Fuller has been discovered, and if the claims made to his legal right to a share in the Alfred Fuller estate are good, it would appear that the deceased Fuller had, in early days, a liking for the dusky maidens of the wild west.

Attorney Carter is here, and though he has, so far, taken no hand in the proceedings, he is a quiet, but very attentive listener during all of the arguments by attorneys.

The story has leaked out that the mysterious heir is a resident of Tuolumne county, where he was born some 28 years ago, and it is stated that the mother is an Indian woman.

It is asserted that during the latter '60's and early '70's Alfred Fuller was a great deal in Tuolumne county and while there became intimate with an Indian woman of that section. It is further claimed that as a result of this intimacy a baby boy was born, and that this boy has grown to manhood bearing the Christian name of Fuller, and that at the proper time his claim for a share of the $35,000 or more left by Alfred Fuller will be presented.

This will, of course, place the Eastern heirs in a position to enter another long fight for the possession of Alfred Fuller's much coveted wealth.

JURY TO TRY THE WILL CASE

Twelve Men Must Decide Its Value.

A HARD TIME TO SECURE THEM

Chico Daily Enterprise

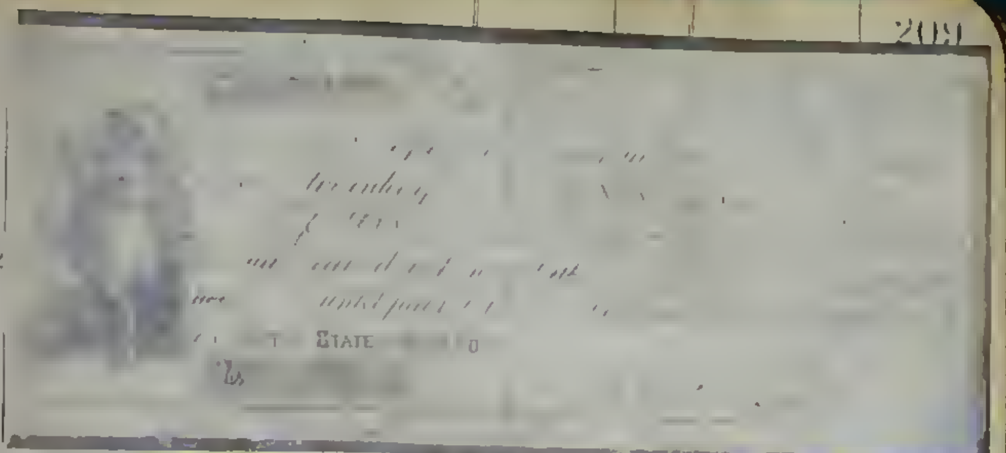
Mrs. Housworth's Attorneys Believe This Is a Case Where Twelve Men Are Better Than One—Crowds Flocking to the Court House.

Special to the ENTERPRISE.

OROVILLE, Dec. 7.—Never in the history of the Butte County Court House has the Superior Court room been so thoroughly packed as it has to-day.

Contrary to all previous cases, the crowd did not diminish as the day wore along, but all who were so fortunate as to secure a seat or even standing room, have stayed right there up to the present time, 4:45

When the case was called this morning the attorneys for Mrs. Housworth stated that they would demand a jury trial, and the work of securing the twelve men was commenced. It required all the forenoon and until late this afternoon to secure a jury acceptable to both sides.



The jury is as follows:

Chas. Simpson, T. J. Forman, E. H. Noel, W. A. McElroy, Geo. Taber, Jno. Watkins, A. Sweetzer, Jas. Williams, L. N. Boswell, Wm. Campbell, T. D. Wheeler, A. J. Corwin,

At this time (4:50) the opening statement is being made to the jury.

As to whether or not Dr. Rodley and John Garner will appear as witnesses in the case is a question that no

SECRET ARREST BY THE POLICE.

G. H. MAYER LOCKED UP ON A SERIOUS CHARGE.

HIS STEPMOTHER SAYS THAT HE IS ACCUSED OF THE CRIME OF FORGERY.

Prisoner Declares That His Father Caused His Incarceration, but the Elder Mayer Denies All Knowledge.

G. H. Mayer, son of Henry Mayer, the tailor of 40 Montgomery street, was taken into custody by the Central Station police yesterday and his name placed on the detention book pending developments. The boy claimed that his father had caused his arrest and Mrs. Mayer, the stepmother, was authority for the statement that young Mayer was charged with having forged notes. The elder Mayer strenuously denied both of these statements, however.

According to the elder Mayer and Mrs. Mayer, the boy has been wayward for several years. In fact, he voluntarily deserted their home at 233 Oak street three years ago and has been constantly in trouble and the associate of dissolute people. Although but 19 years of age he served in the Philippines with the Fourteenth Infantry. After his return from the islands his father, it is said, gave the military authorities information to the effect that the boy had deserted from the Army, so the arrest of young Mayer followed. The boy was able to show his discharge papers, however, and was released. The elder Mayer states that although he had sent many articles of medicine and dainties to his son the young man never showed the slightest appreciation of this kindness and never came to see him.

When Mayer was taken to the prison yesterday it was found that he was ill so he was transferred to the Receiving Hospital, where he will be detained for several days. An officer has been specially detailed to guard the young man and prevent any one from interviewing him. Mayer informed a reporter, however, that his father had caused his arrest, but refused to discuss his incarceration any further. The boy claimed to others that when his mother died he had been left several thousand dollars, out of which his father was trying to defraud him. This is denied by persons acquainted with the case, who assert that the property left by the first Mrs. Mayer was entirely community and as such the son has no interest in it.

The present Mrs. Mayer said her husband had told her that the boy had been arrested for forgery. She added that if her husband were seen later in the evening he would supply the necessary details of the arrest. When Mayer was interviewed he declared that he knew nothing of the case. He had not caused the arrest of his son, he declared, and had not heard until then that the young man had committed any forgeries. When it was suggested that his wife was the authority for the report of his son's alleged crime Mayer declared that somebody had come to the house in the afternoon and told her of the arrest. He maintained that the woman did not know the identity of her informant and subsequently stated that she had heard of it in Oakland.

When Mrs. Mayer was interviewed her husband prevented her divulging any information which might have contradicted his own statements, for he immediately proceeded to frame all of her replies. In the meanwhile young Mayer will be detained as a "small book" case until further developments. His father stated positively that he would not try to get the young man out of the present scrape and would allow the law to take its course. The police are reticent regarding the details or exact nature of the case against the young prisoner.

"FOR JUSTICE SAKE"

Dec 8-99 Daily Register — Oroville —

GARNER CONFESSED

An Impressive Scene When He Testified in the Fuller Will Contest

As was expected, the prosecution in the Fuller will contest case, when court convened yesterday morning, waived a jury trial. Mrs Housworth's attorneys objected strongly to the motion being made at that time, asserting that they were not ready for trial. Judge Gaddis said he did not care to hear any more on that subject and asked the defense if they demanded a jury. They answered that they did. From this time forward the burden of depositing $24 every morning in advance for jury fees, will fall upon them. The $21 heretofore deposited by the prosecution, the jury having been summoned originally at their request.

At this time Schooler requested that it be placed on record that Mrs Housworth was not ready to go to trial.

The examination of the jurors was then commenced, Schooler on the part of the defence giving each juror a searching examination touching his qualifications as a trial juror. One of the principal questions was regarding the amount of credence that would be given expert testimony.

About 3:30 this afternoon the jury was completed and a 10 minute recess was taken. Quite a little squabble ensued when Court convened again, regarding the manner in which Clerk Bolding administered the oath to the jurors. Judge Gaddis said the oath was not correct as administered and the jurors were again sworn.

Knight thought it was a good plan for the Clerk to read the oath from the code and as the Court coincided the Clerk did so. Schooler interposing an objection which was overruled.

The following talesmen were empanelled to try the case:

G D Wheeler, Chas Simpson, L W Boswell, A Sweetzer, A J Corwin, Geo Taber, T J Farnan, Farnan. W A McElroy, Wm Campbell, Jas Williams, S E Noel, Joo Watkins.

Knight's opening statement to the jury was very impressive and created quite an impression on the large crowd present. He said they would prove that Garner had been offered $5000 for the use of his signature to the will; that at first he refused to entertain the idea, having always borne a spotless reputation previous to that time, but misfortune overtook him, reverses came and the alluring bait so temptingly displayed to him was at last accepted. They would also prove that Col. Batch I. ue had been approached in Biggs with an offer to sell his signature, and the offer was again made in the form of a letter. That the will was made several months after the death of Alfred Fuller they would prove by testimony that was unimpeachable, and that a triple conspiracy existed. He drew a word picture of the late Alfred Fuller, whom he termed a lonely recluse, possibly a miser, hoarding his earnings, who of a reserved distant nature, made but few intimate friends, and denounced the will as a forgery and a base counterfeit.

All eyes were centered on John Garner, the self-confessed perjurer, who was the first witness called, as he took the stand. A few minor questions were asked and answered when in answer to a question regarding the length of his acquaintance with Mrs Housworth, he replied that he first met her for the first time during the proceedings when the will was admitted to probate.

Sternly was the following question put to him: "Did Alfred Fuller in your presence and Rodley's presence sign any will?" "He did not," was the prompt answer.

At this juncture Knight handed the will to him and after he had examined it asked, "Is that your signature?" "Yes" was the reply, "that is my signature."

He was then requested to make a statement to the jury, embodying a full account of the affair. He said: "In the spring or summer of 1898 I came to Chico one morning and met Dr. Rodley on the corner of 2nd and Main streets, who said he had something to tell me, and he took me to the old Wood's building, and we went up stairs two or three steps and sat down. He said Fuller had left a signed will, leaving the bulk of his property to a lady in Chico. No names were mentioned and he said the will was not witnessed. He then said, there is $5000 in it for each of us if you sign it. I refused, and time and time again in the future he approached me and asked me if "I did not think better" of the proposition. About two months after the first proposition I accepted and we went to his office, he took the will out of his safe and we signed it. This was in August, 1898, six or seven months after Fuller's death. There was not anything further said, except he would produce it in three or four months, and that it had been found among the papers of R R Fimple, deceased.

He cautioned me to keep quiet about the matter. Regarding his testimony given at the time of probate proceedings witness said, "The hardest work I ever done in my life was when I testified on probate."

The defense strenuously objected to nearly every question asked Garner and finally Knight sarcastically remarked that he presumed that he was dealing with full fledged attorneys, men of experience, and not with attorneys yet undergoing the incubatory process; that he was merely attempting to expedite the trial.

Attorney Yell responded by thanking Knight, said he was sorry to put the gentleman to any trouble but being their duty to be on the alert in their client's interests, they would certainly object when they deemed it proper.

Continuing Garner declared that the testimony given by him on probate of will was untrue. In answer to the question "did you ever receive any of the $5,000 promised you?" he replied no, he understood he would not receive it until the estate was distributed.

The scene was intensely dramatic while Garner was testifying to his downfall. The spectacle of an aged, gray haired man who for years had been an honored citizen of the county, his voice trembling with the deep emotion no effort could repress and his faithful little wife dressed in deep black, striving to hide her grief, as her life companion related his participation in the shameful conspiracy, for which acts the gates of a penitentiary are even now, swinging open to receive him, all combined to make an impressive picture, and one not easily forgotten, and when in reply to the query, "How did you come to confess," the climax was reached, the old man could control his emotions no longer, and tears streamed from his eyes as he impressively declared, "For Justice sake I first told the story; I found it was a conspiracy, that there were lawful heirs; I went much longer than I ought to. No, no inducements were offered to me. I expect to go to San Quentin.

COLONEL BATCHELDER ON THE STAND.

Mercury

He Tells of Rodley's Attempt to Secure His Signature to the Will.

A NEW CLAIMANT.

Petition Filed by an Alleged Son of Alfred Fuller, and Case Set for Hearing in March.

The Jury to try the Fuller will case was completed yesterday afternoon, and, after a brief opening statement by Attorney George Knight for the defense, John Garner was placed on the stand. His testimony was on the same lines as his confession published in full in the MERCURY on the day following that on which it was made in District Attorney Sproul's office at Chico. Garner's voice trembled with emotion as he told the story of his downfall. He declared that he told the story that justice might be done, that no inducements were offered him and that he perjured himself at the probate of the will and expects to go to States Prison for his crime.

When court convened this morning, a large crowd was present to hear the evidence and watch the developments of the case. Mrs. Houseworth was in court, accompanied by both her attorneys, Schooler of Chico and Yell of Sacramento. Wm. Fuller of Dakota, one of the heirs-at-law, and Attorneys Knight, White and Gray were on hand, and the big legal battle over Alfred Fuller's money was resumed.

The first witness called was Col. H. T. Batchelder, County Clerk of Butte county. It has been known that Mr. Batchelder was an important witness before the Grand Jury which indicted Mrs. Houseworth, the respondent, and there was considerable interest in what his testimony would be, though the main points leaked out some months ago.

As stated at the time, Col. Bachelder's testimony was to the effect that he had been offered a large sum of money by Dr. Rodley, to affix his signature to the will some months after Fuller's death, and the letter in the case, as stated by the MERCURY at the time, was simply a request for a meeting.

When placed upon the stand Mr Batchelder was asked the usual questions and stated that he had resided in the county for thirty-four years, had known Dr. Rodley for ten or twenty years and was intimately acquainted with him; that he knew Fuller, and was friendly with him; had seen him write and thought he knew his writing, though he had never paid especial attention to his writing. He was shown the will and asked if he thought any any part of it was written by Alfred Fuller, and he said he thought not. When asked if he had had any conversation with Dr. Rodley in relation to the proposed will he repeated the conversations which occurred between himself and Rodley. The first of these took place at the Hamilton hotel in Biggs about February 1, 1898, and was in effect as follows:

"Dr. Rodley drove up to the Hamilton early in the evening and said, 'Bach—I want to see you' I said "all right, Doctor, go ahead." He said 'no, I want to see you privately' I said "all right, lets go to my room." We went up to my room and closed the door and Dr. Rodley said: 'Alfred Fuller has left a will, do you think you would recognize Fuller's writing.' I said "I think so." 'If you were certain it was Fuller's signature would you be willing to sign it? Theres three thousand dollars if you could certify that will.'" I replied, "he never invited me to sign his will, Doctor, I always sign a will when invited. I signed General Bidwell's will that he invited me to do so."

This closed the conversation at Biggs, and Dr. Rodley left.

Some time after this, Mr. Bachelder testified, he received a letter from Dr. Rodley asking him to come to Chico, without fail, on a certain date (the letter was afterward introduced in evidence and marked, plaintiff's exhibit A.) He went to Chico and visited Dr. Rodley at his office, when he was again asked to sign the will. Dr. Rodley placed it before him and said: "Is that Fuller's signature, Bach?" "I don't think so, Doctor." "You don't think that is his signature?" "No Sir." "You wouldn't sign it?" "Mr. Fuller never asked me to sign it Doctor. I wish I could earn the money for I need it, but I can't sign it."

On cross examination Bachelder was asked who he first told of having received the letter from Rodley, and he replied, the Grand Jury. He had no idea how that body learned of it, as he had not told of it to a living being.

The next witness was John Swearington, who testified that Mrs. Houseworth offered him $5000 to affix his signature to the will. The offer was made at the Hallam house in Chico and was repeated subsequently. He testified that she told him Rodley would sign if some other good man would do do so, and later told him that she had secured Garner's signature. He said that previous to his being called by the Grand Jury, Mrs. Houseworth saw him and tried to persuade him not to tell what he knew, but he told her that he would not swear to a lie. She threatened to kill herself if he divulged the conversation. Mr. Swearington created some amusement by stating that immediately after he testified before the Grand Jury he deeded his property to his wife that the lawyers might not be able to get it on his death.

Swearington was followed on the stand by H. Carmack of Chico. He was giving testimony regarding the will, which he received by mail and afterward delivered to Mrs. Houseworth.

For some time an attorney named Carter has been in Oroville and it has been known that he represented a new claimant to the Fuller wealth. This morning Mr. Carter filed a petition for his client who claims to be a son of Alfred Fuller. The petitioner is said to be a half breed Indian of Tuolumne county, son of a squaw with whom Fuller lived more than 30 years ago. The case was set for hearing March 13th, and in all probability the winner of the present contest will have another fight to make.

TWO JURIES

Nov. 20 — 1899

Becker-Creegan Case.

Prosecution Is Suspicious of That Disagreement.

A suspicion that the jury in the Becker-Creegan forgery case was tampered with has taken firm root in the minds of the lawyers and detectives who conducted the prosecution against the forgers. Many circumstances in connection with the action of the three jurors who voted for acquittal are considered sufficiently strange by Chief of Police Lees and Detective Pinkerton to warrant a thorough investigation.

The police probe is now being used to discover, if possible, why Jurors David Brooks, Edwin Lang and E. H. Seaman obstinately refused to discuss the evidence against the defendants and held the other nine jurors out for forty-eight hours and finally forced a disagreement.

The nine members of the jury who believed the defendants were guilty of forging a draft for $22,000 on the Nevada Bank are at a loss to understand the position of the three who held out for acquittal, especially when the latter absolutely refused to debate the question in the jury room.

Details of the proceedings in the jury chamber have been given to Detective Pinkerton and the Police Department. When the jury retired, after being charged by Judge Wallace, Messrs. Brooks, Lang and Seaman immediately separated from the other members and held a whispered consultation in the corner of the room. They were asked by the foreman to participate in a review of the testimony presented, but flatly refused. They informed their fellow-jurors that they had made up their minds to vote to acquit the defendants and would not recede from that determination if the deliberation continued until doomsday. The foreman, hoping to bring about an agreement of some sort, took the jury into court twice for additional instructions from the Judge. In both instances his efforts were ridiculed by the three obdurate jurymen.

An inexplicable incident is found in the presence of one member on the jury. A short time ago he was drawn as a talesman in a railroad case in Judge Dainger-

FATE BEARS HEAVILY ON MRS. HOUSEWORTH

Chico Semi-Weekly Record

Attorneys Secured at Last But Their Pleadings for Continuance Fail

Dec 8 - 1899

YELL HINTS AT AN IMMENSE PLOT

Suggests That the Criminal Proceedings May Be a Scheme Concocted to Defeat the Will

Special to the RECORD.

OROVILLE, Dec. 6.—The sensation in the Fuller will contest came today when one of the newly acquired attorneys for Mrs. Minnie Houseworth, in an address to the Court hinted in strong language that it was possible that the criminal proceedings growing out of the will were parts of an immense plot to deprive her of enjoying the benefits prescribed for her by the will. Such a suggestion was prompted by the attitude of Judge Gaddis, who seemed immovable in his determination to bring the contest to trial previous to the trials of Dr. Rodley and Mrs. Houseworth on the criminal charges. Hints at great plots to break the will, long arguments showing that the contestant has not had an opportunity to prepare for presenting her case, having been deserted at the last moment by the attorney who had advised her to leave it all to him; also showing that she had been in jail and unable to secure counsel until a few hours previous to the time when she would be called to prosecute her claim, all this was in vain, for Judge Gaddis ordered that the trial shall be begun tomorrow morning at 10 o'clock.

When the Court convened this morning Attorney Schooler appeared on behalf of Mrs. Houseworth and asked for a continuance. In response to a question from Judge Gaddis, he stated that he had been retained by J. P. West, a son of Mrs. Houseworth, for the sole purpose of presenting the motion for a continuance, though he, with another attorney present, would probably be retained to defend her interests. He referred to Attorney Yell.

Judge Gaddis continued the hearing to 1 p. m. that the attorneys could confer with their client.

Archibald Yell made his debut in the case at the afternoon session as attorney for Mrs. Houseworth, who had retained him and his partner, Mr. Arnim of Sacramento and Wm. H. Schooler.

Schooler presented two affidavits by Mrs. Houseworth. In these she made the same showing as yesterday for a continuance. She said that she had endeavored to secure the services of Grove L. Johnson, but he could not take her case for the reason that he will be otherwise engaged, and she had diligently sought other attorneys until the present when she has secured Yell & Arnim. She asked a reasonable time in which to familiarize her attorneys with the case, and to secure witnesses, one of whom is her daughter, Mrs. Carrie West Powers, at present in Alaska. She also urged that Dr. Rodley is an important witness for her, and he cannot be induced to testify until after his trial on a criminal charge. She urged that there are insurmountable circumstances which render it impossible for her to go to trial at present, and fate seems to be against her in that she is in jail and has had no opportunity to secure counsel or her important witnesses.

Attorney Yell stated that F. C. Lusk had declared that her cause was a meritorious one, and this should be a recommendation to the Court, as no one would suffer by a continuance.

Attorney Knight called Yell to the stand and asked him if he had not held himself in readiness for a week past to enter the case, and if he did not know that the policy of the contestant was to get a continuance until after the criminal trial. Yell responded in the negative.

Attorney Schooler was called and denied that he had any knowledge in detail of Mrs. Houseworth's case.

Yell then made a long and spirited speech in which he insinuated that the criminal indictments and the great anxiety on the part of the respondent's attorneys might be a huge plot, as such plots had been planned before and they could well be planned again. He declared that he took the case because he believed that it was a meritorious one, and he insisted that it would only be fair to grant a continuance until March.

Knight responded, saying that the motion for continuance was not based upon any legal grounds, and he asked that the trial proceed at once. He said that he would admit, if the contestant would outline what she expects to prove by witnesses whom she cannot secure for the trial now, the testimony thus desired, but Yell would not accept this offer.

Knight believes that he has fully as good a chance to break the will by having the Court decide the case, and he will therefore not have a jury tomorrow, unless Mrs. Houseworth desires to pay the costs, and it is not likely that she will be able to find the money in jail for that purpose.

Judge Gaddis made an order that the case be continued until tomorrow morning at 10 o'clock.

OROVILLE, December 5.—The expectant throng that gathered in the court room this morning on the alert for any sensational features that might arise during the Fuller will contest, were treated to an unlooked for sensation in the spectacle of the complete discomfiture of Under Sheriff Guldery, who ran up against a snag, so to speak, in the shape of a forcible objection from George Knight, and before Knight got through with him he was completely at sea. When the case was called, Mr. Guldery attempted to represent the defendant, Mrs. Houseworth, in the matter of reading two affidavits presented by her, seeking a continuance of the trial, as she was unrepresented by counsel.

Knight was on his feet in an instant. He declared that it was a most unheard of proceeding, the Under-Sheriff attempting to represent a client in Court; that he had no legal right to do so; the act was ridiculous, and never in his career as an attorney before the bar had he met with such effrontery. The objection was promptly sustained and Guldery was placed on the witness stand to relate how he came into possession of the documents and who prepared them, considering that the defendant claimed she had no attorney. It soon developed that the affidavits were prepared by Grove L. Johnson in Sacramento, and the further fact that the witness had a letter in his possession from Johnson to Col. Park Henshaw.

Knight asked that the letter be produced and Judge Gaddis ordered Guldery to bring it into court.

Guldery thereupon retired and secured the letter, and no sooner had he taken the witness chair again than Knight sternly asked: "Did not an officer of this court follow you out, accost you on the stairway and instruct you not to produce that letter, on the ground that it is a privileged communication?"

The witness admitted that Attorney Schooler had accosted him regarding the matter, and it looked for a moment as if Schooler would be up for contempt, but it was passed over.

The letter was offered in evidence by Knight and turned out to be merely a business communication from Johnson to Henshaw, which Mr. Guldery had received at the latter's request, and the witness stated that he would comply with Col. Henshaw's wishes.

Regarding the affidavits, Mr. Guldery related that they were forwarded to him by Col. Henshaw, with the request that he file and read them when the case was called.

Defendant requested that the trial of the case be continued until March of next year, but Judge Gaddis curtly continued the case until tomorrow morning at 10 o'clock.

In the meantime Mrs. Houseworth requested that Clerk Behling file the affidavits and read them, which he did. The reading of the documents provoked the profoundest sensation in the courtroom, evoking the sympathy of many for the defendant as her tale of woe was unfolded regarding the alleged "shameful and unprofessional" manner in which she had been treated by F. C. Lusk. Defendant alleges that she employed Lusk to defend her and he informed her she had a "good and substantial" defense; that he took entire charge of the case and agreed that he would pay all the expenses, would make all preparations for the trial and try the trial without expense to her, and that she need give no time nor expend any money in said preparations, except when requested by Lusk; that he has never made any such request; and she is informed and believes that Lusk employed A. F. Jones, John Gale and Jo O. Sproul to assist him; that on Nov. 27th, without any cause, or notice to deponent or court, withdrew from the case, and thereupon the associate counsel withdrew, on the ground that all arrangements had been made with Lusk, leaving her unrepresented. Deponent further avers that she is innocent of the charges preferred against her and believes that Rodley and Garner are also innocent; that she is without means, and being in jail is unable to prepare for trial, and therefore believes it would be unfair to compel her to go to trial, that the interests of the estate would not suffer by delay as the Public Administrator has charge of it and is managing it carefully. Should the trial not be postponed until March, she avers she will not be able to secure an attorney.

In the second affidavit deponent affirms that at the time the hearing on the will contest was first set she was an inmate of the McLean Hospital, San Francisco, where she underwent a dangerous surgical operation, and being in feeble health for a long time thereafter, relied entirely upon her attorneys neglecting to attend to any business herself. The newspapers came in for a scoring also, affiant asserting that the unfavorable comments of the county papers on the contest caused much excitement and the same state of

ADDITIONAL COURT NEWS

that Rodley [illegible] testify on [illegible] their [illegible] the will, and [illegible] cannot [illegible] Court. She [illegible] circumstances [illegible] to expect [illegible] she will [illegible] testimony through [illegible] The document [illegible] peal stating that the trial at this [illegible] will work an irreparable injury [illegible] which would be beyond [illegible] and that putting off the trial would [illegible] no injury to anyone; that under the circumstances common justice and fair dealing which should be [illegible] to the poorest [illegible] as desired [illegible] if she is forced to trial at present

SAYS THE WILL IS A FORGERY

Expert Kytka Emphatic In His Declarations.

FRANKLIN FULLER'S TESTIMONY

J. B. Swearingen Recalled, and the Plaintiffs Close Their Case—The Trial Will Probably Occupy Two Days More.

Chico Daily Enterprise

Special to the ENTERPRISE.

OROVILLE, Dec. 9.—When court opened at 10 o'clock this morning, the court-room was already crowded to its utmost capacity. The contestants again put Expert Kytka upon the stand, and he concluded his testimony, which he commenced yesterday afternoon. Kytka is very positive and abrupt in his statements, and his manner of testifying would lead one to infer that he knows what he is talking about. He says that the will was not written or signed by the person who wrote the letters which are known to be Alfred Fuller's and in which his signature is admitted to be genuine. He had several large photographs of the will and gave a very lucid demonstration from his charts of why the signature to the will could not be genuine.

Franklin Fuller, who is a nephew and one of the heirs of Alfred Fuller, then took the stand, and stated that he knew Emillien Fuller and Alfred Fuller in Ohio, and that they were his uncles. He last heard of Emillien Fuller living in California.

Alfred Fuller first lived in Ohio, then emigrated to Illinois, and later moved to California and settled in Tuolumne county. Witness heard, by means of a paper sent to him by a friend, of Emillien Fuller's death. He afterwards received a letter, stating that his mother was an heir of Emillien Fuller. The money was sent to Attorney-in-fact Seails in Ohio. Witness received part of the money from the Emillien Fuller estate while Alfred Fuller was administrator of the estate. He also received some of the money from Richard White, after the death of Alfred Fuller.

Witness stated that he (witness) was born out of lawful wedlock and never knew his father. He was born in the State of Ohio. During the early part of her life his mother was an incompetent person.

The defense then re-called J. B. Swearingen for re-cross-examination and questioned him regarding his previous testimony given to the Grand Jury. When asked why he offered his testimony in the matter, he said that he would be damned if he would allow them to send Carmack to prison when he knew that he was innocent. He had heard that Carmack was about to get into trouble and that Mrs. Housworth had charged him with having demanded $2000 to produce the will which he had received through the mails, and that rather than to see him in trouble over the matter, he concluded that he would tell what he knew about the will and did testify before the Grand Jury.

The plaintiffs then closed their case, and the defense made their opening statement.

On the part of the defendant, the first witness was T. J. Hindman, who first saw Fuller in 1896, when he (Hindman) came back from a trip. He had a conversation with Fuller on the street and Fuller said that he had been sick and would have starved to death had it not been for Mrs. Housworth; that she brought him food when he was sick, and some day he would remember her. The first time he ever mentioned this was to Louis Schwein.

The next witness was Jas. Chubbuck. He had been in Chico 24 or 25 years and knew Fuller in his lifetime and had known Mrs. Housworth for 10 or 12 years. He had a conversation with Fuller at one time when he served some papers upon him regarding his brother's estate. Fuller got rather angry and threw the papers at him (Chubbuck) and said they were trying to get all his brother's property but said that they would not get his money to spend. He cursed his relatives and said the s—— o—— b—— would not get any of his money. Chubbuck was then cross examined in a jocular way. He said it was well Fuller had left $1000 to his heirs. He was asked if he would discredit the will, but the question was withdrawn.

C. L. Stilson and three ladies from Chico will testify Monday.

Defendant said it would take about 30 minutes to put in their case, and that it would go to the jury on Tuesday.

The Court then adjourned to 9 a. m. Monday morning.

THE FULLER WILL CASE.

Prosecution Close Their Case at Noon Today.

FULLER AND HIS KIN.

Respondents Introduce Testimony to Show That He Loved Not His Relations.

After our report of the Fuller will case closed yesterday, H. Carmack of Chico completed the story of receiving the will by mail, the details of which are known to our readers.

Mrs. E. I. Montgomery, formerly of Chico, but now residing in Washington, stated that she had received a number of letters from Fuller and was familiar with his handwriting. The letters which she received were introduced in evidence. W. L. Bradley and Mr. Channon were placed upon the stand and testified that they were familiar with the handwriting of Fuller, and to the genuineness of the letters introduced, and Attorney A. F. Jones was placed upon the stand and testified that he had acted as Mrs. Housworth's attorney when the will was offered for probate, and afterwards acting at the request of F. L. Lush, who drew the answer of Mrs. Housworth and E. M. Woodman, and filed the same. He acted no further as her attorney. He was asked if Mrs. Housworth signed the petition for probate, and if she signed it in his office. This question was objected to on the ground that having been her attorney it was a privileged communication between them. The objection was overruled and Jones refused to testify until ordered to do so by the court, when he stated that Mrs. Housworth had signed the petition in his presence.

Mrs. Housworth was then placed on the stand. She refused to testify on the ground that there were two felony indictments pending against her, and that her testimony might tend to incriminate her.

The last witness yesterday was Writing Expert Theodore Kytka. A photographic copy of the will was introduced and the expert entered into a long, technical analysis of the same and attempted to show by diagrams in comparison with the handwriting of Fuller that the body and signature of the will were forgeries. He declared the comparisons showed the falsity of the will. Contrary to expectations, Mr. Kytka was not cross examined by attorneys for respondent, and when his direct testimony was concluded today, John Guidery was called to the stand.

Mr. Guidery was called for the purpose of identifying the signature of Mrs. Minnie Housworth attached to affidavits made before him as court commissioner, the object being to use the signature to show similarity of her writing and the writing of the alleged will. Mr. Guidery testified that the signature was not affixed in his presence, but he believed it to be her signature. He had taken the paper to her and returned to his office, telling her not to sign until his return, but the lady did not wait and when he returned the signature was affixed.

Franklin Fuller, the contestant, was then placed upon the stand. From his testimony, amid a constant fire of objections from respondents testimony, it developed that he was an illegitimate son of a sister of Alfred and Emillien Fuller, but had always been recognized as a member of the family, had gone by his mothers maiden name. He told about different members of the family in their travels. He said, they once heard of Alfred Fuller being in Tuolumne county, California. As one of the heirs of his mother's estate he had inherited a portion of the wealth of Emillien Fuller, his mother having died previous to its distribution. The money was received through Richard White of Chico and Mr. White who was called to the stand, testified to having done business with him in connection with that estate. Mr. White also stated that it was he who gave to the Grand Jury names of some of the witnesses examined in connection with the will matter.

Mr. Swearington was recalled to testify as to the Fuller family and to her matters. He was asked about the proposals made to him and whether he had told of them. He said that when it looked as though Mr. Cormack was to be made to suffer, he gave a hint of the matter to Mr. Roper. He said he thought there was something wrong with the will.

The contestants concluded their case at noon and Attorney Knight asked that court adjourn until Monday, as he would like to leave on the noon train and spend Sunday at home. Judge Gaddis, however, thought the case should be hurried through and declined to grant a continuance. It transferred later, however, that the respondent had few witnesses on hand, and about 2 p. m. court was adjourned until Monday, after the evidence at hand had been offered.

Papers filed in connection with the probate of the will, including a transcript of the testimony taken on probate, were filed. Attorney Knight objected to the introduction of the testimony, but after the objection was overruled, he withdrew it, saying he wanted to try the case without making an objection. This created a laugh, for the attorneys for respondent have been exceedingly liberal in the use of objections and exceptions.

Two witnesses, only, were placed upon the stand by the respondant's counsel. J. G. Henderson of Chico testified that Fuller had told him of Mrs. Housworths kind treatment once when he was sick. He said she had brought him food and broth, but for which he would have died and that she would "be remembered for it some day."

Marshall Chubbuck of Chico testified to hearing A. Fuller curse his relatives, apply vile epithets to them and say they should never spend his money.

FULLER CASE IN A TANGLE

Ex Dec 10-99

Eastern Heirs Now Send Forward a Son to Complicate Things.

CHARGES OF FORGERY MADE

Interesting Developments in the Legal Affair That Has Engaged the Oroville Court.

Alfred Fuller lived in penury all his days, accumulated $40,000 and died in Chico. The lawyers are now fighting over the money that the miser pinched himself to put together. Three persons are under arrest for forging a will devising the property to Mrs Minnie Housworth of Chico, and a contest of the will is on trial at Oroville.

The most recent development in this strange and complicated business is the appearance of an illegitimate son, William Fuller, on whose behalf Henry E. Carter claims the estate. The present contest of the will is made by Eastern heirs of Fuller, who died unmarried.

Another feature of complication arises from a claim for $15,000 made by A. J. Laodis, who, in support of his demand, presents a note signed with Fuller's name and dated about six months before his death, in October, 1897. Fuller's administrator has rejected this claim.

Fuller was a money lender whose miserly habits were notorious. It was his habit, for instance, never to buy fresh bread, because he could get two stale loaves for a nickel.

John Garner, one of the witnesses to the alleged will, and Dr. Rodley, a Chico physician, are charged with being concerned in forging the testament.

AN INDIAN DEMANDS A MISANTHROPE'S FORTUNE

Sensational Development in the Fuller Will Case.

Dec 10-99

Strange Story of a Mystery of Crime and Conspiracy Involving People Prominent in the State.

THE great fight of lawyers and litigants to obtain possession of the fortune left by old Alfred Fuller of Chico has assumed a new phase and another chapter has been added to the story of mysterious crime with which the courts of the State have been concerned for over two years. This strange will contest and struggle for a dead misanthrope's money has already wrecked reputations, ruined lives and landed people in jail on serious accusations. Men and women, prominent in Oroville and Chico, have been deeply involved in plots and counter plots, and some of the best known attorneys in the State have been engaged. Absent heirs have sprung from out of the shadows, a will, found and fathered under circumstances of suspicion, has been produced, and now, to add to the confusion, an alleged illegitimate son of the miser has come forward to claim everything that belonged to the dead man.

The story of Alfred Fuller's life and death has occupied much space in the newspapers. Fuller was an old resident of Chico, having won a fortune of at least $40,000 in the mines. He never married and in his later years lived in bitterness toward men and women. He was particularly opposed to women and his acquaintances suspected that some early disappointment had turned love for one woman into hatred for all. Fuller was miserly in the extreme and was proud that his fellows knew it.

He died suddenly in October, 1897, and every effort to find a will proved in vain. If the old man had disposed of his property he took good care to conceal his wishes. After waiting a reasonable time for the discovery of a will or the appearance of heirs the Public Administrator took charge of the estate. Then a batch of collateral heirs, nephews and nieces, appeared on the scene, employing Knight & Heggerty and laying claim to the estate. By a singular coincidence it began to be whispered about the streets that old Fuller had left an olographic will and stranger still had left practically all of his property to one of his natural enemies—a woman. People were incredulous, but the rumors were insistent although Fuller had been thirteen months dead and ample time had been given for the discovery of a will.

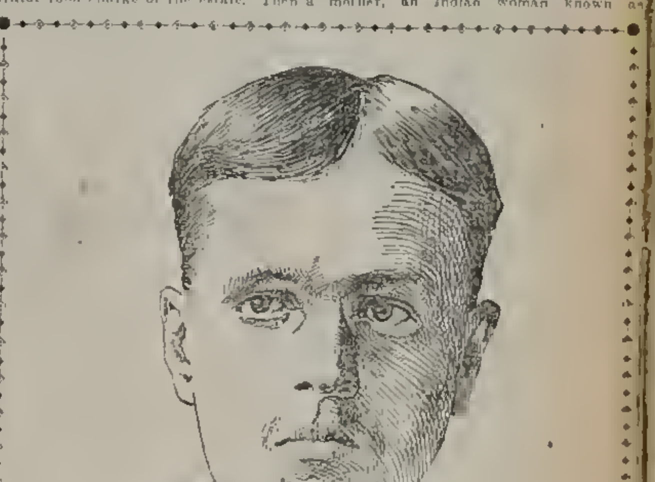
To add to the sensational developments it was said that Dr. J. Ellis Rodley, who was then Mayor of Chico, and John M. Garner, a reputable and respected citizen, had signed the document as witnesses. During his later years old Fuller had a deep-seated hatred for these two men and even ordinary observers began to be confused at the complications. Dr. Rodley was interviewed and corroborated all of the rumors. He said that Fuller had left a will bequeathing his property to a woman and that Garner and the physician had attached their signatures as witnesses to the testament. The people of Oroville and Chico were dumfounded but the assertion of the Mayor, who was above reproach, could not be repudiated. To add to the mystery the will was not produced and Mayor Rodley refused to disclose the identity of the woman, saying simply that she was one of the most prominent residents of Chico.

It was not long, however, before startling developments followed. The missing will dropped from nowhere into the [illegible] to a prominent citizen [illegible] gery were now floating in the air, and the absent heirs took up the cry with energy. The Grand Jury began an investigation and the whole northern part of the State was startled when indictments were found against Garner, Rodley and Housworth for perjury and forgery. Mrs Housworth was arrested in this city and taken to Oroville a month ago to await her trial.

Another explosion quickly followed when Garner pleaded guilty, invited sentence, turned State's evidence and made what he swore was a complete confession of a plot hatched by Dr. Rodley, Mrs. Housworth and himself to secure possession of the entire estate. Garner declared that the will had not been made until a year after the death of Fuller and that for his part in the affair he was to receive $500. The contest of the will by the absent heirs has been postponed until Dr. Rodley and Mrs. Housworth can be tried for the offense of which they are accused.

It was thought that the last development had come in the remarkable case, but day before yesterday a new sensation, and probably the greatest in the case, was sprung. It is the introduction of an alleged illegitimate son of Fuller, a half-breed Indian, who is known now, if he was not before, as William Fuller. The Indian claimant to all that Fuller owned is a mystery like many others in the case. But he insists that he can establish his relationship to Fuller and prove that the old man publicly acknowledged him as his son. His claim has been taken up by Attorney Henry E. Carter, who was a deputy Attorney General under ex-Attorney General Fitzgerald.

In order to establish the Indian's claim the man Fuller's history is reviewed from the time when the old miser was toll-keeper on the Sonora and Mono road. The Indian declares that his father while acting as tollkeeper wooed and won his mother, an Indian woman known as Jenlin. He claims that he was born in 1572 and he says in a petition which his attorney has filed with the trial court that he has ample proof of his acknowledgment by his father. For that reason he wants the alleged fraudulent will set aside, the absent heirs sent about their business and the entire estate given to him. For most of his life he has lived in Tuolumne County, where he expects to gather the evidence to support his claim. His petition will not be heard until the early spring, and meanwhile the other claimants will try to keep out of the State penitentiary or prevent themselves from leaving the contest profitless.



WILLIAM FULLER, INDIAN CLAIMANT OF A FORTUNE

that court adjourn until Monday, as he would like to leave on the noon train and spend Sunday at home. Judge Gaddis, however, thought the case should be hurried through and declined to grant a continuance. It transferred later, however, that the respondent had few witnesses on hand, and about 2 p. m. court was adjourned until Monday, after the evidence at hand had been offered.

Papers filed in connection with the probate of the will, including a transcript of the testimony taken on probate, were filed. Attorney Knight objected to the introduction of the testimony, but after the objection was overruled, he withdrew it, saying he wanted to try the case without making an objection. This created a laugh, for the attorneys for respondent have been exceedingly liberal in the use of objections and exceptions.

Two witnesses, only, were placed upon the stand by the respondent's counsel.

J. G. Henderson of Chico testified that Fuller had told him of Mrs. Houseworth's kind treatment once when he was sick. He said she had brought him food and broth, but for which he would have died and that she would "be remembered for it some day."

Marshall Chubbuck of Chico testified to hearing A. Fuller curse his relatives, apply vile epithets to them and say they should never spend his money.

FULLER CASE IN A TANGLE

Ex Dec 10 - 99

Eastern Heirs Now Send Forward a Son to Complicate Things.

CHARGES OF FORGERY MADE

Interesting Developments in the Legal Affair That Has Engaged the Oroville Court.

Alfred Fuller lived in penury all his days, accumulated $40,000 and died in Chico. The lawyers are now fighting over the money that the miser pinched himself to put together. Three persons are under arrest for forging a will devising the property to Mrs. Minnie Houseworth of Chico, and a contest of the will is on trial at Oroville.

The most recent development in this strange and complicated business is the appearance of an illegitimate son, William Fuller, on whose behalf Henry E. Carter claims the estate. The present contest of the will is made by Eastern heirs of Fuller, who died unmarried.

Another feature of complication arises from a claim for $15,000 made by A. J. Landis, who, in support of his demand, presents a note signed with Fuller's name and dated about six months before his death, in October, 1897. Fuller's administrator has rejected this claim.

Fuller was a money lender whose miserly habits were notorious. It was his habit, for instance, never to buy fresh bread, because he could get five stale loaves for a nickel.

John Garner, one of the witnesses to the alleged will, and Dr. Rodley, a Chico physician, are charged with being concerned in forging the testament.

...g People Prominent in the State.

THE great fight of lawyers and litigants to obtain possession of the fortune left by old Alfred Fuller of Chico has assumed a new phase and another chapter has been added to the story of mysterious crime with which the courts of the State have been concerned for over two years. This strange will contest and struggle for a dead misanthrope's money has already wrecked reputations, ruined lives and landed people in jail on serious accusations. Men and women, prominent in Oroville and Chico, have been deeply involved in plots and counter plots, and some of the best known attorneys in the State have been engaged. Absent heirs have sprung from out of the shadows, a will, found and fathered under circumstances of suspicion, has been produced, and now, to add to the confusion, an alleged illegitimate son of the miser has come forward to claim everything that belonged to the dead man.

The story of Alfred Fuller's life and death has occupied much space in the newspapers. Fuller was an old resident of Chico, having won a fortune of at least $40,000 in the mines. He never married and in his later years lived in bitterness toward men and women. He was particularly opposed to women and his acquaintances suspected that some early disappointment had turned love for one woman into hatred for all. Fuller was miserly in the extreme and was proud that his fellows knew it.

He died suddenly in October, 1897, and every effort to find a will proved in vain. If the old man had disposed of his property he took good care to conceal his wishes. After waiting a reasonable time for the discovery of a will or the appearance of heirs the Public Administrator took charge of the estate. Then a batch of collateral heirs, nephews and nieces, appeared on the scene, employing Knight & Heggerty and laying claim to the estate. By a singular coincidence it began to be whispered about the streets that old Fuller had left an olographic will and stranger still had left practically all of his property to one of his natural enemies—a woman. People were incredulous, but the rumors were insistent although Fuller had been thirteen months dead and ample time had been given for the discovery of a will.

To add to the sensational developments it was said that Dr. J. Ellis Rodley, who was then Mayor of Chico, and John M. Garner, a reputable and respected citizen, had signed the document as witnesses. During his later years old Fuller had a deep-seated hatred for these two men and even ordinary observers began to be confused at the complications. Dr. Rodley was interviewed and corroborated all of the rumors. He said that Fuller had left a will bequeathing his property to a woman and that Garner and the physician had attached their signatures as witnesses to the testament. The people of Oroville and Chico were dumfounded, but the assertion of the Mayor, who was above reproach, could not be repudiated. To add to the mystery the will was not produced and Mayor Rodley refused to disclose the identity of the woman, saying simply that she was one of the most prominent residents of Chico.

It was not long, however, before startling developments followed. The missing will dropped from nowhere into the mails addressed to a prominent citizen of Chico. He found that it was made in favor of Mrs. Minnie Houseworth of Chico and he accordingly turned it over to her. The instrument purported to be in the handwriting of Fuller, who left his entire fortune, with the exception of $100 to other heirs, to Mrs. Houseworth. To make the matter still more notorious it was shown that Fuller had, during his life no more than a passing acquaintance with Mrs. Houseworth. She filed the will for probate, however, and then the row commenced.

Meanwhile, to make the controversy more interesting, A. J. Landis filed a claim for $15,000 against the estate for [illegible] services alleged to have been [illegible] by Fuller and said to have been [illegible] by him in a note. Rumors [illegible] conspiracy, perjury and forgery were now floating in the air, and the absent heirs took up the cry with energy. The Grand Jury began an investigation and the whole northern part of the State was startled when indictments were found against Garner, Rodley and Houseworth for perjury and forgery. Mrs. Houseworth was arrested in this city and taken to Oroville a month ago to await her trial.

Another explosion quickly followed when Garner pleaded guilty, invited sentence, turned State's evidence and made what he swore was a complete confession of a plot hatched by Dr. Rodley, Mrs. Houseworth and himself to secure possession of the entire estate. Garner declared that the will had not been made until a year after the death of Fuller and that for his part in the affair he was to receive $500. The contest of the will by the absent heirs has been postponed until Dr. Rodley and Mrs. Houseworth can be tried for the offense of which they are accused.

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WILLIAM FULLER, INDIAN CLAIMANT OF A FORTUNE

ALLEGED HEIR TO THE FULLER ESTATE.

ON FRIDAY former Assistant Attorney-General Henry E. Carter, now of Los Angeles, filed a petition on behalf of William Fuller, alleged to be the natural son of Alfred Fuller, deceased, by an Indian woman called Genlia. The new claimant has always gone by the name of Fuller and has been recognized in the vicinity as the son of Alfred. Years ago the deceased was tollgate keeper on the Sonora and Mono toll road, running between Sonora in Tuolumne county and Bridgeport in Mono county, at which time he and Genlia were living together.

The halfbreed petitioner claims to be the heir of the dead man by public acknowledgment of Alfred Fuller, and as such will make a fight for the estate which is valued at $40,000. The new claimant is now working on a ranch in Tuolumne county.

SAY THE WILL IS A FORGERY

Testimony in the Fuller Estate Contest at Oroville.

DR. RODLEY PLACED IN A BAD LIGHT.

WITNESSES WHO WERE OFFERED THOUSANDS TO SIGN THE DOCUMENT.

Evidence Showing a Conspiracy Between the Physician and Mrs. Houseworth to Get the Property.

Special Dispatch to the "Chronicle."

OROVILLE, December 9.—The Fuller will contest trial was continued to-day until Monday morning at 9 o'clock. The prosecution this week has endeavored to show that some months after the death of Alfred Fuller, Dr. J. E. Rodley, a prominent physician and ex-Mayor of Chico, requested several persons to sign a will which he said was the last will of Alfred Fuller. He claimed to have found the will in the papers of the deceased. The will was admitted to probate in due time, was signed by Dr Rodley and J. M. Garner as witnesses and on the stand they testified that they signed the will in Dr. Rodley's office and in the presence of Alfred Fuller, who stated to them that it was his will. While the will was being probated remarks in court by the beneficiary of the will, Mrs. S. M. Houseworth, led the Superior Judge to believe all was not straight, and he instructed the foreman of the Grand Jury, that body being in session, to investigate the matter.

The will was examined and found to be forged, and Dr. Rodley, J. M. Garner and Mrs. Houseworth were arrested and placed in jail here, where they now are. The present case is to show that the will is genuine. W. H. Schooler of Chico and Archibald Yell of Sacramento represent Mrs. Houseworth. George Knight of San Francisco, Richard White of Chico and Carleton Gray of Oroville represent the heirs of the Fuller estate. Judge Gaddis of Yolo county is presiding on the bench.

County Clerk H. T. Batchelder testified that Dr. Rodley offered him $3000 to sign the will as a witness, and stated that he had found the will among the papers of the deceased. Batchelder refused. Dr. Rodley later wrote to him to come to Chico on important business and again pressed him to sign the will, but again he refused. Rodley tried to induce J. M. Garner to sign the will, with Rodley as a witness, but Garner testified that he refused a number of times and then finally consented. A. B. Swearingen testified that prior to the time Garner signed the will Mrs. Houseworth had repeatedly asked him to sign it and offered him $5000 to do so. Garner was to be paid $5000 from the estate for his signature.

Garner, after his arrest, told the whole plot and on the witness stand this week he repeated it under oath. He did not know Mrs. Houseworth in the matter, but Dr. Rodley offered him the money and he signed the will. This, he testified, was several months after the death of Fuller. It was shown by a number of witnesses and especially by Expert Kytka that Fuller did not write the will and did not sign it. The words of the will one by one were taken and comparisons made with the genuine writing of Alfred Fuller. Kytka showed it was clearly apparent that the will was forged and the signature also. Enlarged copies of the writing were shown by Kytka and the form of each letter and the difference between the forged and the genuine penmanship was shown.

Yesterday papers were filed showing that Alfred Fuller had lived for years in Tuolumne county, where he had an Indian woman for a wife. She bore him two children. One died, but the other, a son, is living and he now claims the whole estate, valued at $40,000.

Gregory Will Contest.

The hearing of the contest of the will of the late Catherine F. Gregory was continued before Judge Troutt yesterday. Carl Eisenschimel, the handwriting expert, was called on behalf of the contestant, Attorney Robert Ash, and said that in his opinion the will was a forgery. Theodore Kytka has also testified that in his opinion the will is bogus. Samuel Keesing and James Grany also testified in favor of the contestant, after which an adjournment was taken.

Used a Policeman's Name.

Max Cohn, a messenger boy employed at 912 Market street, was arrested yesterday by Detectives Dillon and Crockett on a charge of obtaining money under false pretenses. On December 31st Cohn delivered a note to Hugo Fritz at the Orpheum bar purporting to come from Policeman H. A. Sylvester, requesting that $3 be sent him by the boy. When questioned the latter said he knew Sylvester and that he handed him the note in a Market-street saloon. The gold was delivered as requested, but when Sylvester was seen he denied having sent any note or received the money.

HAND-WRITING EXPERT DECLARES IT FORGERY

Kytka Gives His Testimony Regarding the Will in the Fuller Case

Daily Record

WHY SWEARINGEN TOLD A SECRET

Dec. 11

Did Not Propose to See H. Carmack Get in Trouble When He Was Not to Blame

Special to The Record.

OROVILLE, Dec. 10.—Expert Kytka, the handwriting expert in the Fuller will case, finished his testimony before the Superior Court Saturday forenoon. After the conclusion of his technical description of the defects in the will he stated most positively that the instrument was a forgery.

He was followed on the stand by Franklin Fuller, one of the eastern heirs of E. and A. Fuller. They were his uncles and he had received part of the money due him as such an heir to the estate of E. Fuller. A. Fuller moved from Ohio to Illinois, thence to Tuolumne county, California and from there came to Chico. The witness had received part of the money due him as an heir from Alfred Fuller, the administrator of E. Fuller's estate through his attorney-in-fact Searles in Ohio and some through Richard White of Chico. He (the witness) stated that he was born out of lawful wedlock and never knew his father. In the earlier years of his mother's life she was considered an incompetent.

J. B. Swearingen was re-called and asked regarding his testimony given before the Grand Jury and why he offered his testimony. He stated that it was because of his friendship for H. Carmack. He understood that Carmack was about to get into trouble and he would be damned if he would keep still and let an innocent man go to prison on the charge that he had endeavored to secure $2,000 from Mrs. Houseworth for delivering to her the will. This closed the case for the prosecution and the defense placed upon the stand T. J. Hindman. The witness testified that in 1896 he met Fuller and had a conversation with him in which he said that he had been very sick and would have starved to death had it not been for the kindness of Mrs. Houseworth. The first time he mentioned this was to Louis Sebrelin.

James Clubbuck testified that he had lived in Chico for many years and was well acquainted with both Fuller and Mrs Houseworth. On one occasion he served some papers on Fuller when the latter became very angry and threw them back to him stating that the relatives in the east were trying to get all his brother's money. He cursed them and applied vile epithets to them and said that none of them would ever get a cent of money.

At the conclusion of Clubbuck's testimony the court adjourned until 9 o'clock Monday morning. But three or four more witnesses will be put on by the defense and it is expected that the case will go to the jury on Tuesday.

HER FAMILY ALLOWANCE.

The Case of Mrs. Nettie Craven-Fair Is to Be Heard Next Wednesday.

Attorney Lafe Pence, representing Mrs Nettie Craven-Fair, informed Judge Troutt yesterday that his client was desirous of an early hearing of her petition for a family allowance from the estate of James G. Fair, deceased, which she claims as the widow of the deceased. Judge Troutt set the hearing to begin next Wednesday.

The claim of Mrs. Craven-Fair for an allowance is opposed by all of Fair's children, who take the position that she was never legally married to their father, and they assert that the document presented by her purporting to be a marriage contract was fabricated by the claimant.

TESTIMONY IS NOW COMPLETED

Chico Daily Enterprise

The Will Case Is Nearing the End.

Dec. 11 — 1899

FULLER HAD NO USE FOR RELATIVES

Told Several People That They Should Not Get His Money—He Also Said Some Very Uncomplimentary Things About Mrs. Minnie Houseworth.

Special to the Enterprise.

OROVILLE, Dec. 11.—The trial of the Fuller will case is at last nearing the end, and will probably get to the jury to-night, the jury and it now rests with them to decide as to whether or not the document presented by Mrs. Minnie Houseworth, and over which there has been much litigation, is good.

When the case was called this morning C. L. Stilson was placed on the stand by the defense. Mr. Stilson stated that in the spring of '97, Alfred Fuller came into his office and wanted him to make out his will. About the same time Dr. Landis came to his (Stilson's) office and asked him what he would charge to make a will, at the same time telling witness that Fuller was up stairs (meaning Landis office) and requesting witness to not say anything about it.

At another time Fuller came to his office, but Mrs. Morehead was there and Fuller left, saying he would call again. Some time in September or October, 1897, Fuller spoke to witness about making a will at the same time saying he did not want any s—— of a b—— of a relative to get his money, but wanted to leave it to his friends. This was a short time before Fuller died.

Mrs. Rexford was next sworn and stated that she had known Alfred Fuller and H. Carmack, also remembered the circumstance when Carmack and Mrs. Houseworth were there in regard to the will; and the time when Mrs. Housworth came back from San Francisco.

Once when Mr. Carmack was at witness' house he told Mrs. Rexford that he had track of the will and wanted her as a witness to his giving it to Mrs. Housewor. Mr. Carmack said; "I don't want you to say anything about it; I don't want to be mixed up in it."

One time Mr. Carmack came to Mrs. Rexford's house, and appeared to be very much excited. He had heard that Mrs. Houseworth had charged him with demanding $2000 for the production of the will. Witness was very much surprised at the report.

She had talked with Fuller, who said that he did not want any of his money to go to his relatives.

Carmack had told her that Mrs Houseworth did not owe him anything and witness did not hear any more from Mrs. Houseworth about the $2000 until Mrs. Houseworth wrote her a letter from Oroville, while there to attend the proceedings for probate of the will.

Mrs. Rexford was subjected to a severe cross examination, but she clung to her testimony regarding her surprise when told by Carmack of the charge Mrs. Houseworth had made against him.

Attorney Knight asked her if she did not know a woman in Chico by the name of Page, and if it was not the original scheme to have Mrs. Page get Fuller's estate. Witness replied a positive no, and stated that she had never heard of any such scheme.

District Attorney Sproul was to have been a witness for the defense, but as he was unavoidably detained, the defendants rested and H. F. Hosler was put on in rebuttal by the prosecution.

Mr. Hosler stated that he knew Alfred Fuller and had known Mrs. Houseworth for many years. He knew the time when Mrs. Houseworth came back from Texas in 1897.

While in town (Chico) one day he and Fuller were holding a conversation when he saw Mrs. Houseworth crossing the street. He said to Fuller, "Hello, Mrs. Houseworth is back," to which Fuller replied, "Yes, the d——d old street trotter had a good time on old Woodman's money. She gave old Houseworth the slip when she left Texas." When Mrs. Houseworth passed Fuller recognized her greeting with a stiff bow, and said to witness, "The d——d old street trotter; hell is full of them. All they want is money and dress."

This ended the taking of testimony, and at this time (2:45) Attorney Knight is addressing the jury. He will be followed by the attorney for the defense, and after the closing argument by the prosecution, the case will be left with the jury.

FULLER WILL A FORGERY.

Chronicle

Jury Places the Seal of Crime on Doctor Rodley.

12-13-1899

ONLY AN HOUR IN REACHING A VERDICT.

CONTESTANT FRANK IS DECLARED THE NEPHEW OF THE DEAD FARMER.

New Indictments Are to Be Brought Against the Physician Who Planned to Secure the Butte Estate.

Special Dispatch to the "Chronicle."

OROVILLE, December 12.—All yesterday afternoon the Superior Court was crowded by people interested in the Fuller case to listen to the arguments of George A. Knight, William N. Schooler and Archibald Yell. The people did not leave the room for over five hours, so interested were they in the arguments to the jury. The jurymen have been under the care of the Sheriff for the past week, and have been locked up each night in the rooms of the Courthouse. The instructions of the attorneys and Judge Gaddis of Yolo county, who tried the case, were not given to the jury until this morning, when the courtroom was again filled to overflowing. Mrs. S. M. Houseworth, the person most vitally interested, was apparently as unconcerned as any one present, and she has maintained this appearance during the entire trial.

After the instructions were read this morning, the jury retired and the crowd waited anxiously for the verdict. The jury soon returned to have the various exhibits placed in their hands. After having been out one hour and three minutes they returned with a verdict. The verdict was passed up to Judge Gaddis, who read it and then passed it to the clerk and directed him to enter it upon the records. The attorneys for Mrs. Houseworth desired it read to the jury before this was done, and the verdict was read. It declared the will a forgery. Attorney Schooler desired the jury to be polled, but after three of the sections had been read and each juryman responded that was his verdict, this was dispensed with. The following is the verdict as returned by the jury:

First Issue—Is the contestant, Franklin Fuller, a son of deceased sister of Alfred Fuller? Answer—Yes

Second Issue—Was the document admitted to probate and now contested by Franklin Fuller, entirely written, dated and signed by the hand of Alfred Fuller? Answer—No.

Third Issue—Was the name, Alfred Fuller, written at the end of the document admitted to probate as the will of Alfred Fuller and now contested by Franklin Fuller, subscribed to said document by Alfred Fuller himself, or by any other person at request or by direction of Alfred Fuller? Answer—No.

Fourth Issue—Is the name, Alfred Fuller, written at the end of the document admitted to probate as the will of Alfred Fuller, and now contested by Franklin Fuller, in the handwriting of Alfred Fuller? Answer—No.

Fifth Issue—Did Alfred Fuller ever subscribe his name at the end of the document admitted to probate as his will, and now contested by Franklin Fuller, in the presence of J. Ellis Rodley and J. M. Garner or acknowledge to them that he had subscribed his name thereto or that said document was his will? Answer—No.

Sixth Issue—Did J. Ellis Rodley and J. M. Garner sign their names as witnesses at the request of Alfred Fuller, or in his presence, to the document admitted to probate as the will of Alfred Fuller and now contested by Franklin Fuller? Answer—No.

Seventh Issue—Did J. Ellis Rodley and J. M. Garner ever sign their names as witnesses in the presence of Alfred Fuller to the document admitted to probate as Alfred Fuller's will, and now contested by Franklin Fuller? Answer—Yes.

Eighth Issue—Did Alfred Fuller ever subscribe his name to the document admitted to probate as his will and now contested by Franklin Fuller? Answer—No.

We, the Jury, impaneled to try the above entitled cause, do find the foregoing facts and verdict.

A. SWEETZER, Foreman.

After the jurymen had been dismissed the charge of perjury against Dr. J. Ellis Rodley was dismissed at the request of the District Attorney, but the prisoner was remanded to the custody of the Sheriff. The Grand Jury is in session, and the facts of the case were at once laid before the members and they will find a new indictment against Dr. Rodley, drawing up the papers in such a manner that they will stand the closest legal inspection. It was found

When He Was Not to Blame

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Housworth.

Special to the ENTERPRISE.

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Mrs. Rexford was next sworn and stated that she had known Alfred Fuller and B. Carmack, also remembered the circumstance when Carmack and Mrs. Housworth were there in regard to the will; and the time when Mrs. Housworth came back from San Francisco.

Once when Mr. Carmack was at witness' house he told Mrs. Rexford that he had track of the will and wanted her as a witness to his giving it to Mrs. Housewor. Mr. Carmack said; "I don't want you to say anything about it; I don't want to be mixed up in it."

One time Mr. Carmack came to Mrs. Rexford's house, and appeared to be very much excited. He had heard that Mrs. Housworth had charged him with demanding $2000 for the production of the will. Witness was very much surprised at the report.

She had talked with Fuller, who said that he did not want any of his money to go to his relatives.

Carmack had told her that Mrs Housworth did not owe him anything and witness did not hear any more from Mrs. Housworth about the $2000 until Mrs. Housworth wrote her a letter from Oroville, while there to attend the proceedings for probate of the will.

Mrs. Rexford was subjected to a severe cross examination, but she clung to her testimony regarding her surprise when told by Carmack of the charge Mrs. Housworth had made against him.

Attorney Knight asked her if she did not know a woman in Chico by the name of Page, and if it was not the original scheme to have Mrs. Page get Fuller's estate. Witness replied a positive no, and stated that she had never heard of any such scheme.

District Attorney Sproul was to have been a witness for the defense, but as he was unavoidably detained, the defendants rested and H. F. Hosier was put on in rebuttal by the prosecution.

Mr. Hosier stated that he knew Alfred Fuller and had known Mrs. Housworth for many years. He knew the time when Mrs. Housworth came back from Texas in 1897.

While in town (Chico) one day he and Fuller were holding a conversation when he saw Mrs. Housworth crossing the street. He said to Fuller, "Hello, Mrs. Housworth is back," to which Fuller replied, "Yes, the d——d old street trotter had a good time on old Woodman's money. She gave old

Jury Places the Seal of Crime on Doctor Rodley.

ONLY AN HOUR IN REACHING A VERDICT.

CONTESTANT FRANK IS DECLARED THE NEPHEW OF THE DEAD FARMER.

New Indictments Are to Be Brought Against the Physician Who Planned to Secure the Butte Estate.

Special Dispatch to the "Chronicle."

OROVILLE, December 12.—All yesterday afternoon the Superior Court was crowded by people interested in the Fuller case to listen to the arguments of George A. Knight, William N. Schuder and Archibald Yell. The people did not leave the room for over five hours, so interested were they in the arguments to the jury. The jurymen have been under the care of the Sheriff for the past week, and have been locked up each night in the rooms of the Courthouse. The instructions of the attorneys and Judge Gaddis of Yolo county, who tried the case, were not given to the jury until this morning, when the courtroom was again filled to overflowing. Mrs S M Housworth, the person most vitally interested, was apparently as unconcerned as any one present, and she has maintained this appearance during the entire trial.

After the instructions were read this morning, the jury retired and the crowd waited anxiously for the verdict. The jury soon returned to have the various exhibits placed in their hands. After having been out one hour and three minutes they returned with a verdict. The verdict was passed up to Judge Gaddis, who read it and then passed it to the clerk and directed him to enter it upon the records. The attorneys for Mrs Housworth desired it read to the jury before this was done, and the verdict was read. It declared the will a forgery. Attorney Schuder desired the jury to be polled, but after three of the sections had been read and each juryman responded that was his verdict, this was dispensed with. The following is the verdict as returned by the jury:

First issue—Is the contestant, Franklin Fuller, a son of deceased sister of Alfred Fuller? Answer—Yes.

Second issue—Was the document admitted to probate and now contested by Franklin Fuller, entirely written, dated and signed by the hand of Alfred Fuller? Answer—No.

Third issue—Was the name, Alfred Fuller, written at the end of the document admitted to probate as the will of Alfred Fuller and now contested by Franklin Fuller, subscribed to said document by Alfred Fuller himself, or by any other person at request or by direction of Alfred Fuller? Answer—No.

Fourth issue—Is the name, Alfred Fuller, written at the end of the document admitted to probate as the will of Alfred Fuller, and now contested by Franklin Fuller, in the handwriting of Alfred Fuller? Answer—No.

Fifth issue—Did Alfred Fuller ever subscribe his name at the end of the document admitted to probate as his will, and now contested by Franklin Fuller, in the presence of J. Ellis Rodley and J. M. Garner or acknowledged to them that he had subscribed his name thereto or that said document was his will? Answer—No.

Sixth issue—Did J. Ellis Rodley and J. M. Garner sign their names as witnesses at the request of Alfred Fuller, or in his presence, to the document admitted to probate as the will of Alfred Fuller and now contested by Franklin Fuller? Answer—No.

Seventh issue—Did J. Ellis Rodley and J. M. Garner ever sign their names as witnesses in the presence of Alfred Fuller to the document admitted to probate as Alfred Fuller's will, and now contested by Franklin Fuller? Answer—Yes.

Eighth issue—Did Alfred Fuller ever subscribe his name to the document admitted to probate as his will and now contested by Franklin Fuller? Answer—No.

We, the jury, impaneled to try the above entitled cause, do find the foregoing facts and verdict.

A. SWEETZER, Foreman.

After the jurymen had been dismissed the charge of perjury against Dr. J. Ellis Rodley was dismissed at the request of the District Attorney, but the prisoner was remanded to the custody of the Sheriff. The Grand Jury is in session, and the facts of the case were at once laid before the inquisitors and they will find a new indictment against Dr. Rodley, drawing up the papers in such a manner that they will stand the closest legal inspection. It was feared there was a technical flaw in the former papers drawn, and, to make the matter certain, the charge of perjury was dismissed and the matter returned at once into the hands of the Grand Jury.

It is stated that the case will be appealed to the Supreme Court on the grounds that Mrs. Housworth was forced to go to trial without time enough being allowed her attorneys to make themselves familiar with the case.

June 9 1897

I desire that Mrs Minnie Houseworth have all of my property at my death except I reserve one thousand dollars to be equally divided between all legal heirs to my estate.

A. Fuller

Signed as witnesses after being requested to do so by Alfred Fuller He declaring this to be his will and that he had signed it—we therefore in his presence and in the presence of each other signed our names as witnesses

August 3rd 1897. J. Ellis Rodley
J. M. Garner

Alleged Will of Alfred Fuller, Which Has Been Legally Declared a Forgery.

WILLIAM FULLER IN THE CELEBRATED CASE

Alleged Half-breed Son of the Late Alfred, Has Presented His Petition

LAYS CLAIM TO ENTIRE ESTATE

Story Regarding the Tuolumne County Heir Confirmed—Hearing on His Petition Set for March

Special to The Record.

OROVILLE, Dec. 8.—The much-talked of and mysterious heir who has been hinted at in the Fuller estate contest has at last materialized, Attorney Carter, of the firm of Dockweiler & Carter of Los Angeles, having filed a petition this morning "to determine the heirship and title to estate" of the late Alfred Fuller, of one William Fuller, who claims he is a son of Alfred Fuller by an Indian woman named Janita, and was born in Tuolumne county in 1871. Petitioner declares that Alfred Fuller in his lifetime, publicly acknowledged him as his child and otherwise treated him as if he were a legitimate child, and thereby did adopt him from the time of his birth; that he is the only surviving child of the deceased and is entitled to all of the estate left by said Alfred Fuller, deceased, and is entitled to have the same distributed to him. Upon the prayer of the petition having been looked into by the court, Judge Gadills ordered that Tuesday, March 13th, 1900, at 10 o'clock a. m., be fixed as the time for all interested parties to appear and show cause why the estate should not be distributed to him in whole or in part, and further notice was ordered given to all persons claiming an interest in said estate to appear and exhibit claims of their respective heirship. Default of all parties not appearing at that time will be entered, and notice is also given that upon the issues raised by the complaint and answers of the parties appearing the court will determine the heirship, the ownership of estate and the interest of each respective claimant thereto, and the persons entitled to distribution thereof.

CONTESTANTS WIN ON EVERY ISSUE RAISED

Twelve Jurors Quickly Agree That the Fuller Will Was a Forgery

HE NEVER SIGNED THE DOCUMENT

Nor Did Dr. Rodley and Garner Sign It In His Presence—the Issues and Answers

Special to the Record.

OROVILLE, Dec. 12.—So far as the Superior Court is concerned, the Fuller will case is at an end, a verdict being agreed upon by the jury this morning at 11 o'clock. The jurors were of one mind in favor of the contestants of the Houseworth will. They deliberated only about one hour. Several issues were presented to the jury which were answered as follows:

First issue—Is the contestant, Franklin Fuller, a son of the deceased sister of Alfred Fuller?

Answer—Yes.

Second issue—Was the document admitted to probate as the will of Alfred Fuller and now contested by Franklin Fuller, entirely written, dated and signed by the hand of Alfred Fuller?

Answer—No.

Third issue—Was the name of Alfred Fuller written at the end of the document admitted to probate as the will of Alfred Fuller and now contested by Franklin Fuller, subscribed to said document by Alfred Fuller himself, or by any other person at the request or by the direction of Alfred Fuller?

Answer—No.

Fourth issue—Is the name of Alfred Fuller written at the end of the document admitted to probate as the will of Alfred Fuller and now being contested by Franklin Fuller, in the handwriting of Alfred Fuller?

Answer—No.

Fifth issue—Did Alfred Fuller ever subscribe his name to the end of the document admitted to probate as his will, and now contested by Franklin Fuller, in the presence of J. E. Rodley and J. M. Garner and acknowledge to them that he had subscribed his name thereto, or that said document was his will?

Answer—No.

Sixth issue—Did J. E. Rodley and J. M. Garner sign their names as witnesses at the request of Alfred Fuller, or in his presence, to the document admitted to probate as the will of Alfred Fuller, and now contested by Franklin Fuller?

Answer—No.

Seventh issue—Did J. E. Rodley and J. M. Garner sign their names as witnesses in the presence of Alfred Fuller to the document admitted to probate as Alfred Fuller's will and now contested by Franklin Fuller.

Answer—No.

Eighth issue—Did Alfred Fuller ever subscribe his name to the document admitted to the probate as his will and now contested by Franklin Fuller?

Answer—No.

We the jury empaneled to try the above entitled cause, do find the foregoing facts and verdict.

A. SWEETSER, Foreman.

Wm. H. Schooler, leading attorney for Mrs. Houseworth, said this evening that the case would be taken up to the Supreme Court on appeal.

Dismissed the Indictment.

The indictment charging Dr. Rodley with perjury has been dismissed, the motion being made by District Attorney Sproul, and the defendant remanded to the custody of the sheriff, pending the finding of another indictment by the Grand Jury which is now in session. District Attorney Sproul has been studying over the matter carefully, knowing that every effort will be made to find a flaw in the indictment, and having discovered one or more himself, he decided to move for a dismissal. The order setting the case for trial in February was set aside, but the trial may be reset for the same date.

HARVEST FOR THE ATTORNEYS

Many Profiting by the Troubles Over the Fuller Estate

Twenty-three Legal Lights Have Earned Fees to Date Whether Paid or Not

Aside from the ordinary news features of the daily proceedings had in connection with the Alfred Fuller estate, it is interesting to note that the scramble to secure the earnings of the deceased miser is certain to result in benefit for one class of workers—the attorneys—and of this class there is an astonishingly large number expecting to make a harvest. Interested in the proceedings there have been no less than twenty-three attorneys, and all of them are expecting first-class returns for their services, and the most of them exercised enough business judgment to guard against loss, though several are not to be paid out of the estate.

At the opening of the proceedings regarding this estate John Gale prepared the petition for letters of special administration. Then Jo D. Sproul and A. F. Jones appeared as attorneys for Mrs. Houseworth when the famous will was presented for probate. Carleton Gray, Richard White, Knight & Haggerty and F. C. Searl came in next as attorneys for the heirs. Lusk and Jones next appear as attorneys for Mrs. Houseworth. Dr. A. J. Loodis held a note against the estate for $15,000, and to protect his interests he secured the services of C. A. March, John C. March, Hiram Johnson, Peter J. Shields and Jo D. Sproul.

Warren Sexton next appeared as the special prosecutor before the Grand Jury, and then the criminal cases demanded more attorneys. Wm. H. Schooler was secured by Dr. Rodley, and later Grove L. Johnson and Geo. D. Collins were called in. Park Henshaw became attorney for Mrs. Houseworth in the criminal case, and John Guldery appeared for her as special counsel at one hearing. Later Schooler and Aram & Yell were called in to defend the will for Mrs. Houseworth, and lastly Dockweiler & Carter got in by means of a half-breed Indian who claims to be the illegitimate son of Alfred Fuller.

As the contest of the will proceeds each day its complications increase and it has become the subject of general discussion. Franklin Fuller, the alleged nephew of Alfred Fuller, has given his testimony which was to the effect that he was born out of wedlock but that he knows from others, as all people do know their relationship, that he is a nephew of Alfred Fuller. The question now arises as to whether or no the testimony of Franklin Fuller is sufficient to substantiate his claim to a share of the estate, and if not, whether the lack of proof of the contestants' claims will in any way affect the case at hand.

Numerous questions will arise during the criminal cases which will at least cause much mental speculation.

HAS HER EYE ON FAIR'S BIG PILES OF GOLD

Nov. 14/98.

Mrs. Craven Renews Her Battle.

SEEKS A FAMILY ALLOWANCE

AS DECEDENT'S WIDOW SHE MAKES HER DEMAND.

Prays the Court for $5000 Monthly Beginning From the Date of Her Alleged Husband's Death.

Mrs. Nettie R. Craven has made her second appearance in her battle for a

MRS. NETTIE R. CRAVEN-FAIR Who Has Petitioned the Superior Court for an Allowance for Support and Maintenance From the Estate of the Late James G. Fair.

portion of the millions of the late James G. Fair. A petition was presented to Judge Belcher late yesterday afternoon on behalf of the claimant for a monthly family allowance of $500, an amount, it is aver-red, legally due the petitioner by reason of the fact that she was the legal wife and is now the legal widow of James G. Fair, deceased.

When the petition was presented to Judge Belcher yesterday afternoon that jurist was requested to make an order for service on all parties interested and to set a date upon which those parties could show cause, if so they could legally do, why the prayer of the petitioner should not be granted. This Judge Belcher refused to do, stating that inasmuch as the Craven-Fair contest had occupied the attention of Department 10 of the Superior Court since its filing he did not feel justified in making the order. In consequence the petition cannot be placed on file until the 28th inst. Judge Troutt, who presides in Department 10, will return from a visit in the country on that date and the case will be formally opened before him. W. W. Foote and Denson, Oatman & Denson, of counsel for Mrs. Craven, are unable to explain the action of Judge Belcher in refusing to grant the order requested. It was simply a formal matter, they say, and Judge Belcher had no more authority, considering the absence of Judge Troutt, to refuse to issue the order than his clerk would to refuse to file the petition if presented to him with the proper fee.

The petition of Mrs. Craven for a family allowance from the estate of her alleged deceased husband is made under certain sections of the code providing for an allowance to a surviving widow for her support and maintenance during the progress of the settlement of the estate of her husband. The petitioner first sets forth that James G. Fair died in this city and county on the 28th day of December, 1894, leaving an alleged last will and testament. Such alleged will was duly admitted to probate on November 16, 1896. By the provisions of the will W. S. Goodfellow, Jos. S. Angus and Thomas G. Crothers were named executors thereof. Letters testamentary in the matter of the estate of the deceased were duly issued them and they ever since have been and now are the duly appointed, qualified and acting executors of the alleged will and testament of the deceased.

Mrs. Craven then avers that she is the surviving wife and widow of James G. Fair, and continues by stating "that the estate of James G. Fair, as she is informed and believes, is of the value of $12,225,993.07, or thereabouts; that the annual rents, issues and profits of the said estate are, as she is informed and believes, over and above the sum of $500,000."

"No allowance whatever of said estate has been made to her as the surviving wife and widow for her support and maintenance during the progress of the settlement of said estate, that the sum of $500 a month would be and is a reasonable allowance out of the estate to be made to her as such surviving wife and widow for her support and maintenance during the progress of the settlement of said estate."

The petitioner further represents that any allowance that may be made by the court or Judge thereof, in accordance with the prayer of the petition, should be made to take effect from the 28th day of December, 1894, the date of the death of her alleged husband.

The document is signed Nettie R. Fair and she is referred to by that name all through.

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The lengthy legal battle waged over the so-called pencil deeds, conveying [illegible] to the claimant, which was [illegible] against Mrs. Craven in the Superior [illegible] is now under consideration by the [illegible]. An appeal was taken [illegible] preme Court [illegible] of the lower court [illegible] reversed [illegible]

KYTKA'S FEES

For Work in the Botkin Case Are Finally Paid.

Auditor Wells, acting upon the advice of his attorney, General Dickinson, this morning audited the demand of Theodore Kytka, handwriting expert, for $225. Kytka was the expert on handwriting in the Cordelia Botkin poisoning case and photographed the exhibits which were printed on the transcript on appeal. There was some doubt as to the validity of the claim, as unfavorable discussion had been prompted several weeks ago by the passage of the printer's bill in the matter and the Auditor decided to have the law on his side.

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MRS. NETTIE R. CRAVEN-FAIR Who Has Petitioned the Superior Court for an Allowance for Support and Maintenance From the Estate of the Late James G. Fair.

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The lengthy legal battle waged over the so-called pencil deeds, conveying property to the claimant, which was decided against Mrs. Craven in the Superior Court, is now under consideration by the Supreme Court. An appeal was taken from the judgment of the lower court and in event the judgment is reversed Mrs. Craven's attorneys wish to be in a position to press all claims without delay. Mrs. Craven was in St. Louis when her attorneys concluded to take this last step in her behalf. She was sent for and came immediately to this city, where, in all probability, she will remain until she has conquered or all hopes of victory have vanished.

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CHICO SEMI-WEEKLY

VOL. XLV. CHICO, BUTTE COUNTY, CAL., TUESDAY, DECEMBER 12, 1899.

FULLER WILL CASE IS READY FOR THE JURY

Respondent's Witnesses Told of the Deceased's Antipathy For Relatives

TESTIMONY OF MRS. E. REXFORD

Sets at Rest the Story of Two Thousand Dollars for H. Carmack—Instructions This Morning

Special to the Record.

OROVILLE, Dec. 11.—The evidence in the Fuller will contest was all in at 11:30 a. m. today, and at the request of Attorney Knight an adjournment was taken until 1:30 o'clock when the arguments commenced. Attorney Knight opened and closed the arguments for the prosecution with Yell and Schooler for the defense.

Judge Gadills allowed the attorneys two hours for the presentation of each side of the case, and when the arguments began the court room was crowded with interested spectators. At least two hundred ladies occupied seats in the courtroom. All of the chairs in the court house were brought into the court room to accommodate the spectators. Even the Grand Jury room was robbed of chairs and that august body was forced to defer its session until tomorrow on account of having no convenient place for seating themselves. Attorney Knight made the opening and closing arguments for the prosecution, and in the course of his argument he made a strong plea for John Garner, who, when caught in crime, told on himself and the others who were implicated with him. He declared that he would plead with the court to grant him leniency and if necessary he would go to the Governor. He blamed Mrs. Houseworth and Dr. Rodley for all the trouble.

Attorneys Schooler and Yell made the arguments for Mrs. Houseworth. Attorney Schooler is attorney also for Dr. Rodley, while Yell was only interested on Mrs. Houseworth's behalf. The result was they crossed each other considerably.

Judge Gadills will give his instructions to the jury this morning at 9:30 o'clock. It is thought that a verdict will be agreed upon before noon.

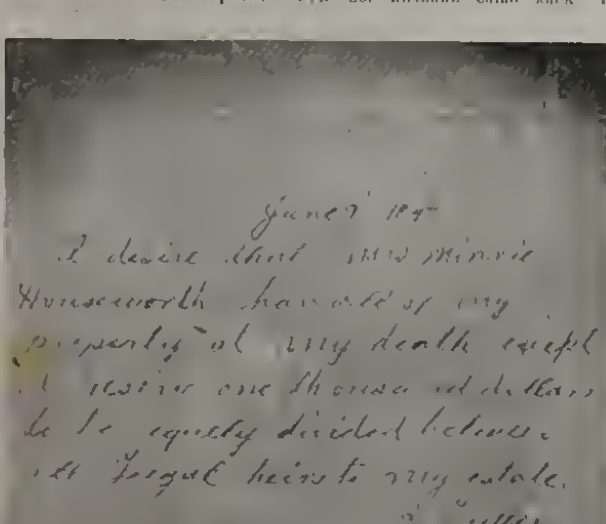
The first witness called this morning was C. L. Stilson. He said he knew Fuller well and had a conversation with him during his lifetime regarding the drawing of his will. It was during the latter part of September, 1897, Dr. Landis called at his office and asked him what he charged for drawing up a will. He said the reason I ask is that Fuller is here talking about making a will and he requested me not to say anything about it to Fuller, as he had an idea that lawyers charged too much for such things. In about an hour Fuller came into the office and asked the price of drawing a will, and remarked that there were too many people around, and that he would come again some day early. About two weeks afterward, early in the morning, he came again and made the remark: "I don't want any of my — — — of relatives to have any of my money. I want to give it to my friends." Mrs. Morehead came in at this time, and he left, saying he wanted no one around when he made the will. 'Twas afterward he came and spoke regarding it. Witness then said he moved into another office and Fuller came up there remarking, "this will give me a better chance to make my will, there is more room here. Fuller spoke about the will several times afterward. Attorney Knight on cross-examination of witness attempted to have him testify as to the genuineness of the signature on the alleged will, but did not succeed, owing to the objection of respondent's counsel.

Mrs. E. Rexford testified as to her many year's acquaintance with Mrs. Houseworth and H. Carmack, and also with the deceased Fuller. Carmack asked her to write to Mrs. Houseworth and tell her that he had traces of the will. She did so, and when Mrs. Houseworth returned and he had given her the will at Mrs. Rexford's house, Carmack said: "Don't tell how you got this; tell her you got it through the mails, because I do not care to get mixed up in it." On the 11th or 12th of November he came to her house again and Mrs. Houseworth was there, although he did not know it until his arrival. He was very much excited, and when he saw her he exclaimed: "What have you done to me? What did you tell in Oroville?" She replied: "I have not been to Oroville;" and further she declared that she had never said anything about him asking her for $2000. Witness said she first heard about the $2000 from Mrs. Houseworth by letter, in which she stated that Carmack had not demanded $2000 from her, but merely remarked if she wanted to give him $2000 he would accept it. Witness said Fuller came to her house very frequently, and would invariably talk about his relatives, about the trouble he was having with the settlement of his brother's estate, and that he did not want any of them to have his money. The cross-examination of this witness was very rigid, but she adhered strictly to her previous testimony. Knight sharply put the question to her: "Did you know Mrs. Page in Chico?" Witness admitted that she had known of her. Following up this line of inquiry the attorney questioned: "Mrs Rexford, haven't you heard that the original will was made out in Mrs. Page's name and that she died before Dr. Rodley could engineer the scheme?" "Most emphatically no!" declared the witness.

Jo D. Sproul was the next witness for the defense, but he was not present, and had not arrived at 11 o'clock, so his testimony was dispensed with.

In rebuttal, Theo. Rinehart was called for the prosecution, but the court sustained the objection of respondent and he was not allowed to testify. It is understood he was put on for the purpose of proving declarations made by Fuller regarding his contempt for Mrs. Houseworth.

H. S. Hostler was next called to testify to a conversation between Fuller and himself regarding Mrs. Houseworth, which took place after she came back from Texas. It was near the Hallam House, and noticing Mrs. Houseworth crossing the street, witness remarked: "Hello! Madam Houseworth is back." "Yes," said Fuller, "the damn street trotter is back. She went back East and had a good time on old Woodman's money." Hostler asked if her husband came back. Fuller responded: "No, she gave him the slip in Texas. Now she is looking for another sucker. The damn street trotter, hell is full of such women as her; all they want is money and good clothes."


June [illegible] 189[illegible]

I desire that Mrs Minnie Houseworth have all of my property at my death except [illegible] one thousand dollars to be equally divided between all legal heirs to my estate.

[illegible] Fuller

FACSIMILE OF THE ALLEGED WILL OF ALFRED FULLER.

OROVILLE, Dec. 10.—Expert Kytka, the handwriting expert in the Fuller will case, finished his testimony before the Superior Court Saturday forenoon. After the conclusion of his technical description of the defects in the will he stated most positively that the instrument was a forgery.

He was followed on the stand by Franklin Fuller, one of the eastern heirs of E. and A. Fuller. They were his uncles and he had received part of the money due him as such an heir in the estate of E. Fuller. A. Fuller moved from Ohio to Illinois, thence to Tuolumne county, California and from there came to Chico. The witness had received part of the money due him as an heir from Alfred Fuller, the administrator of E. Fuller's estate through his attorney-in-fact Searles in Ohio and some through Richard White of Chico. He (the witness) stated that he was born out of lawful wedlock and never knew his father. In the earlier years of his mother's life she was considered an incompetent.

J. B. Swearingen was re-called and asked regarding his testimony given before the Grand Jury and why he offered his testimony. He stated that it was because of his friendship for H. Carmack. He understood that Carmack was about to get into trouble and he would be damned if he would keep still and let an innocent man go to prison on the charge that he had endeavored to secure $2,000 from Mrs. Houseworth for delivering to her the will. This closed the case for the prosecution and the defense placed upon the stand T. J. Hindman. The witness testified that in 1896 he met Fuller and had a conversation with him in which he said that he had been very sick and would have starved to death had it not been for the kindness of Mrs. Houseworth. The first time he mentioned this was to Louis Schwein.

James Chubbuck testified that he had lived in Chico for many years and was well acquainted with both Fuller and Mrs Houseworth. On one occasion he served some papers on Fuller when the latter became very angry and threw them back to him stating that the relatives in the east were trying to get all his brother's money. He cursed them and applied vile epithets to them and said that none of them would ever get a cent of money.

At the conclusion of Chubbuck's testimony the court adjourned until 9 o'clock Monday morning. But three or four more witnesses will be put on by the defense and it is expected that the case will go to the jury on Tuesday.

OROVILLE, Dec. 8.—H. T. Batchelder was the first witness on the stand this morning in the Fuller will contest, and there was not a person in the crowded court room but what sympathized sincerely with him as he gave his testimony against his bosom friend of many years, Dr. J. Ellis Rodley, and the effort was extremely painful to him as was attested by his absolute failure to speak at times, his emotion being so great. He declared that the signature shown him upon what purported to be the Fuller will was not the handwriting of the deceased. He testified that Dr. Rodley approached him at Biggs first about Feb. 18, 1898, and asked if he knew Alfred Fuller's signature. They went up to a room in the hotel and Rodley said: "Batch, Fuller left a will; can you recognize his signature? If you were certain would you be willing to sign it?" saying, "there is $3000 in it for you." I answered, "No, I can not do it, Doctor; he never invited me; I never sign a will without being invited," said witness. About a week later he received a letter from Rodley asking him to come to Chico without fail and he would pay all expenses. Batchelder went up in answer to the letter, met the Doctor in his office, when the document was produced and Rodley said: "Is that his signature, Batch?" "I don't think it is, Doctor," was the reply.

"You won't sign it, then?"

"No. Fuller never invited me, although I wish I could earn that money."

The much talked of letter is as follows:

CHICO, Feb 18, 1898.

Dear Friend Batch:—Come up on Friday evening. I will pay all expenses. Let nothing stand in your way.

J. ELLIS RODLEY.

Upon cross-examination witness declared that he did not know how the Grand Jury came into possession of knowledge regarding the matter, as he never divulged it to any human being.

John Swearingen, who followed Col Batchelder on the stand gave testimony of somewhat sensational character and the large audience was keyed up to the highest pitch of expectancy. The witness stated that he had been acquainted with Mrs. Houseworth for over twenty years. In May 1898, he had a conversation with her at the Hallam House in which she told him that she had been informed that there was a will of Fuller in existence and that he had been seen to deliver the same to the late R. R. Fimple. Also that her attorney Park Henshaw had told her that the only thing necessary to make the will valid was to secure the signatures of two persons as witnesses; that Dr. Rodley had agreed to become one of the witnesses and there was $5,000 in it for him if he would also agree to sign. Swearingen stated that he told her that he could not sign the will. Some time later he again met her and she told him that she did not need him as she had got John Garner to sign with Rodley. She also told him that she had sent the will to H. Carmack and related the circumstances of so doing. She said that while in San Francisco she had stepped into a grocery store one day, procured a blank envelope and had the clerk direct it to Carmack at Chico. When she returned she dropped it into the postoffice. She begged the witness to say nothing about it and threatened in the event of his giving testimony against her before the Grand Jury to kill herself. All these conversations took place after the death of Fuller.

The witness was asked upon cross-examination if he did not address Mrs. Houseworth in endearing terms, ask her to sit on his lap and to kiss him, and make the suggestion that if she would leave her door unlocked at night it might be an inducement for him to sign the will. To these questions the witness gave a positive negative reply. He was further asked if he had not been intimate with Mrs. Houseworth and he admitted that he had but not in connection with the will case.

H. Carmack was the next witness and retold the story of how the will came into his hands. His statements were a reiteration of the testimony already published, and convinced everyone of the honorable part he had played in the transaction. He related how he got the will out of the postoffice and delivered it to Mrs. Houseworth. Where it came from he had no knowledge, and he only did what he considered the proper thing in delivering it to the named beneficiary. Mr Carmack's testimony consumed the time up to the noon recess.

Mrs. E. I. Montgomery, formerly of Chico, but now residing in Washington, was the first witness in the afternoon. She had received a number of letters from Fuller and was familiar with his handwriting. The letters which she received will be introduced in evidence in order to show the peculiarities of his penmanship.

Attorney A. F. Jones testified that he had prepared the petition for probate of the will and acted as her attorney at the time the will was offered for probate. He afterwards acted at the request of F. C. Lusk, who drew the answer of Mrs. Houseworth and E. Woodman, and filed the same, acted no further as her attorney.

(Continued on 4th Page.)

Banner Brand Waists and Wrappers

Are guaranteed to fit perfectly.

Ladies' Vests and Drawers

Ribbed and Fleeced—

We Can Please You

ADDITIONAL COURT NEWS

was asked if Mrs. Housworth signed the petition for probate, and if she signed it in his office. This question was objected to on the ground that having been her attorney it was a privileged communication between them. The objection was overruled and Jones refused to testify upon the same grounds until ordered to do so by the court, when he stated that Mrs. Housworth had signed the petition in his presence. The evident object of this testimony is for laying the foundation for attempting to prove the similarity between Mrs. Housworth's signature and the handwriting in the will.

Mrs. Housworth was then placed upon the stand. She refused to testify upon the ground that there were two felony indictments pending against her, and that her testimony might tend to incriminate her.

W. L. Bradley and Mr. Chanoon, who were both familiar with the handwriting of Fuller, were placed upon the stand to prove the genuineness of letters and documents which were introduced in evidence as tending to show the difference between his true handwriting and that alleged to be his in the will.

The last witness of the day was writing expert Theodore Kytka. A photographic copy of the will was introduced and the expert entered into a long technical analysis of the same and attempted to show by diagrams in comparison with acknowledged handwriting of Fuller that the body and signature of the will were forgeries. He declared the comparisons showed the falsity of the will. His testimony was purely one of technicality, and dealt with books and curves and all that goes to make up an expert's testimony. He will again resume the stand this morning.

MORE TROUBLE FOR DR. RODLEY

Now Mixed Up in a Civil Suit.

ACTION TO SET ASIDE DEEDS

The Transferring of Real Estate to His Wife Leads to the Belief that the Doctor Intends to Beat Certain Creditors Out of the Amounts Due.

Special to the ENTERPRISE.

OROVILLE, Dec. 23.—Dr. Rodley is again in a fair way to appear as defendant, but this time it is a civil suit, whereby certain creditors desire to set aside deeds, which, they believe, were made in an effort to defraud them out of moneys long overdue.

Two complaints were filed to-day, both being identical only as to the amounts set forth. The first is entitled E. Meyborn vs. J. Ellis Rodley and Mary E. Rodley, his wife, and the other is by Geo F. C. Peterson vs. Rodley and wife.

The complaint of E. Meyborn alleges that on the 20th day of December, 1899, the defendant, J. Ellis Rodley, was, ever since has been, and now is indebted to plaintiff in the sum of $299.60, upon an account for merchandise and assigned accounts, all of which said account had been so owing by said defendant for a long time prior to said date, and he, the said defendant, had failed, refused and neglected to pay the same, or any part thereof, and still does so refuse, neglect and fail to pay any part of said account or demand, though requested so to do before the commencement of this action.

That, upon his information and belief, plaintiff avers that upon said day and for a long time prior thereto said defendant, J. Ellis Rodley, was, ever since has been and still is indebted to other divers and various persons in amounts aggregating $300 and more, and the said defendant had and still neglects to pay the same.

That on the said 20th day of December, 1899, the said plaintiff was the owner of and in the possession of the following described real property, lands and premises, situated in the County of Butte, State of California: Lot numbered Twelve of the First Subdivision of the Bay Tract, containing about ten acres of land; lots one and two of block 45 in the village of Chico Vecino, and lots 7 and 8 of block 82 of the Town of Chico; that the probable value of said premises was and is about $6000; that on the 20th day of December, 1899, plaintiff commenced an action in the Justice court of Chico Township to recover the said sum of $299.60 due and owing to him from said defendant, and on said day caused an attachment to be issued out of said court, directed against the said defendant, and placed said attachment in the hands of M. H. Gee, a Constable of Chico Township, for service and levy; that said officer, on the 21st day of December, 1899, levied upon the above described lot 12 of first subdivision of the Bay tract by filing a copy of said writ of attachment, to which was attached a notice that the said premises were attached and held by him, in the office of the County Recorder, which notice contained a description of said premises, and by also serving a similar copy of the writ and notice upon persons found in the possession of said premises a similar copy of said writ and notice that said premises were attached.

That on the said 21st day of December, 1899, the said defendant, J. Ellis Rodley, fraudulently and with the intent to hinder, delay and defraud plaintiff and his other creditors, and to prevent them from recovering and collecting the sums of money so due from him to them respectively, and with the intent and for the purpose of preventing the operation of said levy of attachment against his said property, wrongfully and fraudulently by deed bearing date the said 21st day of December, 1899, conveyed, to his wife, the said defendant, Mary E. Rodley, all of the above real property and above described lands and premises, and caused the said deed of conveyance to be immediately placed upon record and filed and recorded in the office of the County Recorder of Butte county on said day just prior to the record of the notice of said attachment as aforesaid.

That the said deed of conveyance was given, made and executed without any consideration therefor whatever; and was so given, made and executed with the fraudulent intent of hindering, delaying and defrauding plaintiff and his other creditors; and was so recorded with the fraudulent intent of so hindering and delaying and defrauding plaintiff and his other creditors, and of preventing the operation of the levy of said writ of attachment, and to prevent plaintiff and his other creditors from recovering and obtaining the respective sums due them from the said defendant, J. Ellis Rodley, as aforesaid; and the said defendant, Mary E. Rodley, the wife of the said defendant, J. Ellis Rodley, without having paid or given any consideration therefor received and accepted said deed of conveyance with the intent and for the purpose of aid, abetting and assisting her said husband, the said defendant, J. Ellis Rodley, in hindering, delaying and defrauding plaintiff and his other creditors, and preventing them from obtaining the sums of money due them respectively from the said J. Ellis Rodley, and for the purpose of, and with the intention of defeating the operation of the said levy of said writ of attachment.

That plaintiff is informed and believes, and upon such information and belief avers that said defendant, J. Ellis Rodley, does not own any or any sufficient property not exempt from execution outside of and excepting the above described property out of which plaintiff is able to recover and collect the amount of said sum due him as aforesaid.

That unless the said fraudulent deed is cancelled and set aside and said property made subject to the payment of said demand of plaintiff he will be unable to recover any payment of his said demand or any part thereof, and the plaintiff and other creditors will be thereby defrauded out of the respective sums due them from said defendant, J. Ellis Rodley, and that by reason of said fraudulent and wrongful act of defendant, J. Ellis Rodley, in so conveying away all of his property as aforesaid, plaintiff and the other creditors of said J. Ellis Rodley, has been defrauded out of their respective demands against him, and will continue to be and remain so defrauded unless said conveyance is cancelled and set aside.

Wherefore plaintiff prays for judgment against the defendant.

1. That it may be adjudged by this court that the said deed of conveyance was and is fraudulent and void as against plaintiff.

2. That by a decree of this court the said deed may be set aside and the property therein described rendered subject to the payment of plaintiff's demand.

3. That plaintiff recover his costs of suit herein, and for such other further special or general relief as to this court may seem just and agreeable to equity.

The complaint of Peterson is worded the same as above, only the amount is $283.

Rich'd White is the attorney for plaintiff in each case.

In the matter of the estate of Kate Jaeckel the inventory and appraisement filed, fixing the value of the estate at $750.

The following claims have been filed against the estate of Emma Lee: W. E. Murphy, $56; Chico Gas & Water Co., $11 75; Wall Bros., $148.60; H. D. Ferson, $2083.33; O. Stansbury, $85.

In the case of Morehead vs. the estate of V. David, W. J. O'Connor has filed his bond, taken the oath and entered upon his duties as receiver.

RODLEY AGAIN PLEADS TO A PERJURY CHARGE

Declares He Is Innocent and Attorneys Seek For Him an Early Trial

Dec. 22-1899

CONFINEMENT TELLS ON HEALTH

Mental Strain and Lack of Exercise Are Leaving Their Marks—Judge Gray Will Preside

Special to the RECORD

OROVILLE, December 20.—Dr. J. Ellis Rodley was again escorted from his cell in the county jail to the court room where he was arraigned before Judge Gray on the indictment recently found by the Grand Jury charging him with perjury. The defendant was attended by two of his attorneys, Geo. D. Collins of San Francisco and Wm. H. Schooler of Chico. Rodley entered a plea of not guilty.

The attorneys for the defendant appealed to the court to set the dates of his trial as early as possible, and Judge Gray thereupon set the trial on the perjury charge for January 23 at 1:30 p.m. and that on the forgery charge for Jaunary 30th at the same hour.

It is well for Dr. Rodley that his trials are to be had without much delay, for the close confinement is telling severely upon him. In the county jail he has only the freedom of a small, poorly lighted tank, while he is one who has been accustomed to spend much of his time in the open air and taking moderate exercise. Those who have visited him frequently in the jail say that they notice that he is showing signs of breaking health due to the confinement and mental strain.

Mrs. Housworth is not much more conveniently located than Rodley, for she occupies a dismal room adjoining the jailor's office. This is so poorly lighted that during the cloudy weather she cannot read and is forced to pass her unhappy hours in meditation.

John Garner is privileged to occupy the main department of the jail where the misdemeanor prisoners are confined. This, though better lighted than the other quarters, is cold and damp, and he has been for two weeks a sufferer from a severe cold. Garner's mental suffering is quite severe and he will be more contented when his punishment has been fixed.

In some manner the impression has gone abroad that Judge Gray will not be the presiding judge at the trials of Dr. Rodley and Mrs. Housworth, but that is a false impression. There is no doubt that Judge Gray intends to preside at these trials unless some strenuous objections are made by the attorneys for the defendants based upon grounds sufficient to warrant a change.

It is also quite certain that the defendants will endeavor to have the cases heard by another Judge, as they will claim that Judge Gray is disqualified by reason of the fact that his son was an attorney in the Fuller will case.

The Grand Jury.

The Grand Jury was in session yesterday but none of them dropped a word on the outside regarding what had been transpiring on the inside. A part of their time is now being given to inspection of the various offices, and the remainder to winding up their investigations of criminal matters. It is believed that another sensation in the way of an indictment, will be sprung, as it is known that considerable testimony has been taken in the case.

It is probable that the new indictment charging Dr. Rodley with perjury will be returned this week.

BUTKIN CASE AGAIN DELAYED

12-22-1899

Dispute About the Payment of a Bill for Photographs.

OBJECTION BY THE AUDITOR

Expert Kytka Will Withhold His Signature Until His Account Has Been Settled.

There is a hitch in the Botkin murder case because of complications in the city's monetary system. No provision has been made by law for the payment of claims for taking and reproducing photographic facsimiles of documents and exhibits offered in criminal trials. Until the photographic reproductions are paid for the complete transcript on appeal cannot be presented to the Supreme Court.

Expert Theodore Kytka took a great number of photographs of the exhibits offered in the trial of Mrs. Cordelia Botkin, convicted of the murder of Mrs. John P. Dunning. The volume of his work, he says, is measured by avoirdupois. He declares that three able-bodied policemen could not lift the negatives of the photographs taken by him, yet, he says, he has charged the city only $325 for all the work performed. Notwithstanding what he considers to be a very reasonable charge the bill has not been paid, and, he says, that Auditor Wells is responsible for holding up the claim.

Deputy Auditor W. W. Wells was asked in regard to the matter yesterday. He said that so much discussion arose over the payment of the bill for the printing of the transcript on appeal that the Auditor's office determined not to pass any bill until it had been in the office at least a week. He said that the Supreme Court decision with regard to the printing of transcript on appeal papers appears to be sufficient to authorize the Auditor in passing such accounts, yet the Auditor, to be on the safe side, seeks to obtain advice from his attorney before acting on the demand for the photographing of exhibits.

General John H. Dickinson, attorney for the Auditor, is absent from the city and will not return before the first of the year, therefore the Auditor will not be able to obtain a statement of his opinion until some time in January. This will consequently put off the hearing of the Botkin case in the Supreme Court for at least half a year. The calendar of the Supreme Court for the ensuing term is being made up, and the Botkin case might be placed thereon if the record from the Superior Court were in proper form to be incorporated.

Mr. Wells says that under the decisions of the Supreme Court a claim for this kind of work may be collected without reference to the Auditor's office, but that as a matter of official courtesy the matter has been referred to the Auditor. This course having been taken, the Auditor has determined to make a thorough investigation of the legality of the claim.

If the demand for printing photographs could have been passed upon in a summary manner that was adopted in paying the printer's bill for the publication of the transcript on appeal in the Botkin case, no postponement would have occurred. Auditor Wells seems to be in doubt concerning the law touching the supplying of photographs to a record of this kind. Expert Kytka has suggested to the Auditor that these photographic reproductions of the exhibits in the case are essential parts of the record. Before they can be used in the Supreme Court they must be accompanied by his certificate of their genuineness, and before he will certify to the correctness of the photographs he asks payment of his bill.

PARENTAGE OF THE GREGORY CHILD.

Rippy Said That Young Fair Was Her Father—She Was Adopted by a Woman Whose Will Is Being Contested.

The little girl who was in Judge Troutt's court yesterday was said to be the daughter of James G. Fair Jr. Her name is Charlotte B. Gregory, she having been adopted by Mrs. Catherine Gregory, over whose will a contest is waging. The notion that young Fair was her father was entertained by W. C. Rippy, and Robert Ash, who is contesting the will, testified yesterday that Rippy told him that he could prove that she was Fair's child. It had been stated that the little girl, who is not pretty, but is bright, was taken by Mrs. Gregory from an asylum for children. Rippy was well acquainted with Mrs. Gregory, and was often at her house. Ash charges that Rippy, who is dead, forged the will in order that he might prevent Ash from obtaining half of Mrs. Gregory's estate. In a will, which was made several years before her death, Mrs. Gregory gave Ash half of her property, and half of it was to go to the girl, of whom Ash was to be the guardian. Ash was Mrs. Gregory's attorney. He testified that he and Rippy had a quarrel, and Rippy threatened him. He watched Rippy closely after that, thinking Rippy might shoot him as he did John Mackay. Mrs. Gregory knew many mining men, as with her deceased husband, John P. Gregory, she resided at Virginia, Nev., before coming here.

Ash testified that Mrs. Gregory told him that Rippy was pestering her to make a will in which Mrs. Martha Munson was to be named as the guardian of the child, and that she was unwilling to give the custody of the girl to a woman of Mrs. Munson's age. She objected to making such a will. Ash then protested to Rippy, and the quarrel between them began. Ash stated that Mrs. Gregory, who died in 1898, had become addicted to the excessive use of liquor, and it was averred that she was unable to know what she was doing at the time the contested will was made.

Mrs. Munson, who now has charge of the little girl, was called to testify in support of the will. She admitted that she had been told that Rippy wrote the body of the will, but she did not see him write it. She did not see Mrs. Gregory sign it, but Mrs. Gregory told her that she had made such a will, and directed her where to find it after Mrs. Gregory's death. The will was in Mrs. Gregory's apartment. Mrs. Munson did not see it until after Mrs. Gregory died, though the latter spoke about it several times and said that in it she had provided well for Mrs. Munson as well as for the child. Mrs. Munson testified that Mrs. Gregory cautioned her to be sure to get the will in the closet after her death, as "Ash would come around and tear things all to pieces." Mrs. Munson contradicted Ash on many points. The hearing will be resumed to-day.

MRS. GREGORY'S WILL SAID TO BE A FORGERY.

Expert Kytka Supports Robert Ash's Allegation That the Writer of the Document Was W. C. Rippy.

The trial of the contest over the will of Mrs. Catherine Gregory, which Robert Ash alleges was forged, was begun yesterday in Judge Troutt's court. The will was dated December 10, 1896, and was filed last year. Mrs. Gregory resided at 913 Bush street and owned the property there. She had previously made a will in favor of Robert Ash, an attorney, who was her friend. In the contested will Ash was not mentioned. He claimed that this will had been forged by W. C. Rippy, who shot John Mackay, the millionaire. Mrs. Gregory was the widow of John P. Gregory, who was known among the mining men of Virginia, Nev.

W. S. Wood appeared in court yesterday as counsel for Ash, Attorneys Chojnski and Morgan for the administrator of the estate, Adams & Adams for Mrs. Gregory's adopted daughter, Charlotte B. Gregory, to whom most of the estate is to go under the second will, and Mrs. Clara Foltz as attorney for Mrs. Martha Munson, who was named in the will as the daughter's guardian. On the will were the names of Alfred Bowen and John Schulken as witnesses. These two men were called to the stand by Attorney Wood. Neither of them remembered having witnessed the will. In fact, Bowen did not recognize his signature on the will. Schulken said that his signature appeared to be in his own handwriting and that he had signed many papers for Mrs. Gregory. He had been her grocer. Theodore Kytka, the expert, testified that the will was written by Rippy, he having studied some of Rippy's admitted writing.

"What would you say if a witness should testify that he saw Mrs. Gregory write this will?" asked Attorney Chojnski.

"I would say that he was mistaken," was Kytka's reply. Kytka's testimony will be contradicted by expert evidence on the other side. The jury chosen consists of J. C. Mourmann, Robert Currie, Frederick Hellwig, Sanford H. Andrew, Jacob Deutsch, M. Hamburger, John K. Bell, Frederick Itteling, F. Deutsch, Henry Behrens, S. Radinovich and Patrick D. Dunn. The trial will be resumed to-day.

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THE JURY FOUNO THAT THE WILL WAS FORGEO.

Dec. 4-2-1899

Robert Ash Will Now Get Half of Mrs. Gregory's Estate—A Clergyman's Last Testament Is Told.

The jury in the contest over the will of Catherine Gregory rendered a verdict yesterday that the will was forged by Wesley C. Rippy, as charged by Robert Ash. Rippy is dead. Another will, which gives Ash half of the estate, will now be admitted to probate. The other half of the property goes to Mrs. Gregory's adopted daughter.

The olographic will of Rev. Alexander N. Carson, who was pastor of the Trinity Presbyterian Church, has been filed for probate, but his widow's attorneys say that it is of no legal effect, as it was not dated entirely by him. In it he figured the value of his estate at $900. He referred several times in it to the love that he bore his wife, Ida L. Carson, and his son, Charles H. Carson, for whom he said he wished he could have done more. He spoke of his wife as "the idol of his heart." He stated that he had struggled all his life to make those dependent on him happy and comfortable, and to do his duty as a Christian minister.

Hannah K. Clapp of Reno, Nev., to whom Miss Elizabeth C. Babcock bequeathed all of her estate, has filed here a copy of the will which was admitted to probate in Nevada, the deceased having left a bank deposit, Spring Valley stock and real estate in California, which were worth about $900.

The heirs of Charles Goodall have petitioned for a partial distribution of his estate, and have filed a waiver of their right to contest the will.

Frederick Elliot's contest of the will of George Hudson was dismissed by Judge Troutt yesterday.

Say the Will Was Forged.

Carl Eisenschimmel, expert in handwriting, testified before Judge Troutt and a jury yesterday that the document presented in court as the will of the late Mrs. Catherine E. Gregory is, in his opinion, a forgery. He said he believed the will was written by the late W. C. Rippy, the man who shot John W. Mackay several years ago. The will is contested by Robert Ashe, who was named as a legatee under a former will. W. S. Wood is attorney for Mr. Ashe. Herbert Choynski and H. F. Mogan are attorneys for former Public Administrator Freese, proponent of the will. Attorneys Adams & Adams appear for Charlotte Gregory, adopted daughter of the decedent, and Clara Foltz is the attorney for Mrs. Martha Munson, legatee under the disputed instrument. Theodore Kytka, expert in handwriting, also gave it as his opinion that the paper was fabricated. The proponent of the will expects to produce a witness who will swear that Mrs. Gregory wrote the will.

The Gregory Will Contest.

In the contest over the will of Mrs. Catherine E. Gregory, in Judge Troutt's court yesterday, Carl Eisenschimmel, a handwriting expert, testified in support of the allegation that the will was forged by W. C. Rippy, who is dead. Alfred P. Goss testified on behalf of the proponents of the will that Mrs. Gregory had said that she wanted Mrs. Munson to take charge of her daughter, Charlotte Gregory, after her death and desired that they remain together. It was charged by Robert Ash, the contestant, that Mrs. Munson assisted Rippy to forge the will, in which she was appointed as the girl's guardian. Ash began his testimony before adjournment. He said that he was Mrs. Gregory's attorney, and that she urged him to be the girl's guardian. He finally consented, and in a will, which he wishes to have admitted to probate, she bequeathed him half of her estate.

WILL BE TRIED FOR MURDER.

Dr. Samuel Newman Is Held to Answer by Judge Mogan.

Dr. Samuel Newman, accused of murder in having caused the death of Miss Su-Ella Tyson by a criminal operation, was held to answer yesterday by Police Judge Mogan on a charge of murder.

Judge Mogan in rendering his decision expressed his belief that Newman was guilty of the act charged. According to the statutes as construed by the Court it was held that the offense was not manslaughter, but murder in the second degree. It was therefore ordered that Newman be held for trial in the Superior Court. At the request of the defense an order was made fixing bail at $7500.

Stephen Varcoll is jointly charged with Dr. Newman of having caused the death of Miss Tyson, and a decision in his case will be rendered to-day.

Newman Case Partly Heard.

Testimony was taken yesterday by Police Judge Mogan in the case of Dr. A. S. Newman, accused of the murder of Su-Ella Tyson. Dr. Mallory testified that Miss Tyson died from the effects of a criminal operation. A prescription which was presented at a drug store on the corner of Sutter street and Grant avenue by a young man who gave his name as Varcoll was obtained in evidence after Theodore Kytka, the handwriting expert, had testified that the writing on the prescription was identical with that of the entries in Dr. Newman's record book. Varcoll, who is alleged to have presented the prescription, is the young man who is jointly charged with Newman with having caused the woman's death. The prosecution closed, and Attorney Robert Ferral, representing the defendant, made a motion for dismissal.

ARGUED FOR DISMISSAL.—The dismissal of the charge against Dr. A. S. Newman for performing a criminal operation on Miss Su-Ella Tyson, which caused her death, was argued before Police Judge Mogan last evening and a decision will be rendered on Thursday.

SIGN ON DOOR COMES DOWN OR RENT GOES UP

"Mrs. Nettie R. Fair" in Paint Causes Row at Parrott Building.

INSCRIPTION ON A DOOR THAT CAUSED A RAISE IN RENT

Messrs. Pence & Pence—You are hereby notified that your rent after January 1, 1900, will be $500 a month instead of $60 a month, as heretofore paid by you.
(Signed) ABBY M. PARROTT,
By Charles de Guigne, her attorney in fact, owner and landlord, P. J. Sullivan, her agent.

THIS is the notice that was served on Pence & Pence, attorneys-at-law, yesterday.

"They probably think they have a legal right to enforce such a demand as that, but they will find out their mistake," said ex-Congressman Lafe Pence, a member of the firm addressed. Mr. Pence seemed to consider the matter a joke on the other side. He said he had been informed by Mr. Sullivan, agent for the owner of the building, that Charles L. Fair objected to having the name of their client, Mrs. Nettie R. Fair, painted on the door of one of their rooms; that Mr. Sullivan first suggested that it was Mrs. Parrott's idea to prohibit the names of women from all the doors, or, if they were used on signs in the buildings, they should have no distinguishing designations to indicate the sex of the occupants of the offices—thus the sign "Smith & Jones, typewriters," might be permitted, but not "Miss Smith and Mrs. Jones," nor even "Sarah Smith & Jennie Jones." Because one of Pence & Pence's clients had secured the use of one room rented by them and had caused to be inscribed on the window, "Mrs. Nettie R. Fair," the attorneys mentioned were requested to have the name removed, and, failing to do so, the notification of raise of rent was given.

"We didn't paint that name on the door, nor did Mrs. Fair, but it was painted there by the painter hired by Mrs. Parrott, who does all the painting about the building. No objection was made at that time and no reasonable objection can be made now. Mrs. Fair has as much right to have her name on her office door adjoining our office as Charles L. Fair has to have his on the door of his office adjoining the office of Knight & Heggerty, his attorneys."

Mr. Sullivan, agent for the renting of the offices in the Parrott building, refused to tell why the rent had been raised. He would not say whether the obliteration of the objectionable sign would result in a restoration of the original rate of rent, replying that it was a matter between landlord and tenant that concerned none except the persons immediately interested. When asked if Mr. Fair or Knight & Heggerty had requested the sending of the notice to Pence & Pence, Mr. Sullivan replied that he was not on the witness stand and declined to explain.

Charles J. Heggerty of the firm of Knight & Heggerty spoke more freely. He said: "We have protested against Mrs. Craven flaunting the name 'Mrs. Fair' by having it painted on an office door on the same floor of the same building in which we and our client, Mr. Fair, have offices. We have made this protest acting as attorneys for Mr. Fair, and have let the owners of the building know that if that sign remains we shall move to some other place. We simply don't propose to stand it. We were here first, and that was long before Mrs. Craven laid any pretensions to the name 'Mrs. Fair,' by which she may seek to call herself. Her friends come trooping up the elevator and ask for 'Mrs. Fair's' office, and some of them even drift in here, pretending to be looking for 'Mrs. Fair of the Fair estate.' Besides, we don't want to be so close that there would be any danger of our letters getting mixed. It would be an easy thing for a mistake to be made, and for a letter intended for Mr. Fair to get into 'Mrs. Fair's' hands, or he might [illegible] the [illegible] of a charge that we had got hold of some of her papers, as she did regarding the numerous alleged wills of James G. Fair that she said she had, but which she declares our agents have obtained from her possession by following her all over the world. The sign was put up simply as an insult to our client, Mr. Fair. Those are some of the reasons for our objections. We don't want to be too near her, and so if that name stays on the door we will go."

The name "Mrs. Nettie R. Fair" still remains on the door and Pence & Pence are not making any preparations to move.

Dispute Over Mrs. Craven's Name.

Mrs. Nettie R. Craven has rented a room in the Parrott building, next to the office of her attorneys, Pence & Pence, and on the door has put a sign, her name being printed as Mrs. Nettie R. Fair. She says that as she was married to James G. Fair she is entitled to use his name. His son, Charles L. Fair, and the latter's attorneys, Knight & Heggerty, have offices not far from Mrs. Craven's room and on the same floor. They have protested to the manager of the building against the placing the name of Mrs. Fair on the door, and Attorney Heggerty said yesterday that Mrs. Craven would be required to remove it.

DON'T LIKE THE NAME.—Charles Fair has issued a demurrer to Mrs. Craven-Fair's petition for family allowance. He takes the aggressive by asking that the plaintiff be restrained from using his father's name, as she has not proved her right to it.

OBJECTS TO THE NAME SHE PUTS ON THE OOOR.

Mrs. Nellie R. Craven-Fair Rents Offices Near Those of Charles L. Fair.

Even outside of the courts there are interesting phases of the Fair estate dispute. Mention has already been made that whenever Charles L. Fair has occasion to mention the woman who claims to be his step-mother, he refers to her as "Mrs. Nettie R. Craven, falsely styling herself Mrs. Nettie R. Fair."

On her part Mrs. Craven-Fair is equally self-assertive, and noting that Mr. Fair had established for himself an office, with his name lettered on the window, next to and adjoining the office of Knight & Heggerty, his attorneys, on the fifth floor of the Parrott building, she rented an apartment adjoining the offices of Pence & Pence, her attorneys, on the same floor of the same building, and caused to be inscribed in similar letters the sign:

592
MRS. NETTIE R. FAIR,
Private,
Inquire at Room 590

Room 590 is the ante-chamber to the offices of Pence & Pence, her attorneys, and an unsuccessful effort has been made to induce them to remove the name of their client.

Mr. Fair expressed indignation because the name of his would-be stepmother appeared on the door as "Fair" when he considered that it ought to remain "Craven."

"I have been informed that Mr. Fair entered a protest with the proprietors of the Parrott building against Mrs. Fair's name appearing on her office door," said Attorney Lafe Pence, laughingly, "but I presume that was merely his way of having a joke. Of course Mrs. Fair couldn't pay any attention to a thing of that [illegible]."

MRS. CRAVEN IS NOT ESTOPPED.

MAY SHOW THAT SHE IS JAMES G. FAIR'S WIDOW

JUDGE TROUTT AGAIN RULES IN HER FAVOR ON A DEMURRER.

Former Decree Naming the Children as Sole Heirs Cannot Affect Her Petition for an Allowance.

Judge Troutt again decided yesterday that Mrs. Nettie R. Craven was entitled to prove if she could that she was married to James G. Fair and that she should have a monthly allowance out of his estate as his widow. She petitioned for $5000 a month for her support. In the answers of the Fair children to her application it was contended that it was too late for her to make the claim that she was married to Fair, as Judge Slack in a decree of partial distribution signed on April 13, 1895, declared that the only heirs of Fair were his three children, to whom the real estate described in the decree was awarded. This decree, which was not appealed from in the time allowed by law, and which stands, stated in effect that Fair had no wife living. Demurrers to the answers were filed by Mrs. Craven's attorneys, Pence & Pence, and the decision of Judge Troutt yesterday was on these demurrers, which were sustained.

Judge Troutt held that the question as to whether Mrs. Craven could now make any claim as an heir for a widow's share of the estate did not affect her right to ask for a family allowance. He said:

The statutory allowance for a widow's maintenance during the administration of the estate is unquestionably independent of any interest she may have in the distribution of the estate. It is conceivable that a decedent's estate might consist entirely of separate property and be entirely disposed of by will to some person other than the wife, nevertheless the widow should be entitled to a reasonable allowance out of the estate for her maintenance during the settlement of the estate. If a widow waives her right to share in the partial distribution of her deceased husband's estate and even fails to resist another's claim on an application for partial distribution that he is the sole heir, yet she may apply to the Court for the statutory allowance of a reasonable amount for her temporary maintenance.

Pence & Pence and the other attorneys for Mrs. Craven intend to urge her claim for an allowance at once, so as to get, if they can, funds out of the estate for further legal warfare.

MRS. OELRICHS ILL AT THE OPERA.

While Attending a Performance of "Carmen" She Is Overcome.

NEW YORK, December 30.—While the second act of "Carmen" was rushing toward its close to-night in the Metropolitan Opera-house the attention of the audience was distracted from the stage by a commotion in Mrs. Joseph Stickney's box. Something unusual had occurred, that was sure, but after a few moments of craning of necks the audience returned once more to watch "Carmen."

Something had occurred, true enough. Mrs. Hermann Oelrichs had been taken ill suddenly. She tried to fight down her weakness, but just before the third act she had to give in. A cab was called hurriedly and she was taken to her home by Mrs. Charles Childs.

FINE SPORT FOR HUNTERS.

Weather Conditions Have Been Favorable and the Birds Plenty.

DUCK SHOOTERS have found the weather during the past week all that could be desired. The birds have worked into the marshes in increased numbers and big bags have been common. Canvasbacks are in evidence on all the principal preserves and have yielded good sport.

The best bags of the week were made in the Suisun country. A. M. Shields shot on the Pringle pond last Sunday and decorated his game strap with fifty canvasbacks. Big bags were made on the preserves of the Teal, Cordelia and Tule Belle Clubs. A fair proportion of "cans" fell to the gunners. Members of the Canvasback Club also enjoyed good shooting. They were outside the canvasback flight, but had no end of sport with birds of more modest quality.

Members of the Olympic Gun Club are now enjoying at Cordelia the best sport they have known since the opening of the season. On Christmas day H. E. Rose killed forty-seven birds, nearly all mallard and sprig. L. Titus picked up forty-one birds of equal quality. Dr. A. T. Derby enjoyed less success than his fellow-members, but made a comfortable bag. A big delegation of members is slated to shoot on the preserve to-morrow and Monday. Among those to shoot are W. D. McArthur, J. H. Fritch, R. H. Delafield, J. J. Wieland, H. E. Rose, H. B. Hosmer, L. W. Harpham, George Walker and H. L. Miller.

Canvasbacks figured largely in all the bags made last Wednesday on preserved ground near Suisun. Colonel Richard Eddy killed seventy-eight birds on one of the ponds of the Cordelia Club. Charles L. Fair and T. Kytka made a big killing on the Fair ponds between Teal and Cordelia. The two strings contained upward of eighty birds and of that number one-half were "cans."

During the week big bags have been made on the grounds of the Alameda Sportsmen's Club at McGill's on the Sonoma marsh. A large proportion of the birds killed have been canvasbacks.

Unpreserved ground in the same locality has also yielded good sport. Numerous good shooting points not under club control can be reached by the San Francisco and North Pacific Railroad. Unattached shooters have enjoyed their best success on the bay shore. Members of the Empire Gun Club made good bags last Sunday, both on the bay shore and club ponds. The Petaluma and Miramonte Clubs have had fair success on grounds which they control near Burdell's.

Shooting conditions along the south bay shore show a decided improvement. Excellent bags were made last Sunday at Mount Eden and Alvarado. H. Justins was at Willow lodge with Dr. F. J. Lane. A comfortable string of birds fell to the two guns.

A. Roos enjoyed good shooting last Sunday at San Pablo. Roos will spend tomorrow on the famous Pringle pond at Suisun as a guest of [illegible]. [illegible] Roos will shoot on the preserve of the Olympic Gun Club at Cordelia.

Geese are plentiful on the marshes. The duck hunter who longs for geese will do well to carry with him to his blind a few shells loaded with heavy shot.

Quail-shooting conditions remain unchanged. The birds are still reasonably plentiful about Point Reyes and elsewhere in Marin county. No big bags were made last Sunday at Point Reyes, but most of the gunners who tramped the hills returned [illegible].

A letter from Bakersfield states that the cold weather has driven thousands of quail down from the hills to the valley. [illegible] gunners who witness the opening of the season [illegible] birds to [illegible] good shooting [illegible] before or after the [illegible].

Snipe appeared last week in large numbers near [illegible]. [illegible] good sport [illegible].

THE POLICE COMMISSION.

Men Who Will Control the Guardians of the Peace Under the New Charter.

The Police Commission is composed of men whose names have been prominent in the commercial, professional, financial, political and social circles of the State for many years.

William Thomas, one of the Democratic members, is a partner in the celebrated law firm of Chickering, Thomas & Gregory. He is a native of Worcester, Mass., and is a graduate of the Harvard Law School. Mr. Thomas has lived in San Francisco for twenty-three years, and has never held a political office. He has been concerned in some of the most important litigation that has ever claimed the attention of the courts of the State. Mr. Thomas is known among lawyers as a hard worker, a cogent reasoner, and a man of reserved and studious habits.

William J. Biggy, the second Democratic Commissioner, has made an excellent record in public life as State Senator and as Registrar of Voters of San Francisco, to which position he was appointed by Governor Budd. Mr. Biggy has a high reputation for probity in both public and private affairs. He is Vice-President of the San Francisco Laundry Association.

George A. Newhall, a Republican, is a member of a family which has been prominent in the business, financial and social circles of San Francisco for many years. The Newhalls have been for a long time the mainstay of St. John's Presbyterian Church, which was on Post street years ago, and later on California street. One of the biggest ranches in Southern California is maintained by the family, in addition to their varied business and commercial interests here. George A. Newhall is prominently identified with the management of these properties. He has been President of the Olympic Club and of the Mercantile Library. The Chamber of Commerce has bestowed upon him the office of Vice-President. Not many months ago he made a tour of the Orient and delivered addresses before a number of commercial bodies in Japan and China.

Dr. W. F. McNutt, the second Republican Commissioner, has been for many years one of the leading physicians and surgeons of the country. Among his many responsible positions is that of Professor of the Principles and Practice of Medicine in the University of California. He is a man of broad attainments, and outside of his profession he has identified himself with the growth and progress of the city and State. Dr. McNutt is prominent in the councils of St. Andrews' Society. He was favorably spoken of as a candidate for Governor a number of years ago. This mention of him was made much against his own wishes. He has always been devoted to his profession, and never has felt the least desire to abandon it for other pursuits.

[illegible] as follows:

Public Works—Mendell, N. P.; Mahoney, R.; Manson, D.

Education—Denman, D.; Casserly, D.; Mark, R.; Kincaid, R.

Civil Service—Quinn, N. P.; Freud, R.; McCarthy, D.

Police—Biggy, D.; Thomas, D.; Newhall, R.; McNutt, R.

Fire—Mahoney, D.; Grady, D.; Hecht, R.; Watt, R.

Election—Deasy, D.; Greenblatt, D.; Kellogg, R.; Voorsanger, R.; Everett, Social Labor.

Park—Zeile, D.; Stanton, D.; McDonald, D.; Spreckels, R.; Lloyd, R.

Health—McCarthy, D.; Baum, D.; Hopkins, D.; Bazet, R.; Williamson, R.

In the thirty-three appointments made by the Mayor there are sixteen Democrats, fourteen Republicans, counting Mrs. Kincaid; two Non-Partisans and one member of the Social Labor party.

HOLLISTER GRAND JURY INOICTS MRS. MANSFIELO

She Is Accused of Writing Anonymous Letters to Her Neighbor, Mrs. Edward Conrad.

HOLLISTER, December 30.—The Grand Jury this morning returned three indictments for criminal libel against Mrs. B. F. Mansfield of this place for having sent anonymous letters to E. Vennor, Mrs. B. F. Scott and Mrs. A. Tonn, severely reflecting upon the character and standing of Mrs. Ed Conrad. Bench warrants were immediately ordered issued by Judge Harding and bail was fixed at $1000 on each indictment. Bail was furnished this afternoon by J. A. Schofield, Charles W. Wagner and John Webb. Next [illegible] at [illegible] o'clock the defendant will be arraigned.

Mrs. Mansfield treats the matter with the utmost scorn and indifference, and says she proposes to show her innocence in the affair in a conclusive manner. The scandal has created a great sensation in this community, as both parties are well known and have always been highly respected. The case will be set for trial about the latter part of January, and promises to be one of the most sensational ever known in this section of the State, as a number of prominent people are likely to be involved in the scandal. It is thought by many that a great mistake [illegible] made in indicting Mrs. Mansfield, and that other parties are the guilty [illegible].

POLICE PARADE OF SAN FRANCISCO.

OVER the streets which had echoed the tread of thousands of blue coated warriors marched the blue coated men of peace. It was the day of the annual police review and four hundred "coppers," as neat and shining as dandy guardsmen, were on parade. They handled rifles like veteran soldiers and looked so serious and awe-inspiring that the admiring small boy, keeping pace with the drum corps, promised himself that some day he, too, should be a policeman.

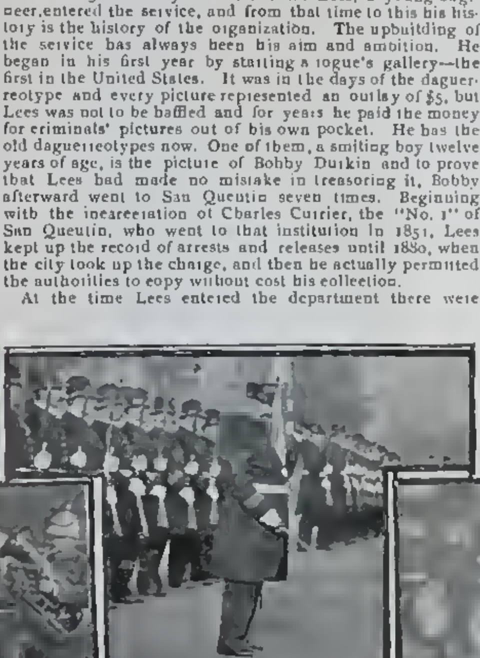
A great day for the Police Department was December 22d, for never have they appeared to better advantage. Every man in line seemed to have a pride in being there; it did not matter whether he was bestriding a steed, carrying a flag or beating a drum. Leading the van came the mounted men of the department, and then the Police Commissioners with their invited guest, Governor Gage. Beside the Executive rode R. J. Tobin, president of the Commission. In the next carriage were Commissioners M. A. Gunst and William Alvord. Then came Chief of Police I. W. Lees, who entered the service when the department was an infant, mounted on a spirited steed which he bestrode with the ease and grace of a dragoon. Beside him cantered his aide, Lieutenant Birdsall, a born policeman, for his father was a San Francisco policeman before him. A band of music, and then came Company A—the men from north of Market street—at the head of which rode Captain Wittman. Next came Company B—the men from the south side and the Potrero—headed by the veteran captain, John Spillane. Company D next—the men of the Mission—their commander, Captain Gillin, striding along with them. Next, Company C—the harbor police—at the head of which marched Captain Dunleavy, the veteran of the water front. The police drum corps and the patrol wagons brought up the rear.

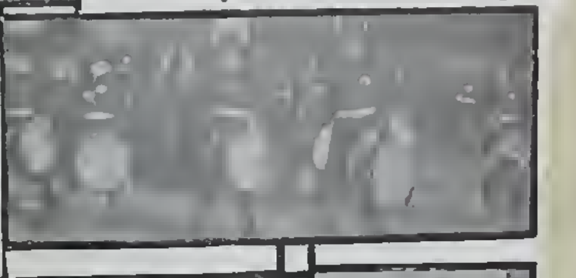
But the big officials were not the only interesting men in line. There were Sergeants Michael Joseph Conboy, policeman and comedian, and first-class in either role; and Sergeant Barney McManus, the two men who have the difficult task of preserving the peace of Tar Flat and adjacent neighborhoods; Sergeant Duncan, bailiff and flag-bearer, and dozens of others whose faces have been familiar to the San Francisco public for years. Nor were all the celebrities of the department in the pageant. Among those who did not take part were Captain Ben Bohen, chief of detectives; Captain John Seymour, guardian of the City Prison and Arnop Bainbridge, the man who remembers every arrested thief for thirty years back.

Among the many thousands who viewed the parade none were more impressed than the few who were pioneers of '49. They turned their minds back to the days when the police department was organized and the brig *Euphemia* was purchased as a prison ship. The father of Clay Greene, the dramatist, was then president of the Board of Aldermen. That was in 1851. Two years later I. W. Lees, a young engineer, entered the service, and from that time to this his history is the history of the organization. The upbuilding of the service has always been his aim and ambition. He began in his first year by starting a rogue's gallery—the first in the United States. It was in the days of the daguerreotype and every picture represented an outlay of $5, but Lees was not to be baffled and for years he paid the money for criminals' pictures out of his own pocket. He has the old daguerreotypes now. One of them, a smiling boy twelve years of age, is the picture of Bobby Durkin and to prove that Lees had made no mistake in treasoring it, Bobby afterward went to San Quentin seven times. Beginning with the incarceration of Charles Currier, the "No. 1" of San Quentin, who went to that institution in 1851, Lees kept up the record of arrests and releases until 1880, when the city took up the charge, and then he actually permitted the authorities to copy without cost his collection.

At the time Lees entered the department there were eighty-seven men on the police pay-roll, but after the turbulent spirits that disturbed San Francisco in those days had been brought under control, the force was gradually reduced until in 1862 it numbered but fifty four men. That was the low-water mark. Its growth since then can be best shown as follows: 1869, 104 men; 1876, 150; 1878, 329; 1883, 400; 1891, 456; 1895, 557; 1899, 573. The great increase from 1876 to 1878 was due to the sand-lot troubles. During all its years since 1862 there has been a steady, upward progress. With the constant growth in efficiency the police evoluted through various eras of dress reform, including one of gray suits and another of derby hats until they finally reached the sensible and servicable excellence of to-day. As at present instituted the department is one of the best and most efficient police organizations in the world. The credit of its excellence in various lines belongs to various persons. Its records are kept by expert bookkeepers, like Captain C. P. Wright, who as secretary of the Police Commission, has also charge of the pension fund. To Commissioner M. A. Gunst credit is due for some of the most successful innovations. It was Gunst who fought for covered patrol wagons, and went to the expense of purchasing one, presenting it to the city in order to prove that he was right. The gift wagon demonstrated the advantages of covered patrols and the system was adopted. Gunst also championed the helmet against the derby for head covering and after he had won his fight, time and the favor of artistic eyes proved the excellence of his judgment.

The police year begins on July 1st and ends June 30th. The latest records show 27 769 arrests to have been made in that period. Statistics prove that the San Francisco policeman has more work to do than his brothers of the other large cities of the country. San Francisco on June 30th of this year had one policeman to every 533 inhabitants. At the same time New York had one to every 315; Chicago one to 384, Philadelphia one to 399 and Boston one to 400. San Francisco being a seaport city, likely to be visited by the wandering criminals of the world, the lack of men is a serious disadvantage, which thus far has been overcome by constant vigilance and skillful management on the part of the head of the force. Under the new charter the condition is to be changed. Provision has been made for a number of additional officers, but it will require a year's time and the figures of the national census before the reform can be inaugurated. The new basis of allowance wil be one for every 500 inhabitants. Chief Lees believes that the census will show 400.000 residents of San Francisco. This would give 800 policemen, an increase of 228. At present broken hours are the rule—six hours one day and twelve the next. Under the new regime, however, it is expected that a system of eight hours will be adopted. Until then the lot of the policeman in San Francisco is not enviable. Never may he have a full night's sleep. If he is not on duty in the early half of the evening he goes on at midnight, and life is just one long grind of eat, sleep and walk the beat.





Just now the Police Department stands on the threshhold of an uncertain future. Chief of Police Lees, who has seen forty-six years of service, desires to fill out a half century of police work, but the political cards are being dealt out face downward and the trumps may lie in another hand. The composition of the new Police Commission will also have a great bearing on the future of the Department. As soon as procrastinating contractors complete the Hall of Justice the police headquarters will be moved to that building. With the change will be inaugurated the Bertillion system of identifying criminals. Under this system the nose, left foot, left forearm, ear, middle finger, little finger and other organs are measured. The measurements taken never change after a person passes the twentieth year, and because of that fact the system is held to be infallible. After being once established it will also prove economical, as in cases of sending descriptions to other cities it will only be necessary to telegraph a few figures. Chief Lees takes a great interest in this system, and is desirous of holding office long enough to see one of the ambitions of his life—an infallible identification bureau—put in successful operation in San Francisco.

The composition of the police force changes slowly and the next review will probably find nearly all of the men who marched so proudly last week again in uniform, but the question is: Who will be riding the fiery steed that annually caracoles at the head of the procession?

BEST MAN IN THE POLICE DEPARTMENT GOES OUT WITH THE OLD COMMISSION.

Chief Lees Is Retired Upon His Own Motion.

Is Still a Candidate for Honors Under New Charter.

Loyalty to Old Friends the Sole Motive for His Withdrawal.

His Record, His Character and His Ability Such as to Demand That He Be Chosen Once More.

AFTER forty-six years of continuous service, Chief of Police I. W. Lees was retired yesterday at his own request. The retirement, however, does not mean that this veteran official, whose record has never been equaled in the history of organized police the world over, may not again head the magnificent department which he has done so much to build up. On the contrary, he is a candidate for appointment under the new charter to the position which he has just vacated, and his legion of indorsers say that if merit and long years of faithful and brilliant service count for anything the coming week will again find him at the head of the department.

When the Board of Police Commissioners, with President R. J. Tobin presiding, met yesterday shortly before noon as a pension commission, Chief Lees appeared before it and announced that he wished to be retired on a pension. His written application, which was read to the Commission, was worded as follows:

To the Honorable the Board of Police Pension Fund Commissioners of the City and County of San Francisco—Gentlemen: I respectfully make this my application to be retired on a pension under the provisions of section 1 of an act of the Legislature of the State of California entitled, "An act to creat a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March [illegible], as amended by an act of the Legislature of the State of California, entitled "An act to amend an act entitled 'An act to create a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the States, approved March [illegible],'" approved March 2, [illegible].

I am over [illegible] years of age. I was born on the [illegible] day of November, [illegible], in Lancashire, England. I am and have been since the 6th day of April, [illegible], a resident of said city and county of San Francisco, and a citizen of said State of California and of the United States. I was duly appointed and sworn and qualified as a member of the regularly constituted Police Department of the city and county of San Francisco, State of California, on the [illegible] day of October, [illegible], and I have served for twenty years and more in the aggregate, to-wit: For more than forty-six years as a duly appointed and sworn and qualified member of the regularly constituted Police Department ... as ranking Lieutenant to preside over the Central Station.

Chief Lees attended to the various matters incident to turning over the control of the department to other hands. That duty performed, he made the following statement in response to an inquiry as to whether he was a candidate for reappointment:

"Not having resigned, but having been retired at my own request, I am at all times subject to the orders of the Police Commission. That body can restore me to the position if it sees fit to do so. I had a special reason for retiring at this time. For twenty-two years I have been connected with the present Board of Police Commissioners and I felt that when the men with whom I had so long been associated were not reappointed I, in all manliness, should go down with the ship. The Commission about to retire has made a splendid record. The personnel of the department shows that it has succeeded in getting together as fine a body of men as there is in the world, bar none. Without disparagement to any of the new appointees, I don't think it possible to get a better Board of Police Commissioners than the present one. The devotion to duty, the uniform treatment of the men and the strict enforcement of rules without unjust severity have distinguished the present Board, and it was by such methods that they succeeded in making the police force of to-day one of the most perfect in the world."

The retirement of Chief Lees was ...

... who have been promoted to its ranks by reason of superior conduct or heroic action while on the police force, and therefore it represents on all the most important factor in our Police Department by reason of the capable individuals composing it—a capability sustained by the record of the noble work performed by them.

Whatever may be said of other departments in our municipal government, our city can congratulate itself upon its Police Department, as being well equal to that of any city of the world, and if it were ably backed up by the Police Courts, and heed given to its demands as outlined by the Chief of Police in his annual reports, we could well feel that the suppression of crime and the protection of life and property is as secure here in this city as anywhere in the world. No greater argument in proof of this can be used, than the small percentage of crime as shown by the records of the Police Department of this city. Certainly then we must appreciate the able management of our Chief, I. W. Lees and his staff of officers and subordinates, and to him and them we extend every congratulation and hope that they may long continue to serve us as faithfully and efficiently in the future as they have in the past.

A recital of what Chief Lees has done for the department would fill volumes. He was appointed to the force in 1853, when the department was in its infancy, and from the day when he first put on a star he has devoted his great energy entirely to the work of building up the organization of which he was a member. Not only his energy, but large sums of his own money have been put into the work. When he was put at the head of the detective department forty-five years ago he inaugurated the sys- ... met William Gregg, a notorious robber. Gregg had a gun, but Lees, crippled and unarmed, grappled with him and after a desperate fight of more than half an hour disarmed and arrested the desperate fugitive.

Then there were the cases of Michael Leroy, who killed William Skerritt, Thomas Burns, who killed Charles T. Hill in order to get what proved to be an imitation diamond and the Rees diamond robbery, all worked out by Lees. Through Lees the Morgan-Casey gang of thieving deputies, who collected $10,000 on bogus poll-tax receipts, was broken up and the ringleaders were sent to prison. The scope of Lees' work in that case is made evident by the fact that he went to New York city and to Toronto, Canada, and brought back the plates from which the counterfeit receipts were made. He captured Martin, Patterson and Smith, who robbed the Chico stage of $65,000, he landed Jimmy Hope, the famous safe cracker, in prison for the Sather Bank robbery. It was Lees who caught Marion Hedgepeth, the Missouri train robber, and Joseph C. Duncan, the banker who stole $1,000,000. Duncan was preparing to leave the city and was disguised in woman's clothes at the time of his arrest. Then there is the Becker-Creegan bank forgery case, still familiar in the public mind; the never-to-be forgotten Durrant case, and lastly the Botkin affair, said by eminent criminologists to have been one of the most difficult cases known to modern police ...

PHELAN'S FIRST DEAL HAS BEEN COMPLETED

Chief of Police Lees Retires to Make Way for Esola.

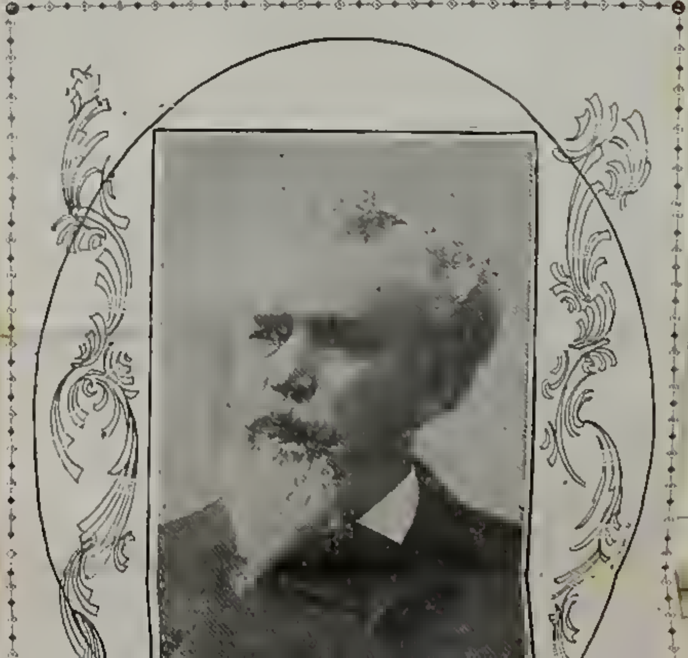
New Commissioners Must Now Carry Out the Contract Through Which They Received Appointment.

THE first sensation in the administration of new San Francisco has been sprung. Isaiah W Lees is no longer Chief of Police. He retired yesterday and his successor will be chosen by the new Police Commission. While the retirement of Chief Lees has the semblance of being voluntary, it is as a matter of fact compulsory. He was forced to give way to Frederick L. Esola, who will be elected at the first meeting of the new commission to take charge of the Police Department. This deal, which affects most materially one of the most important official departments of the city, was predicted by The Call two days ago.

The Police Commission was appointed by Mayor Phelan for the single pur- [illegible] connection with the Police Department was subordinated to this end. Candidates who might have shown some independence of action were sacrificed to those who were willing to pledge them-

The only member of the new commission who did not make an absolute promise to vote for Esola is George Newhall, but his course of action was never a matter of speculation to the friends of Esola. Mr. Newhall's experience in the Olympic Club stood him in good stead. He is an adept at fencing, and while he would give his questioners no definite answer he permitted them to understand that he was ready to obey the wish of the Mayor and knew what that wish was.

Even Mayor Phelan has shown a disposition to deny the deal by which Esola will be made Chief of Police. His denials are, however, as futile as those of the new Commissioners. The Call repeats that Mayor Phelan ap- [illegible] Commission simply would vote as they had been pledged to vote—for Esola. If the Mayor wishes the proof of this assertion he may have it for the asking. He had no alternative in the matter. He was forced to



GEORGE A. NEWHALL, POLICE COMMISSIONER.

W. J. BIGGY, POLICE COMMISSIONER.

ISAIAH W. LEES, RETIRING CHIEF OF POLICE.

selves to elevate Esola to the position he has long sought. The gentlemen who will direct police affairs under the charter were chosen simply because they gave their absolute promise that they would make Esola the successor of Lees.

Even Mayor Phelan gave way to the pressure that was brought upon him and changed the commission as he originally selected it to suit the ideas of those whom he accepted as his dictators. It was his first intention to make Reuben H. Lloyd a Police Commissioner to satisfy the demands of M. H. de Young. When the supporters of Esola learned this fact they voiced a protest and Mayor Phelan scratched the name of Reuben H. Lloyd from his list of eligibles. He had also decided to name D. I. Mahoney as one of the Police Commissioners, but Mr. Mahoney was not satisfactory to the friends of Esola and went the way of Lloyd. D. V. Kelly was also another choice of the Mayor, but fell before the Esola forces.

With one exception every member of the new commission, before he received his commission, gave his solemn, definite pledge to make Esola Chief of Police.

When The Call makes this assertion it knows what it is talking about.

There is now a disposition on the part of two members of the new commission to deny this fact, but the denials are futile. When William Thomas was informed that he might be appointed a Commissioner of Police he was forced to promise that he would make F. L. Esola Chief of Police. William J. Biggy and Dr. McNutt were compelled to make the same promise, and those that know these facts are at a loss to understand why these gentlemen, with the exception of Biggy, who admits his pledge, are now so vehement in their denials of their promises. Their friends have gone so far as to ask them if they have any reason to regret what they have done, or if they know anything that would make their election of Esola an impropriety.

appoint men who would elect Esola and these men must carry out their contract.

Chief Lees was not long in discovering this condition of affairs. He saw that his reign was over and rather than be thrown out by the new commission he determined to accept the privilege of the pension law and go voluntarily upon the retired list. Until ten days ago he believed that at least two members of the present commission would be chosen to serve upon the new board. If this had been done Chief Lees would have been retained in the position from which he has now retired. His friends declare that he believed it his duty to retire with the men with whom he has served so many years.

For nearly a quarter of a century he has served under two of the retiring commissioners. He believes that they have contributed the greatest part of the efficiency which has made the local police department one of the greatest in the nation. Since their services are no longer required he feels that he also should retire. He does not wish it to be understood, however, that he has resigned. He has simply gone upon the retired list and may be asked to return to active duty in the position which he has just left.

His letter to the Commissioners demonstrating this is as follows:

To the Honorable the Board of Police Pension Fund Commissioners of the City and County of San Francisco—Gentlemen: I respectfully make this my application to be retired on a pension under the provisions of section three (3) of an act of the Legislature of the State of California entitled "An act to create a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 4, 1889, as amended by an act of the Legislature of the State of California entitled "An act to amend an act entitled 'An act to create a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State, approved March 4, 1889,'" approved March 2, 1897.

I am over 60 years of age. I was born on the 25th day of November, 1830, in Lancashire, England. I am and have been since the 6th day of April, 1849, a resident of said city and county of San Francisco, and a citizen of said State of California and of the United States. I was duly appointed and sworn and qualified as a member of the regularly constituted Police Department of the city and county of San Francisco, State of California, on the 28th day of October, 1853; and I have served for twenty years and more in the aggregate, to-wit: For more than forty-six years as a duly appointed and sworn and qualified member of the regularly constituted Police Department of the said city and county of San Francisco, that is, I have served continuously as such duly appointed and sworn and qualified member of said regularly constituted Police Department of said city and county of San Francisco ever since my said appointment on October 28, 1853. I was duly appointed and sworn and qualified as assistant captain of police of and in said regularly constituted Police Department of said city and county on the 6th day of December, 1854; and I served as such duly appointed and sworn and qualified assistant captain of police from my said appointment as such captain of police until I was duly appointed and sworn and qualified as captain of police of and in the regularly constituted Police Department of said city and county, in July, 1857. I was duly appointed and sworn and qualified as captain of police of and in said regularly constituted Police Department of said city and county in July, 1857; and I served as such duly appointed and sworn and qualified captain of police from my said appointment as such captain of police until I was duly appointed and sworn and qualified as Chief of Police of and in said regularly constituted Police Department on the 7th day of April, 1897. I was duly appointed and sworn and qualified as Chief of Police of and in said regularly constituted Police Department of said city and county of the 7th day of April, 1897. I was duly appointed and sworn and qualified as Chief of Police of and in said regularly constituted Police Department of said city and county of San Francisco on the 6th day of December, 1897. Since my said appointment as such Chief of Police on the 7th day of April, 1897, I have served as such Chief of Police of and in said regularly constituted Police Department of said city and county of San Francisco, and I am now such Chief of Police. I do now hold and have held said rank of Chief of Police of and in said regularly constituted Police Department of said city and county of San Francisco ever since my said appointment as such Chief of Police on the 7th day of April, 1897. That it is fit, just and expedient that I, your applicant, should be so retired on a pension under said section 3, as amended.

With your kind permission I avail myself of this opportunity to tender to your honorable Board my heartfelt thanks for the kindness, esteem and courtesy that your honorable Board has uniformly shown to me.

Hoping that this application will receive your approval I am, with great esteem, your obedient servant. I. W. LEES.

With expressions of regret the Commission granted the Chief's request, President Tobin being visibly affected. The resolution of the retirement carried with it the usual half-pay pension, which in Chief Lees' case means a monthly allowance at the rate of $2000 a year, his salary as head of the department having been $4000.

The pension commission then proceeded to retire fourteen other members of the department, all but two being for disability. In each case an application for a pension had been filed previous to the meeting. Those retired are: Captain Cassius F. Wright, secretary to Chief Lees; Captain James F. Moran, property clerk; Sergeants Thomas Bethel, Thomas Flanders and Hugh Monaghan and Patrolmen Peter Coleman, Thomas H. Dillon, Joseph Doran, Joseph F. Murphy, Levi M. Benjamin, Benjamin F. Rathfon, Thomas Byrne, Maurice Behan and John Connolly.

After the work of the Pension Commission had been concluded the Board of Police Commissioners met in special session and selected R. J. Tobin to act as Chief of Police until the new Police Board elects some one to the vacant position. The first official business of acting Chief of Police Tobin was to send the following letter to Captain G. W. Wittman of the Central Station:

You are hereby detailed to attend at the office of the Chief of Police to act for me and in my name, place and stead during my absence from the office.

R. J. TOBIN, Acting Chief of Police.

A similar notice was sent to the various stations. Captain Wittman detailed Lieutenant John Martin to take command of the First division of Company A and Lieutenant George Birdsall

[...] have distinguished the present Board, and it was by such methods that they succeeded in making the police force of to-day one of the most perfect in the world."

The retirement of Chief Lees was made under the following section of the law creating a police relief, health and life insurance fund in the various counties, cities and towns of the State:

Whenever any person at the taking effect of this act, or thereafter, shall have been duly appointed or selected and sworn and have served for twenty years or more, in the aggregate as a member, in any capacity or any rank whatever, of the regularly constituted Police Department of any such county, city and county, city or town which may hereafter be subject to the provisions of this act, said Board may, if it see fit, order and direct that such person after becoming 60 years of age be retired from further service in such Police Department, and from the date of the making of such order the service of such person in such Police Department shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such a fund a yearly pension equal to one-half of the amount of salary attached to the rank which he may have held in said Police Department for the period of one year next preceding the date of such retirement.

It will be seen from the reading of the law quoted that disability had nothing whatever to do with the retirement of Chief Lees. His mind is quick and keen and he is in full possession of all his faculties. While other men have grown old and feeble in positions without responsibility he, with the burden of protecting the lives and property of the people of a great city resting upon him, has held fast to a strength of mind and body that has been the marvel of the detectives of the age. There were people who said that he had reached the limit of his powers in the Durrant case and that a decline would follow, but when the Botkin case startled the community a little more than a year ago he threw the vigor of a young man and the wisdom of a veteran into the work of tracking and bringing to justice a cunning poisoner. When he had finished the mystery had disappeared and the guilt of the offender had been made clear.

As to the ability of Chief Lees at the present time the Grand Jury which filed its report a few weeks ago has borne witness. In that body were Supervisor-elect R. M. Hotaling, Dr. W. J. Bryan, J. Bennett, W. S. Gage, W. A. Frederick, P. Derydeml, G. F. Gray, A. Jacobs, R. Kahn, J. F. Kennedy, A. Lilienfeld, J. P. McMurray, J. O'Leary, W. J. Ruddick, J. J. Ryan, J. T. Sullivan, W. Wright, J. F. Wulzen and J. C. Wolf. In their report these men had the following to say in relation to Chief Lees' management of the Police Department:

Let us first note the commendable economy that has marked the splendid administration of this department under its present Chief, I. W. Lees. As an assistance we would witness the fact of his having saved within the past year from the contingent fund committed to his care the sum of $2222.75, which balance reverted to the general fund of the treasury of the city. Furthermore, a large number of revolvers and rifles now in use by the Police Department were purchased out of the contingent funds of past years without having extra appropriations for that purpose. There are many minor instances that might be cited, which together with other matters in various branches of the Police Department, make us feel that Chief Lees is indeed the right man in the right place.

The system of keeping the books we found most excellent, all the work being characterized by great neatness and good penmanship. The practice of preserving a carefully indexed set of photographs of criminals was most commendable. The care and management of prison property, the method of keeping a record of all sentences, accounts and whatever else is involved in the criminal records of prisoners; in short, every detail of the management of the Police Department merits unqualified praise, and it is only a source of regret that more of our representative citizens do not look into the work of this department, so that a wider knowledge of its true excellence might be had and our citizens less inclined to try to fix the blame for the unfortunately frequent miscarriage of justice upon this excellent institution when the fault most palpably lies elsewhere.

The detective force is composed of men [...] to the work of building up the organization of which he was a member. Not only his energy, but large sums of his own money have been put into the work. When he was put at the head of the detective department forty-five years ago he inaugurated the system of photographing criminals. There was no fund for that purpose, and he drew on his own resources. That was in the time of daguerreotypes, and for every picture added to the collection $5 went out of the pocket of Captain Lees. Not another police department in the United States had a rogues' gallery, but he saw the great advantage of such a collection and he freely gave his money for the public good. After he had been collecting pictures at his own expense for several years other large cities adopted the system, and to-day every city of any importance has a collection of criminals' pictures.

It was Lees, also, who inaugurated the system of keeping records and descriptions of criminals. His records began with the first man who went to San Quentin. Three great volumes were filled, the work all being done at the expense of Lees. Those three books cost him $2500, and the city had the use of them without price. At last, in 1882, a contingent fund was provided for the use of the Police Department and the city began to pay for the keeping up of the books. The records compiled by Chief Lees run back to the days of the argonauts, yet they cost the city nothing. When the city took up the work of photographing criminals Lees allowed copies to be made of all the pictures of his collection, and the city did not have to pay for that. It was Lees who inaugurated and completed the most perfect system of criminal identification that exists, and though it is soon to be superseded by the Bertillon system, the change was not proposed because of any dissatisfaction, but because all great cities are adopting the Bertillon method, making it advisable for San Francisco to have a criminal identification system uniform with that of other great cities. The result of the work begun and carried on by Lees is that the local Police Department now has a collection of 40,000 pictures of criminals. In addition it has a description of every one of these criminals. Thirty-five hundred of the pictures are of law-breakers of other countries. The keeping of an indexed record of all Police Court cases was also brought about by Lees.

In point of police service no one has ever equaled the record of Lees. His forty-six years of thief-taking stands alone far in advance of the next best record. All over the world police officials look upon him as a master, a man who knew the business when they were but children and who has grown keener and wiser with every passing year. Of all the Chiefs of Police in the United States only one has served over thirty years against Lees' forty-six, and that is Roger O'Meara of Pittsburg, who has about thirty-five years to his credit.

The detective work of Lees would make a story more wonderful and absorbing than any ever told by the masters of criminal fiction. He has solved mystery after mystery. Sometimes the work took years. Dorsey and Patterson, who held up a stage near Nevada City and killed Banker Cummings, were brought to justice nine years afterward. The crime did not take place in Lees' domain, but he wanted those men and he never gave up seeking them. He caught Patterson in St. Louis and Dorsey in Union City, Ind. Dorsey had gained a reputation in Union City as a philanthropist and Lees had to fight off a mob to get his man.

Among the famous cases of early days handled successfully by Lees were the Edward Bonney murder case, the Thomas Chito vitriol-throwing case and the Michael Grant robbery. A few chippings from a burglar's chisel served to bring about Grant's downfall and he admitted his guilt after he had been convicted. In 1859, while arresting Cummings, who took part in the killing of William Lameete, Lees dislocated his ankle and for months had to use crutches. While still crippled he

[...]san bank forgery case, still familiar in the public mind; the never-to-be-forgotten Durrant case, and lastly the Botkin affair, said by eminent criminologists to have been one of the most difficult cases known to modern police annals.

There are thousands of cases in which Lees has distinguished himself. It is his work that has caused professional thieves from the East to give San Francisco a wide berth. He has made the city better by keeping the criminal element in check and it is that which has won him the confidence of its people. No class recognizes the merits of Lees more than the business men and they, in common with the great majority of the people of San Francisco, are anxious to have him resume charge of the Police Department. The policemen on the beats, the detectives, the subordinate police officials, all have confidence in Lees and his permanent retirement from the department might mean a lessening of the efficiency of the department. No man has stood more loyally by his men, and it is this more than any other thing that has made the San Francisco force the perfect organization that it is to-day.

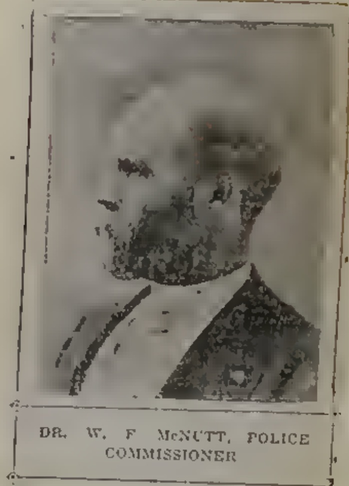
That the esteem in which Lees holds the Police Commissioners is mutual was amply shown last night, when two of the Board, Alvord and Tobin, told what they thought of the retiring Chief:

"I fear," said R. J. Tobin, president of the Board of Police Commissioners, "that the retirement of I. W. Lees from the administration of the Police Department will prove a misfortune to the city of San Francisco. In my opinion it will be many years before his peer is found. The best that can be wished is that the department will be continued under the new administration as efficiently as it is when it is turned over to them. When Lees assumed the duties of Chief of Police he found the department to be one of the best if not the best in the world and he has certainly kept it up to that high standard. He has labored constantly for the betterment of the department, and this, together with his ability as an administrative officer, has contributed to his success. I consider him second to none in the world as an officer, and the city was indeed fortunate in having such a man to administer its police affairs. In fact, his reputation is worldwide. San Francisco has had two men who have given her the best police administrations that she has ever had. They are Crowley and Lees.

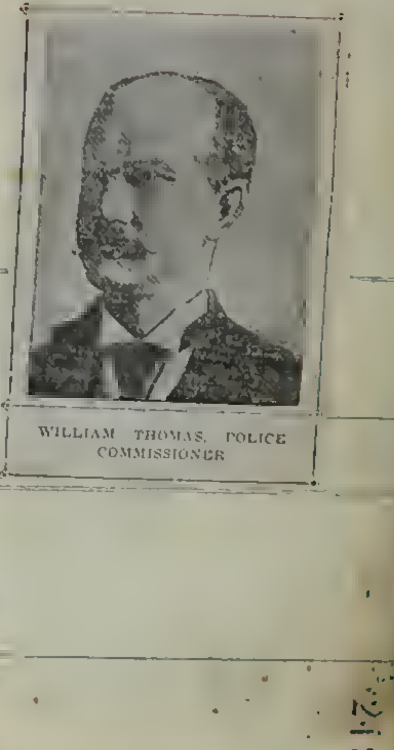
"As to the honesty of Lees there is not the slightest question. His integrity is of the highest and I believe that he was always honest and just in his administration of that department. To me there was something very pathetic about his retirement to-day. It seemed like the breaking up of an old family. Lees is moral, honest, sober and able. What more could be said of any man?"

"I consider Chief Lees the best man in the San Francisco Police Department," said Police Commissioner William Alvord. "We considered him so when we appointed him to succeed Crowley, and he has done nothing to cause us to change that estimate. He has conducted the department in a manner which has been highly satisfactory to myself as a Police Commissioner, and I believe to my colleagues as well. It has often been the case where a man once elected to that office manages one way or another to pull through, but it was not so with Lees. He was thoroughly familiar with the department and he conducted it as he thought right and without the assistance of any power behind the throne.

"There is now no better man on the local Police Department than Chief Lees, and if the new Commission is in search of one they will have to look for him outside of the department. It was his ambition to have served fifty years with the police of this city, and I also had hoped that his wish would be gratified, and I am sorry that he is no longer at the head of the local police."



DR. W. F. McNUTT, POLICE COMMISSIONER



WILLIAM THOMAS, POLICE COMMISSIONER

THAT LEAK

In the Office of "Acting" Chief of Police Biggy.

Serious charges have been filed by "Acting Chief" Biggy against Otto Heyneman, the stenographer in the office of Chief of Police. He is accused of betraying secrets of the "upper office" and will be tried by the Police Commission at a meeting next Tuesday night.

Heyneman denies the charges, and Reuben Lloyd, who stood his sponsor at the time of his appointment to the force, is preparing his defense. Acting Chief Biggy refuses to make public the specific charges, contenting himself with stating that charges of the character mentioned have been made against Heyneman. Biggy also admits that another member of the "upper office" is under suspicion, and that the leaking of State secrets must be stopped. For some time information, important in certain quarters, has leaked out. The "Acting Chief" had the matter called forcibly to his attention by a merchant informing him that a certain employe in his office had offered to "tip off" official secrets for $10 per month.

Friends of Heyneman are convinced that an injustice is being done the young officer, on whom up to the present not a breath of suspicion has ever breathed.

Heyneman denies the charges in toto. "There is not a word of truth in the charges as filed by Mr. Biggy," he said. "I am willing and anxious that the Commissioners shall make the fullest investigation of the charges. I shall insist on an open trial and am confident that I will be fully exonerated."

LEES RETIRES FROM THE POLICE SERVICE

COMMISSIONER ROBERT J. TOBIN, WHO HAS TEMPORARILY ASSUMED COMMAND OF THE POLICE DEPARTMENT.

ISAIAH W. LEES was yesterday retired, at his own request, from the office of Chief of Police and was placed on the pension list at $2,000 a year, or half his former salary. The order went into immediate effect.

In the morning Attorney Louderback visited members of the board and asked them if they would vote to retain Lees on half-pay. The answer was that they would and the attorney then stated that the petition would be presented.

With Lees were retired these other members of the department, each on half-pay pension:

NAME.	RANK.	MONTHLY PENSION.
Carolus P. Wright	Clerk to Chief	175 00
James F. Moran	Property Clerk	75 00
Hugh Monaghan	Sergeant	62 50
Thomas Flanders	Sergeant	62 50
Thomas Bethel	Sergeant	62 50
Joseph Dolan	Patrolman	50 00
Joseph F. Murphy	Patrolman	50 00
Levi M. Benjamin	Patrolman	50 00
Benjamin Bathlon	Patrolman	50 00
Thomas Byrne	Patrolman	50 00
Maurice Behan	Patrolman	50 00
John Connolly	Patrolman	50 00
Thomas H. Dillon	Patrolman	50 00
Peter Coleman	Patrolman	50 00

All the retirements were made on voluntary application. Dillon and Coleman had reached the age limit—sixty years—and the others were retired on account of physical disability. Captain Wright, who is secretary to the Police Commission, as well as clerk in the Chief's office, will remain on duty until Friday. The other retirements were dated from December 31, 1899.

The fifteen applications for retirement were presented at 12 o'clock yesterday, when the Police Commissioners held a meeting as a Board of Police Pension Fund Commissioners. No public announcement had been made of the meeting, and even in the department there was nothing known of the retirements until the board had adjourned at 1:30 o'clock.

After meeting as a pension board, the members resolved themselves back into the Police Commission and turned the active management of the department over to Commissioner Robert J. Tobin. An hour later Mr. Tobin deputized Captain George W. Wittman to act for him, sending a copy of the following notice to each of the captains:

SAN FRANCISCO, January 2, 1900.

Office of the Chief of Police.

Captain George W. Wittman—Sir: You are hereby detailed to attend at the office of the Chief of Police and to act for me and in my name, place and stead during my absence from the office.

Respectfully, ROBERT J. TOBIN.

The formal application made by Acting Chief Lees for retirement recites the facts that he was born in Lancashire, England, November 25, 1830, and is therefore over sixty-nine years old; that he has been a resident of San Francisco since April 6, 1849, that he became a policeman on October 28, 1853; that he was appointed assistant captain on December 6, 1854, that he became captain in July, 1857; that he was made Chief on April 7, 1897. In addition he thanked the Commissioners for their courtesy to him in the past.

The Commissioners formally found Lees' statement of facts to be true and then decreed:

Now, therefore, it is, on this 2d day of January, A. D. 1900, ordered and directed, and this, the Board of Police Pension Fund Commissioners of the City and County of San Francisco, hereby orders and directs that said I. W. Lees be, and he is hereby, retired on a pension from further service in the police department of the City and County of San Francisco, State of California, as provided in Section 3 of said Act of the Legislature of the State of California, approved March 4, 1889, as amended as aforesaid; and that said I. W. Lees, hereafter, and during his lifetime, be paid from the Police Relief and Pension Fund of the police department of the aforesaid City and County of San Francisco, a yearly pension equal to one-half of the amount of salary attached to the rank of Chief of Police which he, the said I. W. Lees, held as aforesaid in the said police department for the period of one year next preceding the date of his retirement.

Lees retires from the Police Department one of the wealthiest men in the city. In a statement that had been prepared for him and which he handed to the press yesterday afternoon the former Chief states that after forty-six years of service to the city, upon which he started with a private capital of $25,000, and during which time he spent for the city of his own funds many thousand dollars more than his entire income from his salary, he retires to private life a rich man. The one item of pictures of criminals Lees says cost him $100,000 out of his private fortune, while the money he has spent in other directions without hope of reimbursement aggregates many thousands of dollars more. The former Chief does not make public the exact amount of his wealth. He does not even approximate it. But real estate men who have placed valuations upon his holdings, and capitalists who are familiar with his investments in other fields of speculation, have stated that he is worth an immense sum.

By way of explaining the seeming inconsistencies in his statement the former Chief says that he has made money in real estate investments, and adds, quoting his language literally, "and all that I ever paid for real estate was $10,080. I have paid more for taxes than I have ever got out of the city." Lees explains, perhaps by way of showing that he was capable of making shrewd investments, that before he became a member of the Police Department he loaned money at a profit to Nicholas Luning and James M. Donahue. The money they paid him was part of the $25,000 he had when he became a policeman. Details of the loans are not given.

Lees, who is now in his seventieth year, has the distinction of the longest unbroken police service on record in the United States. Chief O'Meara of Pittsburgh, who has served thirty-five years, is second.

The former Chief has, of course, been identified with most of the prominent criminal cases in the history of San Francisco. Among these he mentions the Bonney and Buron murder convictions in the early years; the stage robbery near Nevada City and the murder of Banker Cummings, for which Patterson was hanged and Dorsey was sent to prison for life—the offenders having been captured nine years after the murder; the Thomas Chile vitriol case; the famous Casey poll-tax forgeries, and the Joseph C. Duncan bank wrecking.

Well known as a collector of books, Lees has a library that contains a great number of rare books and is in many respects the most remarkable on this Coast. He has been accumulating photographs and historical curios since 1849. Many of these curios were at the City Hall and the veteran policeman was busy yesterday in packing up and removing them. Among the souvenirs found in a desk was a horseshoe, once worn by Occident, which had been presented by Senator Stanford.

The candidates being considered are Captain Spillane, Captain Wittman, Captain Dunleavy and Lieutenant Esola.

The Police Commissioners will hold a meeting at 8 o'clock this evening.

DUST OF A RESTAURANT CLINGS TO HIS ERMINE

Citizens of Oakland Deprecate Police Judge Smith's Act.

Clashing Statements of Principals in the "Crap Game" Scandal May Lead to a Sensational Climax.

"CRAP" GAMESTERS ENTERTAINING JUDGE SMITH.

THERE were eight persons arrested late at night for engaging in an alleged unlawful gambling game, and upon request of one of the attorneys of the persons so charged I left my residence in order to accept bail and bonds for their release. This I considered my duty, and it is not exceptional, but has often been done by me before. After the official duty of releasing the defendants had been accomplished, I was invited by Attorney Harry Pulcifer, a personal friend of mine, to partake of some slight refreshment at the restaurant on Eleventh street.

While there some of the persons charged with gambling came in, without my knowledge or connivance, and, it being a public place, had as much right there as I had.

There was no conversation held of the least impropriety. These persons were jointly charged and demanded separate trials, and each demanded a jury trial. This should be sufficient to show that the persons so charged did not have any abiding faith that if their cases were left to my judgment a judgment of not guilty would be rendered.

I will also add that the defendant Deacon, the first of these persons tried, was found guilty by a jury; that I refused a new trial and fined the defendant $100 with an alternative of fifty days in jail.

I will also add that before I arrived on the night in question to accept bail, the Police Department had fixed the bail at $30, which several defendants gave before I arrived, but upon my arrival I fixed the bail for the defendants still in custody at $100, and they gave bonds in such sum.

While the article found in The Call makes no direct charge of corruption against me, it would seem that the hope is indulged that the public will draw such an inference. This is a great injustice to me, and I make this statement of facts from which every impartial mind will at once see there was no impropriety in my conduct, and that no act or word was spoken inconsistent with the performance of my whole duty. MORTIMER SMITH.

Oakland, January 5, 1900.

POLICE JUDGE MORTIMER SMITH of Oakland evidently looks upon the publication of his act in supping with two "crap" players as a huge joke. Not taking into consideration his Honor's choice of associates, the impropriety of pandering to the whims of the gustatory nerve in the company of men upon whose alleged crimes he was afterward supposed to sit in judgment hardly seems to have struck him with the force of the proverbial ton of brick.

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Deacon a new trial, though I doubt not we could get a new trial by appealing to the Superior Court on the ground of insufficiency of evidence. Deacon could have been granted a new trial and nothing would have been said except by the police, who made out a bad technical case and feel disgruntled accordingly."

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ACCUSE TAX COLLECTOR

Two of Sheehan's Former Clerks Make Their Affidavits.

CHARGES MADE AGAINST CHIEF DEPUTY ALSO.

JAMES D. WISEMAN AND HIRAM P. GOLDSTEIN TELL A STORY OF FRAUD.

Warrants Said to Have Been Made Out in Favor of Men Who Never Worked in the Office.

The frequent and persistent rumors of illegal assessments and dummy warrants against the treasury and various other kinds of malfeasance in the Tax Collector's office assumed tangible shape yesterday. Affidavits were sworn to before a notary by two clerks of the Tax Collector's office making specific charges of criminal acts perpetrated by the chief deputy in the office, with the connivance of Tax Collector Sheehan, whose signature was attached to a fraudulent warrant.

It has long been an open secret in the City Hall that the Tax Collector's office was the asylum and dumping ground for petty politicians, who were there merely for the purpose of drawing their salaries, that they hypothecated their demands long before they were due, signed and swore to any demand their superior asked them to. The office was notorious for the numerous and frequent assessments levied upon the employes, upon one pretense or another, for tokens, in the shape of jewels or coin to be presented to the Tax Collector or some favorite of his, without the slightest cause or provocation.

The office became more notorious than had been the case with any other municipal department during corrupt boss rule. It was a well-known fact that men drew salaries who had not worked in the office, and that warrants were drawn for persons who had never been seen on the premises, and some deputy was coerced to impersonate these fictitious people, swear to the correctness of the warrant and allow the chief deputy to draw the money. The business of the office was conducted in a slip-shod way, and the condition of the books was "a disgrace to the city," said Deputy Auditor Don Leary.

When Sheehan assumed office two suits were filed against him for violation of the purity of election law, to deprive him of the office and have a fine imposed upon him. He compromised these suits by giving patronage to his accusers. He had been in office but a short time, when he laid plans for a second term, and the levying of assessments on his clerks and deputies commenced. He failed to secure the nomination at the hands of the Republican Convention, but nothing daunted, he conceived some scheme by which he might hold on to the place a while longer, meanwhile squeezing assessments out of his deputies and collecting demands for people who did not exist, until some of his deputies became exasperated at his rapacity and rebelled. They threatened exposure of the rascally practice in vogue in the office, and were dismissed for their daring. Two of these deputies, who had been employed in the office but since discharged, James D. Wiseman and Hiram P. Goldstein, yesterday told of some of the dubious transactions into which the chief deputy tried to draw them, but which were too shady for even a moment's consideration, and made affidavit to one particular fraud of which both had positive knowledge, this transaction being but a sample of what was the usual practice in the Tax Office.

The following, omitting only the legal verbiage and frequent repetitions, is the affidavit of James D. Wiseman, corroborated by Hiram P. Goldstein and sworn to before Notary W. T. Hess:

James D. Wiseman, being duly sworn, deposes and says that he is a duly qualified elector, resides at 1655 Howard street, and has been a resident of San Francisco for thirty-eight years; that he is a clerk and accountant, and was employed in the office of Tax Collector Sheehan in April, 1899, that on April 21, 1899, P. J. Hagan, Sheehan's chief deputy, asked Wiseman to go up stairs to the office of the Board of Supervisors and swear to a demand for $100 for services as clerk in the office of the Tax Collector for the month of April, 1899, made out in favor of Edwin Chapman and purporting to be for services rendered by said Edwin Chapman during the month of April, 1899. The demand was signed Edwin Chapman, and the address was given as 318 Twenty-sixth street, San Francisco. Wiseman declined to swear to the warrant or to impersonate Chapman, and told Hagan that he had just been to the rooms of the Supervisors and had sworn to his own demand for services rendered in the Tax Office, and besides that it would not do for him to appear and swear in the name of Edwin Chapman because he (Wiseman) was well known to the employes of the Board of Supervisors and to most persons employed in the City Hall, having been employed in the several offices for a number of years. The demand which Hagan wanted Wiseman to swear to had been approved by and bore the signature of Edward I. Sheehan, Tax Collector, in Sheehan's own handwriting, which is familiar to Wiseman. Hagan said to Wiseman that was all right, and got some one else to swear to the demand.

During the month of April no such person as Chapman, or any such like name worked in the office of the Tax Collector. Wiseman was continuously employed in that office during April and knew all the clerks and employes, and knows personally that no such person as Edwin Chapman worked or was employed in that office during the month nor at any time [in] the month of November or December. After being threatened with dis[...]

"CRAP" GAMESTERS ENTERTAINING JUDGE SMITH.

THERE were eight persons arrested late at night for engaging in an alleged unlawful gambling game, and upon request of one of the attorneys of the persons so charged I left my residence in order to accept bail and bonds for their release. This I considered my duty, and it is not exceptional, but has often been done by me before. After the official duty of releasing the defendants had been accomplished, I was invited by Attorney Harry Pulcifer, a personal friend of mine, to partake of some slight refreshment at the restaurant on Eleventh street.

While there some of the persons charged with gambling came in, without my knowledge or connivance, and, it being a public place, had as much right there as I had.

There was no conversation held of the least impropriety. These persons were jointly charged and demanded separate trials, and each demanded a jury trial. This should be sufficient to show that the persons so charged did not have any abiding faith that if their cases were left to my judgment a judgment of not guilty would be rendered.

I will also add that the defendant Deacon, the first of these persons tried, was found guilty by a jury; that I refused a new trial and fined the defendant $100 with an alternative of fifty days in jail.

I will also add that before I arrived on the night in question to accept bail, the Police Department had fixed the bail at $30, which several defendants gave before I arrived, but upon my arrival I fixed the bail for the defendants still in custody at $100, and they gave bonds in such sum.

While the article found in The Call makes no direct charge of corruption against me, it would seem that the hope is indulged that the public will draw such an inference. This is a great injustice to me, and I make this statement of facts from which every impartial mind will at once see there was no impropriety in my conduct, and that no act or word was spoken inconsistent with the performance of my whole duty. MORTIMER SMITH.

Oakland, January 6, 1900.

POLICE JUDGE MORTIMER SMITH of Oakland evidently looks upon the publication of his act in supping with two "crap" players as a huge joke. Not taking into consideration his Honor's choice of associates, the impropriety of pandering to the whims of the gustatory nerve in the company of men upon whose alleged crimes he was afterward supposed to sit in judgment hardly seems to have struck him with the force of the proverbial ton of brick.

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Harry Pulcifer, the attorney in the case, is inclined to look upon the situation as serious. He was so exceedingly cautious about being quoted that as he gave forth each sentence for publication he jotted it down in shorthand upon a sheet of paper placed before him, though freely admitting that all had dined at the same table.

"The Judge and I are good friends," he said, "and I have been out to supper with him many times before. The night of the arrest, December 17, Joe Rosenberg and Max Koenig, one of the bondsmen, went out with me to see him. Cash bail had been given for all of the men arrested but two, and our idea was to get Judge Smith to approve the bonds of these two.

"We all went to the courthouse, where the bonds were approved and filed. The other two then departed and the Judge went with me to the restaurant at my suggestion. We did not expect to see either Rosenberg or Big Richardson there and the case had been dismissed from my mind. It seems that the same idea occurred to the other two and we found them at the restaurant when we got there.

"The subject of the arrests did come up at the restaurant, I believe, but the Judge said nothing of a compromising nature. It is natural for a defendant's lawyer to make out as strong a case for his client as possible, and I suppose I did so to the Judge. For this reason it was proper for him to say that if I represented things correctly no case existed and the men would escape conviction. It was a mere innocent remark on his part, and his fairness is shown by his conviction of Deacon, whom he fined $100. He also refused Deacon a new trial, though I doubt not we could get a new trial by appealing to the Superior Court on the ground of insufficiency of evidence. Deacon could have been granted a new trial and nothing would have been said except by the police, who made out a bad technical case and feel disgruntled accordingly."

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Wiseman believes that Sheehan and Hagan hunted up a man who went under the name of E. Chapman and whom they employed during November or December, presumably for the purpose of forestalling the disclosure which Wiseman had threatened Hagan that he was about to make in the month of October.

The warrant which Hagan has asked Wiseman to falsely swear to was sworn to by some other person unknown to Wiseman, on the same day, was duly audited in its course and paid by the City and County Treasurer and bears No. 12,765. It came into the hands of Iller & Hegrosburger, purporting to have been assigned to them by Chapman. Wiseman took pains to investigate the existence of Edwin Chapman and found that no person of that name resided at 318 Twenty-sixth street, but found that a person by the name of John Edward Mayne Young Chapman did, on June 7, 189-, register in the office of the Registrar of Voters from 2318 Twenty-sixth street. The warrant is signed Edwin Chapman; the affidavit in the registration office is signed John Edward Mayne Young Chapman, and the handwriting of the two signatures is dissimilar and not at all alike. The person who registered is described in the affidavit of registration as having three fingers off his right hand, and no person having three fingers off his right hand was ever employed during the month of April, 1899, in the office of the Tax Collector.

About the month of October or November affiant had a conversation with said P. J. Hagan in which reference was made to the matters above stated, and said P. J. Hagan admitted to this affiant that he had asked him to swear falsely to said demand. This was two or three days after a presentation by the deputies and clerks of the Tax Collector's office to the Tax Collector of a bejeweled snuffbox and $25 in cash had been raised by assessment upon deputies and clerks of the office. Affiant believes that investigation will disclose many other transactions of the same character.

Hiram P. Goldstein was sworn and deposed that he was a clerk in the office of Edward J. Sheehan, Tax Collector, during the month of April, 1899, that no person named Edwin Chapman and no person having three fingers off his right hand worked in said office during that month; that J. H. Wiseman told affiant the matters above stated at the time that they occurred and affiant examined the warrant in the office of the Auditor and found the facts to be as stated in said Wiseman, so far as affiant can ascertain.

POLICE SEEK ARMY WOMAN

Warrant for Arrest of Chaplain Swift's Wife.

MANY CITY HOUSES WERE VICTIMIZED.

FORGED REQUESTS FOR MONEY SENT TO ALCATRAZ ISLAND.

Military Authorities Have Cabled to Husband at Manila—Wife is Staying at the Palace Hotel.

A prison cell awaits Mrs. M. A. Swift, wife of Chaplain Swift of the Thirteenth United States Infantry. Yesterday a warrant was sworn out for her arrest on the charge of obtaining goods and money under false pretenses. When apprehended it is possible that a more serious charge may be made, since she stands accused of having uttered a forged check. Moreover, the similarity between her handwriting and that of the name signed to the check is regarded as more than a coincidence.

Investigation has demonstrated to those interested that the person who passed the forged piece of paper upon the firm of Mangrum & Otter was, in reality, the wife of the chaplain. Why she should be guilty of such an act is a mystery to her friends, who declare that she cannot be in her right mind, or else that at the time she was under the influence of a drug which she is known to use.

It was upon the advice of Detective Cody that A. S. Mangrum swore to the warrant yesterday before Police Judge Cabaniss. The accusations relate to the purchase by the woman on January 8th of hardware valued at $14 75, for which she presented a forged check for $30 in payment, receiving $15 25 in change. Now that the matter has been made public there are other merchants who recall similar dealings with the wife of the chaplain. Among the stores where it is said she bought goods and either failed to pay or presented checks signed with her husband's name are mentioned Smith's Cash Store, Goldberg, Bowen & Co., Spreckels' Market, a fur store on Grant avenue and a Market-street wholesale grocery firm.

Mangrum & Otter are the first, however, to make complaint.

The scandal has caused a sensation in Army circles, and efforts are being made to straighten matters out before an arrest is made. Already a cable has been sent to Chaplain Swift and other correspondence has been prepared to be forwarded by mail. At Alcatraz Island, where was stationed for a time the chaplain before his departure to Manila, his wife and her eccentricities are well known. After her return from the Philippines General Shafter issued an order that she be assigned to quarters on the island, as she desired. Mrs. Swift called there once, but did not ask for apartments, and so none were allotted to her. However she had numbers of packages sent to the post addressed to her.

Captain Leeds, Post ... and keeper of the light on the island, is open in his belief that the woman is unbalanced or willfully criminal. On September 30th he received a letter purporting to have been written by Chaplain Swift, from Manila, but which, he believes, was written by Mrs. Swift in San Francisco. This letter urged the Captain to advance to Mrs. Swift a sum between $50 and $150, so that she could go to Manila. The wording and the writing were so different from the chaplain's that Leeds started an investigation. Mrs. Swift called and asked whether the Captain had heard from her husband. Though the letter had been received Leeds answered in the negative, realizing that something was wrong. Mrs. Swift's actions and repeated questioning strengthened Leeds' belief that she had written the letter herself as part of a scheme to get money from him. It is a pertinent fact that the same hand which wrote this letter signed the check which has been pronounced a forgery.

When what seemed to be a plain case of duplicity was made known to some of the officers, they produced letters purporting to have come from the chaplain, all asking for money, worded in the same style and in the same handwriting as the one received by Captain Leeds. Since the discovery the officers say the woman has not been seen on the island.

About this time Mrs. Swift gave it out that she was going to Manila, and instructed the Postmaster to forward her mail to her husband. This was done. Among the letters were a number bearing the names of prominent San Francisco firms, from which, it is supposed, Mrs. Swift obtained goods. A few of the more recent Postmaster Leeds has forwarded to Army headquarters here, among the number being one from Smith's Cash Store.

Since leaving the island Mrs. Swift has lived in a number of places, but of late has been staying at the Palace Hotel. There is nothing in the room but a few necessary articles of wearing apparel, besides the furniture. Yesterday she left early in the morning and remained away all day and until late that night. The condition of the room suggested a hasty departure.

Mrs. Swift returned to her rooms at the Palace at a late hour last evening. She affected surprise at the insinuation that she had signed her husband's name to checks, though later she admitted that she had done so in the past, though with the chaplain's permission.

"The check for $30 which I gave to the hardware firm was sent to me by my husband on the day I reached Manila, as he did not know that I was coming," she asserted in explanation of the fact that the check was dated November 29th, at which time she was in Manila. "I did not get it until I returned here. I did not sign my husband's name to the check, though I have done so in the past and he knew that I did. I have cashed a number of checks in San Francisco which I have received from him. It might be that my son, who is with Chaplain Swift in Manila, signed that particular check, for I do not recall the signature. It might be that I am suspected of signing it because my handwriting is so similar to the chaplain's that few people can tell the writing apart, but I did not write his name. The only thing I can do is to deny that I am guilty of any crime."

Mrs. Swift was extremely nervous. Though she said that her son might have signed the piece of paper, she admitted later that he was prostrated in Manila from sunstroke. With reference to the letter sent to Captain Leeds and others of the Army post, which those who claim to know say were presumably written by her, Mrs. Swift merely states that they were penned by her husband and that he had informed her by letter that he had written.

The amount of the loss sustained by local firms will be made good by Army officers, if not by the chaplain. In Army circles there is a general feeling of sympathy for the chaplain, for he is recognized as a brave and worthy man. During the yellow fever epidemic in Cuba he volunteered for service in the hospitals, and when the Spanish war was ended he was among the first to volunteer for duty in the Philippines.

General Shafter, in speaking of the matter, asserted that as far back as the Cuban campaign he was informed that Mrs. Swift was at times not exactly right mentally and that the chaplain had suffered much mental distress on account of her actions. Of late information of a similar character has been received by officers here.

SAYS THE WILL IS A FORGERY

Expert Kytka Emphatic In His Declarations.

FRANKLIN FULLER'S TESTIMONY

J. B. Swearingen Recalled, and the Plaintiffs Close Their Case—The Trial Will Probably Occupy Two Days More.

Special to the ENTERPRISE.

ORVILLE, Dec. 9.—When court opened at 10 o'clock this morning, the court-room was already crowded to its utmost capacity. The contestants again put Expert Kytka upon the stand, and he concluded his testimony, which he commenced yesterday afternoon. Kytka is very positive and abrupt in his statements, and his manner of testifying would lead one to infer that he knows what he is talking about. He says that the will was not written or signed by the person who wrote the letters which are known to be Alfred Fuller's and in which his signature is admitted to be genuine. He had several large photographs of the will and gave a very lucid demonstration from his charts of why the signature to the will could not be genuine.

Franklin Fuller, who is a nephew and one of the heirs of Alfred Fuller, then took the stand, and stated that he knew Emillien Fuller and Alfred Fuller in Ohio, and that they were his uncles. He last heard of Emillien Fuller living in California.

Alfred Fuller first lived in Ohio, then emigrated to Illinois, and later moved to California and settled in Tuolumne county. Witness heard, by means of a paper sent to him by a friend, of Emillien Fuller's death. He afterwards received a letter, stating that his mother was an heir of Emillien Fuller. The money was sent to Attorney-in-fact Searls in Ohio. Witness received part of the money from the Emillien Fuller estate while Alfred Fuller was administrator of the estate. He also received some of the money from Richard White, after the death of Alfred Fuller.

Witness stated that he (witness) was born out of lawful wedlock and never knew his father. He was born in the State of Ohio. During the early part of her life his mother was an incompetent person.

The defense then re-called J. B. Swearingen for re-cross-examination and questioned him regarding his previous testimony given to the Grand Jury. When asked why he offered his testimony to the matter, he said that he would be damned if he would allow them to send Carmack to prison when he knew that he was innocent. He had heard that Carmack was about to get into trouble and that Mrs. Housworth had charged him with having demanded $3000 to produce the will which he had received through the mails, and that rather than to see him in trouble over the matter, he concluded that he would tell what he knew about the will and did testify before the Grand Jury.

The plaintiffs then closed their case, and the defense made their opening statement.

On the part of the defendant, the first witness was T. J. Hindman, who first saw Fuller in 1896, when he (Hindman) came back from a trip. He had a conversation with Fuller on the street and Fuller said that he had been sick and would have starved to death had it not been for Mrs. Housworth; that she brought him food when he was sick, and some day he would remember her. The first time he ever mentioned this was to Louis Schwein.

The next witness was Jas. Chubbuck. He had been in Chico 24 or 25 years and knew Fuller in his lifetime and had known Mrs. Housworth for 10 or 12 years. He had a conversation with Fuller at one time when he served some papers upon him regarding his brother's estate. Fuller got rather angry and threw the papers at him (Chubbuck) and said they were trying to get all his brother's property but said that they would not get his money to spend. He cursed his relatives and said the s—— of a b—— would not get any of his money. Chubbuck was then cross examined in a jocular way. He said it was well Fuller had left $1000 to his heirs. He was asked if he would discredit the will, but the question was withdrawn.

C. L. Stilson and three ladies from Chico will testify Monday.

Defendant said it would take about 30 minutes to put in their case, and that it would go to the jury on Tuesday.

The Court then adjourned to 9 a. m. Monday morning.

WILL CASE GROWS SENSATIONAL

John Swearingen Makes Startling Statements.

CAUSING HIS PROMPT DISMISSAL

Colonel H. T. Batchelder Tells of the Proposal Made to Him By Dr. J. E. Rodley—Says that Rodley Offered Him $3000 if He Would Sign the Will.

Special to the ENTERPRISE.

OROVILLE, Dec. 8.—Late yesterday afternoon the contestants of the alleged will of Alfred Fuller placed John Garner upon the stand, and, despite many objections on the part of Attorneys Schooler and Yell, drew from the witness the story heretofore published in the ENTERPRISE as to how he had been approached by Dr. Rodley in 1898 and how Rodley then suggested to him the possibility of earning $5000 by merely signing his name to the Fuller will.

Continuing he told of how he had refused to sign the document, but after months of thought and much urging on the part of Rodley, he had acceded to his request and placed his name upon what he said he knew to be a forged will.

As this gray-haired man sat upon the witness stand, and with tears streaming down his cheeks, repeated the details of a conspiracy, the divulging of which he knew would send him to the State prison, the scene was touching in the extreme. The witness admitted that he knew his admissions would send him to prison a disgraced forger and perjurer, but he had so long endured the pangs of remorse, that he felt it were better to be in prison with the knowledge that he had assisted justice than to be free with the weight of conscious guilt bearing him down.

Attorney Knight subjected Garner to rigid examination and drew from him all the details of his part in the will case, not overlooking any of the points essential to the case.

Garner was then turned over to Mrs. Housworth's attorney, but the cross examination was brief.

The most dramatic incident of the trial occurred this morning, when H. T. Batchelder was called to the stand by the contestants. Col. Batchelder and Dr. Rodley had for years been on the most intimate terms of friendship, and it was plain to be seen that to testify against his former friend was a painful duty to Mr. Batchelder. Yet, being called, he spurned to tell aught but the truth, regardless of the web his testimony might weave around his friend of days gone by. With that determination to act honorably, which characterized his refusal to sign the alleged will, he recited the details of the conversation he had had with Dr. Rodley regarding the document which has brought out the case, which is daily developing into one of the most sensational of its kind in the history of the State.

Col. Batchelder stated that the first conversation he had with Dr. Rodley regarding the will of Alfred Fuller, occurred at Biggs early in 1898, when Rodley asked witness if he knew Alfred Fuller's signature. On February 17, 1898, Mr. Batchelder received a letter from Rodley asking him to come to Chico. Batchelder came to Chico on the evening train and met Rodley at the latter's office. At that time Rodley told witness that Fuller had left a will, and asked Batchelder if he could recognize Fuller's signature, and if he was certain that it was Fuller's signature if he would be willing to sign the will. Batchelder replied that Fuller had never requested him to sign the will, adding "I never sign unless I am invited." Rodley at that time produced the paper which he believes to be the document now admitted to probate, and asked witness if that was Fuller's signature. Batchelder scrutinized it and replied that he thought not. At that time Rodley told witness that there was $3000 in it for him (Batchelder) if he would sign the will as a witness, but Batchelder replied that he would not do so unless requested to do so by Fuller.

J. B. Swearingen was next called and before he got through with the cross examination, his testimony grew quite sensational.

He stated that he had known Mrs. Housworth for 20 years or more, and that about May, 1898 he had a conversation with her at the Hallam House in Chico; that Mrs. Housworth told him at that time that somebody had told her that Fuller had been seen to give a letter to R. R. Hample (now deceased), and that the letter referred to was Alfred Fuller's will; that Col. Hoosbaw had told her that all that was necessary to make the will valid was to get two witnesses to sign it, and that as Dr. Rodley had agreed to sign it, she wanted him (Swearingen) to sign as the other witness. She offered to give him $5000 as a compensation for his signature. Witness told Mrs. Housworth that he could not sign the will and left her. Some five weeks after this conversation witness met Mrs. Housworth and she told him that it did not require him as a witness as she had gotten John Garner to sign the will with Dr. Rodley. During this last conversation she told witness that she had sent the will to H. Carmack; that while she was in San Francisco she stepped into a grocery store and procured an envelope and got the clerk to address it for her. The envelope was addressed to Mr. Carmack.

After returning to Chico, she put the will into this envelope and dropped it into the postoffice when no one was around.

She begged witness not to say anything about the matter, and told him that if he gave evidence against her before the Grand Jury she would kill herself.

Swearingen stated that it was after Fuller's death that he held these conversations with Mrs. Housworth.

During the cross examination the witness was asked: "Did you not address Mrs. Housworth in endearing terms, ask her to sit upon your lap and kiss you, and did you not suggest to her that if she would leave her room door unlocked at night it might be an inducement to you to sign as a witness to the will?"

To this series of questions Swearingen answered a positive "No."

"Were you not intimate with Mrs. Housworth?" was asked. Witness said that "he had been intimate with Mrs. Housworth, but not in connection with this case."

It became evident that Swearingen was getting ready to tell more than was pleasant to hear and he was excused, much to the chagrin of the highly excited crowd of spectators present.

H. Carmack was next called and up to the noon hour he was being questioned regarding the manner in which the will came into his hands. Mr. Carmack's every utterance carried conviction with it and as he told the story of his receipt and subsequent delivery of the will to Mrs. Housworth, there was no one who would doubt its truth. His testimony was exactly the same as before published in the ENTERPRISE and a severe cross examination failed to shake it in the least.

After the noon recess Mrs. E. J. Montgomery, formerly a resident of Chico, but now of Washington, was called to testify to letters written to her by Alfred Fuller. She did not see him write the letters referred to, nor his name, but she believed the letters to be in handwriting of Fuller. She received four or five letters from him.

A. F. Jones was next called in regard to being Mrs. Housworth's attorney. He testified to preparing the petition for probate of will and acted as her attorney at the time the will was probated in Court. He afterwards acted at the request of F. C. Lusk, who drew the answer of Minnie Housworth and E. M. Woodman, and filed the same in court. He then ceased to be her attorney.

Jones was asked whether Mrs. Housworth signed the petition for probate of will and if she signed it in his office.

Mrs. Housworth objected to Jones testifying on the ground that it was a privileged communication between herself and Jones, he being her attorney. Objection overruled whereupon he refused to testify on the same ground unless compelled by the Court to do so. The Court instructed him to answer whereupon he replied that to the best of his knowledge Mrs. Housworth had signed the petition in his presence.

Attorney Knight for the plaintiff then called Mrs. Housworth to the stand. She was sworn, but refused to testify, on the ground that the Grand Jury had found two felony indictments against her and her evidence might tend to incriminate her. She was excused.

W. L. Bradley was next called and testified to the handwriting of deceased. He was shown several letters written by Fuller, also many other documents, and he testified that they were all in the handwriting of Alfred Fuller.

Expert Theodore Kytka was next called and he will probably be kept on the stand for a long period.

IT IS DECLARED TO BE A FORGERY

Landis Note to Be Fought on These Lines.

EXPERTS WILL BE CALLED UPON

To Prove That Alfred Fuller Never Wrote His Name Upon the Document Upon Which Dr. Landis Desires to Collect the Sum of $15,000.

Special to the Enterprise.

OROVILLE, Dec. 15.—Close upon the decision of the jury in the Fuller will case to the effect that the will was a forgery, comes another legal battle in which an attempt will be made to prove that the $15,000 note held by Dr. A. J. Landis against the estate of Alfred Fuller is also a forged document.

This morning ex-Public Administrator Woodman, by his attorneys, F. C. Lusk and John Gale, filed an answer to the amended complaint of A. J. Landis. The answer sets up that the note presented by Landis is a forgery. It denies all the allegations contained in the complaint; denies that Alfred Fuller ever signed any promissory note; denies that there is due to A. J. Landis the sum of $16,280.35, or any other sum. It states that the purported signature of Alfred Fuller is a forgery, and was not written or signed by Alfred Fuller or by anyone by him authorized to sign said note; that said note and signatures are forgeries, and falsely and fraudulently made for the purpose of defrauding the estate of Alfred Fuller, deceased.

Wherefore defendant prays that Landis take nothing; that the complaint be discussed and that judgment be rendered for costs.

ANSWER IN THE BIG NOTE CASE PRESENTED

Administrator Claims That the Fuller Note to Landis Is a Forgery

MUST BANK ON PAID TESTIMONY

Plaintiff to Depend on Judgment of Men With Whom Fuller Had His Business Dealings

Special to The Record.

OROVILLE, Dec. 15.—Dr A J Landis, who holds a note against the estate of the late Alfred Fuller for $15,000 now knows the grounds upon which the battle is to be waged, as the defendant, E M Woodman, the ex-Public Administrator, has filed his answer to Landis' amended complaint. The answer was filed yesterday and sets forth that the note is a forgery. It specifically denies that Alfred Fuller ever signed the note, also that there is not due the plaintiff the sum of $16,280.35 or any other sum.

Attorney Lusk, who deserted Mrs. Houseworth on the day set for the hearing on the will by which she was mentioned as being entitled to the entire estate, excepting $1000 for the legal heirs, and Attorney John Gale, are the attorneys for the administrator and will defend the estate against the claim of Dr. Landis.

To those familiar with this branch of the Fuller estate troubles, the general character of the battle can be foretold. Dr Landis will undoubtedly depend much upon the testimony of those who had dealings with Fuller during many years and were fully conversant with his signature. It is understood that some, who have seen Fuller's signature many times during his lifetime, will claim that the signature to the Landis note is a forgery, but on the contrary, several will testify that they believe it to be the signature of Fuller. But in all cases of this nature, the expert can be called in for $100 per day, and it is not probable that he will get his $100 per should he declare the signature to be genuine. Attorney Lusk has been an excellent patron of the handwriting experts during the past two or three years, as he was one of the leading attorneys in the famous Murdock will case, and in view of the charges made in the answer in the present case, it is almost certain that the handwriting expert will be banked on as the means of defeating the note.

COST OF THE FAMOUS FULLER WILL CONTEST

Few Dollars Less Than Six Hundred Required to Meet the Expenses

EXPERT KYTKA GETS MONEY EASY

Cleans Up a Couple of Hundred for Eight Days Services—Foreclosure Proceedings Instituted

Special to the Record.

OROVILLE, Dec. 21.—The findings and judgement of Judge Gadds, annulling and revoking probate of the Fuller will presented by Mrs. S. M. Houseworth, have been filed. The verdict of the jury is incorporated in the findings and it is decreed that the fees and expenses of said contestant, Franklin Fuller, be paid out of the property of the deceased.

The cost bill in the case entitled Franklin Fuller vs Mrs M. Houseworth, et al, has been filed by Carleton Gray, one of the attorneys for contestant, giving the total cost of the will contest as $589.30. The Sheriff received $10 fees; Clerk $2; Jury fees, $44; Reporters, $80; the remainder being paid out to witnesses for fees and mileage, Theo. Kytka, the handwriting expert, receiving pay for 8 days at the rate of $25 per day, and mileage of 150 miles, bringing total amount paid to this one witness of $215.

INDICTMENT AGAINST RODLEY IS RETURNED

Bond Fixed at Five Thousand Dollars and Hearing Set For Wednesday

NETTIE DEFENDING HER TONGUE

Mrs. Phillips Formally Denies That She Said Harsh Things to Her Old Rich Husband

Special to The Record.

OROVILLE, Dec. 16.—An indictment was returned this morning by the Grand Jury against Mr. Rodley on a charge of perjury, the new indictment containing a little additional matter. The usual formalities were observed of bench warrant, etc., and the party placed under $5000 bonds. Next Wednesday is the date set for pleading.

The Grand Jury will adjourn tomorrow morning.

REPORT OF GRAND JURY.

Political Management of the City Hall Is Denounced.

HIGH COMMENDATION FOR CHIEF LEES.

CONDITION OF TAX COLLECTOR'S OFFICE DECLARED A DISGRACE.

Words of Praise for County Clerk Deane's Department—City and County Hospital Is Not Condemned.

The Grand Jury presented its report to Presiding Judge Daingerfield of the Superior Court yesterday afternoon and was discharged after a life of eighty-seven days, during which fifteen regular and six special meetings were held. The foreman, John Bennett, in his report to the Judge, states the regret of the jurors that they were not given six months in which to sit, as is customary, and that they did not have time to touch some matters that they were "only too desirous of investigating." What the matters are is not mentioned.

The conduct of the Mayor's office is praised, but the report hits the Supervisors hard. It says:

A vicious method of allowing politics and patronage to overshadow the interests of the city and cause waste, extravagance and inefficient service culminating in heavy deficits and a spasmodic effort at the last moment to retrench at the expense of the rights of taxpayers and injury to the city government, appears to be a regular practice of these legislators. For months many departments existed in utter contempt and disregard of the one-twelfth act with the result that there is soon no money. To amend the condition of the crippled treasury a slash is made in the street lighting fund, plunging the city into darkness and exposing citizens to the ravages of the criminal classes. This, too, when large numbers of political favorites are employed at the new City Hall as janitors, at good, fat salaries and with little or nothing to do, as is shown by the filthy condition of that building. This system of political janitors is foisted upon the people so that party workers may be rewarded. Thirty men are on the pay rolls at an aggregate salary of $2,000 per month, and it seems impossible to get these gentry to make an effort to earn their salaries. They are independent of any one—even of the appointing power, the Supervisors, but these party henchmen seem to have no fears for themselves, and hence the unclean condition of the building.

It is recommended that the work be done hereafter by contract to the lowest bidder.

For the Police Department the report has nothing but words of commendation. Chief Lees is described as "the right man in the right place," and his management of the affairs of the department is characterized as excellent. Among the recommendations are the acquisition of a police patrol boat for the use of the harbor police, the installation of more patrol boxes, that the city own all its own jails and that automobile mechanism be applied to the patrol wagons as soon as practicable.

In closing its report the Committee on Police, Jails, etc., says:

Whatever may be said of other departments in our municipal government our city can congratulate itself upon its Police Department, as being well equal to that of any city in the world, and if it were ably backed up by the Police Court and heed given to its demands as outlined by the Chief of Police in his annual reports we could well feel that the suppression of crime and the protection of life and property is as secure here in this city as anywhere in the world. No greater argument in proof of this can be used than the small percentage of crime, as shown by the records of the Police Department of this city. Certainly, then, we must appreciate the able management of our chief, I. W. Lees, and his staff of officers and subordinates; and to him and them we extend every congratulation and hope that they may long continue to serve us as faithfully and efficiently in the future as they have in the past.

The Board of Supervisors is urged to pay more attention to the recommendations of the Auditor relative to fixing the tax levy and thereby avoid the large deficit there has been in the past at the end of each fiscal year.

The use of the merit system of time checks in the Assessor's office is praised. It is claimed to have resulted in one-third more work being accomplished than in former years. By the improved business methods of the office $30,000 is said to have been saved to the city. With regard to the Recorder's office various minor recommendations are made, namely, the renovation of the office; the appointment of a janitor to care for the sidewalks outside the Hall of Records, and the providing of incandescent lights for the Hall of Records.

The Tax Collector's office is characterized as a "disgrace to civilization," but Tax Collector Sheehan is said not to be blameworthy, as no janitor is at his disposal. The committee reports that nearly all the books of the office are in a dilapidated condition and that if extensive repairs are not made in a short time there will be nothing but "rags and scattered leaves" and endless litigation involving land titles will follow.

High commendation is given to County Clerk Deane. The system of choosing jurors adopted and put in force by him has made "jury stuffing" a thing of the past, and his innovation in the justification of sureties on different bonds is said to have stopped the filing of worthless or straw bonds. In conclusion the Grand Jury says:

The County Clerk's office is in perfect working order, with business that has almost doubled within the last year, and is still increasing from day to day, with a working force greatly reduced in number, with all deputies capable and clerks thorough, competent, efficient, obliging and courteous, with Mr. Deane at his post of duty during office hours and the office conducted in all respects in a manner that must be indeed gratifying to our citizens and taxpayers.

The demolition of old, unsanitary school buildings and the building of new, substantial and modern structures is urged. The condition of affairs in Noe Valley, Sunnyside and the Mission district is declared to be a disgrace to the commonwealth. New buildings are recommended for Spring Valley, Washington, Redding, Buena Vista, Burnett, Richmond and Hamilton. The appropriation of $1,200,000 for the present fiscal year is said to be inadequate.

In regard to charges preferred against certain members of the present Board of Education, the Jury, after a thorough examination of many witnesses, found no evidence that would warrant taking further action.

An air of neglect is declared to exist in nearly every department in the City and County Hospital, but Dr. D. A. Hodghead, the present superintendent, is not held responsible, as he has been in office but a few months. The Grand Jury recommends that the main hospital building be not destroyed, but that it be repaired and $50,000 expended on the interior and other buildings.

The jury suggests in regard to corporations that the city purchase gas and water works and that the telephone company be required to substitute flat rates for the nickel-in-the-slot system.

The committee on the social evil recommended isolation. A minority report against that recommendation was also made.

The County Jail buildings are described as in need of immediate and careful overhauling. They are spoken of as in a state of dilapidation, evincing long neglect by the Supervisors. The filthy condition of the Sheriff's office is also described and it is recommended that the entire City Hall be renovated by the authority of the incoming Board of Supervisors, "so that we may feel proud of the condition of our public buildings where now we are forced to blush for shame of it."

Chinatown was visited by a committee of the jury, and it reports that gambling on the percentage system cannot be entirely eradicated in that region owing to the difficulty the police meet with in getting into the barricaded dens. Lotteries and opium smoking are among the evils of that portion of the city that are only partially suppressed.

A statement of the difficulties that have been experienced in the erection of the Hall of Justice is made briefly in the report, and it is stated that the troubles in regard to that structure are about over. The new Morgue is described as entirely too small to meet the needs of the city.

The members of the jury were: J. Bennett, foreman; W. S. Gage, secretary; W. J. Bryan, P. Herydent, W. A. Frederick, G. F. Olar, R. M. Hulaing, J.

JURY INDICTS MRS. MANSFIELD

Arrested on Three Libel Charges.

Special Dispatch to The Call.

HOLLISTER, Dec. 29.—The Grand Jury today returned three indictments for criminal libel against Mrs. Minnie Mansfield, based upon three anonymous letters written during the year attacking the chastity of Mrs. E. F. Conrad, noble grand of Rebekah Lodge of Hollister. One letter was written to Judge Agnew, one to Mrs. H. W. Scott and one to Mrs. A. Tonn. Mrs. Mansfield denied the authorship of the letters, but evidence offered the Experts Kytka and Ames influenced the jury against her. Judge Dooling fixed bonds at $3000, which were furnished, and the arraignment was set for Saturday afternoon.

The trial is bound to be sensational and nasty. The parties have been neighbors for fourteen years. About five years ago the receipt of anonymous letters assailing the chastity of his wife and accusing his children of theft caused another neighbor named Schill to shoot one Kalinowsky, then employed by Conrad, whom he suspected of writing the letters.

Schill then took a dose of poison and ended his troubles.

Since then Mrs. Conrad has been persistently vilified by the anonymous writer, who sent letters to about every prominent lady in Hollister. Some time ago Mrs. Mansfield, it is alleged, commenced to write letters to herself to divert suspicion and these were secured by District Attorney Hudner and by the experts pronounced identical with the others. An insane jealousy at the prosperity of the Conrads seems to be at the bottom of the matter.

Mrs. Mansfield scoffs at her accuser and is cool and indifferent in court. Her husband believes in her innocence and announces that he will spend every dollar he has in her defense. Society in Hollister is much torn up over the scandal that is bound to come to the surface.

WOMAN SHOOTS FOR VENGEANCE

Charles Thomas of Merced Fatally Injured.

Special Dispatch to The Call.

MERCED, Dec. 27.—Charles A. Thomas, who is employed in a local printing office, was shot this afternoon by the woman he claims as his wife. She waited at the office at which he was working, and when he came out she engaged him in conversation. She then drew a revolver and fired, the ball entering the victim's body just below the heart. He rushed back into the office closely followed by her, but she was disarmed before she could fire again.

Some months ago Thomas took Miss Margaret Silver to Fresno and on their return to Merced he claimed her as his wife, stating that they were married while away.

The family of the girl did not credit his assertion and a week ago her mother went to the house where they were living to take her back to her mother and when Thomas attempted to interfere he shot four times at him, none of the shots taking effect. The attending physician cannot yet state just how badly the man is wounded.

SCANDAL IN THE TAX OFFICE

CHAPMAN'S LAME TALE ABOUT HIS SERVICE.

DECLARES AND THEN DENIES THAT HE SIGNED THE WARRANT.

Conflicting Stories Told in an Attempt to Exculpate Collector Sheehan and His Chief Deputy.

The exposé of Tax Collector Sheehan's methods in yesterday's "Chronicle" was much discussed at the City Hall and in political circles. That such conditions obtained in the Tax Office was no secret, but yesterday's publication was the first definite information given to the public. It has been hinted repeatedly that Sheehan, through his chief deputy and other employes in his confidence, assessed his men on various pretexts and at frequent intervals, and that demands for services rendered were audited and collected, being made out in favor of persons who never worked in the office. His former clerks, Wiseman and Goldstein, cling to the original story, as related in their sworn affidavits, fortifying their narrative with circumstance and incident. They assert also that they have many more similar revelations, which they will give to the public in due season.

James D. Wiseman, the ex-clerk, and formerly a close friend of Sheehan, was seen yesterday. He repeated his former assertions concerning Chapman, asserting positively that Chapman never worked in the office during the month of April. During that month Wiseman was on duty from 9 A. M. to 4 P. M. each day. His position caused him to have a general review of all that went on in the main office, while he had frequent occasion to be in the private office of Sheehan. He clings to the original statement that Chapman was not in the office at any time during April.

"Had Chapman been employed on the outside," said Wiseman yesterday, "I would have seen him come in to report on or report off, but I am positive that he was not there. Hagan asked me to go up stairs into the Supervisors' office and impersonate Chapman and swear to his warrant, a thing which I could not have done even if I had been so inclined. He got somebody else to sign the warrant, but I am morally certain that he never thought of digging up Chapman until last October, when I refused to be mulcted of another assessment and threatened him with exposure. It was then that he found John E. Chapman, persuaded him to pose as Edwin Chapman and gave him work for the month of November.

"When Hagan showed me the warrant, in which he wanted me to swear, it was signed E. Chapman. The man employed in the office during November never signed his name that way, and never was known as Edwin or E. Chapman. This thing was merely one of many similar frauds in vogue in that office. I took pains to obtain John E. Chapman's signature. I looked it up in the Registration Office and compared both with the signature on the warrants of April and of November. The more I investigated the more I was convinced that John Chapman was an after consideration, dug up for the purpose of concealing the fraud in the April demand, and to forestall the exposure which Sheehan and Hagan feared."

Hiram F. Goldstein tells substantially the same story, saying that Wiseman apprised him of the fraud at the time Hagan asked Wiseman to impersonate Chapman. He is positive also that neither Chapman nor any one of his description worked in the Tax Office during April or reported for duty either in the office or outside.

Chapman called at the "Chronicle" office yesterday and tried to give some explanation of the change in his name from John Edmund Mayne Young Chapman to plain Edwin. Chapman claimed that he was employed during April delivering bills and reported every morning at Sheehan's private office, where he obtained the bills to be carried out. As a matter of fact, bills are given out by clerks in the main office, and such a thing as receiving them in the Tax Collector's private office is unknown to the oldest employes in the office. Concerning the signature on the April demand, Chapman first asserted that he had signed it. When he was shown the signature obtained from him a few days ago, which he recognized as his, and when he was told that it differed materially from the one on the demand, he faltered and at length remembered that he had not signed that warrant, but had induced Charles Trull, the clerk for Burr & Regensburger, to sign it for him. This, Chapman says, was done because he had a finger hurt, and was unable to hold a pen. He also asserts that all this was done in the rooms of the Supervisors and in the presence of John H. Ryan, warrant clerk of the Board of Supervisors. His story does not tally with that of Trull, who admits signing the warrant, but is positive that it was not done in the rooms of the Board of Supervisors nor in the presence of Ryan. Trull says he signed the warrant at the request of Chapman, but did so in some office on the ground floor of the new City Hall. The exact office he does not remember.

The stories conflict in material points, and it is evident that the witnesses for Sheehan and Hagan have not been well coached.

EX-CHIEF LEES CARRIES AWAY ALL THE ROGUES

Leaves Police Department Without a Gallery—He Will Open a Private Agency.

Jan. 4, 1900

EX-CHIEF OF POLICE LEES may not be missed in the San Francisco Police Department, but the rogues' gallery will be. When he left he took it with him, and in the recesses of the big black iron case in the "upper office," where it once was stored, are only aching voids. Lees descended on the office Tuesday night, opened the case and took the gallery with him. He claims it as his own personal property, to do with as he will, and he does not will that it shall be of benefit to the department from which his judgment told him to resign to save dismissal at the hands of the new Commissioners pledged to Lieutenant Esola. The gallery is stored safely under lock and key at his home, where it will remain until he moves it downtown to the private detective agency he intends to open in competition with the Pinkertons and the local police.

This news will come undoubtedly as a painful surprise to the newly appointed Police Commissioners. Although they probably never gave a moment of thought to such an institution as a rogues' gallery, they certainly labored under the impression that a fully equipped Police Department was about to be turned over to them. Even after the retirement of Lees they had no fear that they would be unable to find in Esola a competent successor. Whether or not that is so remains to be seen, but it is certain that the choice of the new Commissioners will be badly handicapped in going into office—the business of which is to prevent and detect crime—without the aid of a rogues' gallery. How the Chief to be appointed will get around this difficulty is a conundrum hard to solve.

Lees' descent upon and capture of the rogues' gallery is based upon his claim that he owns it from cover to cover, with every photo and criminal record in it. There is no question that he started it, years and years ago, when it was not dreamed that San Francisco would grow to its present importance upon the map of the world. At that time—thirty or forty years ago—no financial provision was made for the collection of photographs of criminals, no books were provided for criminal records. He began on his own account to gather and index and classify the "mugs" of notorious crooks that came this way, and he has continued it ever since, without, he claims, a cent's worth of assistance from the city.

The collection is now an enormous one. It contains the photographs, antecedents, criminal records and close descriptions of nearly every crook in the country, white, black and yellow. The ugly "mugs" of 14,744 whites and blacks, men and women, glower from the pages of the gallery, and in black and white their records are under the thumb of the possessor. In addition the faces of 2570 Chinese and Japanese murderers and thieves are inclosed between its covers. And Chief Lees has [illegible] the city's big black iron [illegible]

Whether or not this claim of the ex-Chief will hold in law is a question that depends entirely upon the incoming Police Commissioners. They will undoubtedly make claim that the ex-Chief had no right to remove the gallery. Those who know the white-haired veteran detective may be sure that he will stubbornly contest any such claim and will make as bitter a fight in the court as he knows how—and he can go a little at that, as the history of the department will show.

Pending the probability of any such legal contest ex-Chief Lees has fully made up his mind to open the greatest detective agency on the coast. A case containing the late police rogues' gallery will be its principal bit of furniture. The ex-Chief has not a doubt in his mind that he can take all the business he needs away from the Pinkertons and other private agencies, and, incidentally, "make a monkey" of his gallery-less successor, who will not have a tintype or the scratch of a pen to go on in search for crime. As assistants in his agency Lees will take several of the best men from the present "upper office" force. His first assistant will undoubtedly be John Seymour, for a long time his right hand man, and at present captain of the City Prison. The others are not known.

Almost any day now pedestrians may notice the shingle of the Lees' Detective Agency swinging to every breeze that blows—and it will blow no good to the Pinkertons. He will undoubtedly cut deeply into their business on this coast. Up till a year and a half ago the aged Chief was hand in glove with the Pinkertons—so much so, indeed, that they did not consider it necessary to have an agency here. Finally, with the rush of racetrack business, they were compelled to put in a local force, and since then Lees has not been working with them. No rupture is supposed to have occurred, but all is fair in love and detective work, and the San Francisco veteran is on the trail of the golden goose. With his private rogues' gallery, which the city thought its very own, he should be able to cover the detective business of the coast. That he will leave no stone unturned to do so goes without saying.

Meanwhile the San Francisco Police Department will have to go without a rogues' gallery.

CAPTAIN JOHN SEYMOUR of the City Prison.

THE EXAMINER

W. R. HEARST.

THE MAYOR'S HARD BLOWS.

Mayor Phelan's straightforward and courageous statement in regard to the Police Commission appointments is a knock-down blow to his assailants and caused amazement throughout the city. It is a clean-cut answer to the allegations by which the partisan papers have sought to discredit him, and from a defense it becomes an attack. It turns their weapons upon themselves, and lays bare the motives that have inspired his traducers.

The essence of the charges made by the partisan press is that Mayor Phelan, before the election, contracted to fix the Police Department, in order "to betray the people of the city to its predatory classes."

The reply of the Mayor to this is direct and sharp: "That is a false statement, and I deny it," are his unequivocal words. But he goes further than denial. He proceeds to explain the motives behind the accusation, and these motives prove to be the ambition of his traducers to control the Police Department for their own purposes.

The Mayor gives the community some direct and interesting information. He reveals the fact that Mr. M. H. de Young made personal and strenuous efforts to capture the Police Commission in the interest of I. W. Lees, with whom he has an intimacy running far back into the bloody past, and was especially insistent that one of his friends should be named a member of the commission.

Mr. John D. Spreckels was also energetic in attempting to control the Police Department. Mayor Phelan shows that early in September of last year an intimate friend of Mr. Spreckels asked for the promise that Mr. Spreckels be appointed on the Police Commission. It will be interesting to the Republican organization to know that this request, several times repeated, was accompanied by the promise of a consideration, in the shape of the negative support of the "Call" in the municipal campaign. The offer was, of course, declined, whereupon the following events took place, to quote Mayor Phelan's words:

The general manager of the "Call," a little later, asked that I appoint A. B. Spreckels a Park Commissioner, and I made him the same reply, saying I regarded Mr. Spreckels with favor, but could make no promises, because I would expose myself to accusations, if you please, of "felony." He was persistent, but I stood my ground. This same editor sought an interview in the latter part of September, and asked me this time that I agree to appoint John D. Spreckels Police Commissioner, stating that his selection was more important than that of A. B. Spreckels for Park Commissioner, if I did not see my way clear to appoint both. I took the matter, as before, under advisement. He pressed a decision, exhibiting to me some libelous matter which he said he would suppress.

This is a distinct offense against the law.

Mayor Phelan does not stop with exposing the schemes of the men who are now traducing him. He frankly takes the people into his confidence as to the course he took and the reasons why he took it. "When I came to appoint the Police Commissioners," he says, "I did not mention the question of Chief of Police, nor the name of Mr. Esola to them, nor exact any promise concerning any candidate. **All I said was that you shall accept this trust with the complete understanding that the 'upper office' be cleaned out."**

Clean out the "Upper Office!" There was the pledge that the Mayor had of necessity to exact if he was to meet the expressed desire of the people for a reform in the city government. The "upper office" in the Police Department has been the center of fraud and corruption. It has for several decades been under the influence or control of I. W. Lees, and the first step in making the department what it should be was to sweep out Lees and his satellites. That step the Mayor has secured by the appointment of the gentlemen who now make up the Police Commission of San Francisco.

The Mayor makes no denial of the statement that he consulted with "The Examiner." It is true that he consulted with "The Examiner" during the campaign and since, and he had the perfect right to do it. It would have been strange if he had taken any other course. "The Examiner" has been the consistent friend of Mayor Phelan ever since he entered politics. It has given him loyal support, because he has represented the same ends of popular rule and opposition to evil government which "The Examiner" has represented. What is more proper than that he should consult this paper, and look to it for the information that it possessed? He could not look to Mr. Spreckels or to Mr. de Young for candid and straightforward advice in regard to the steps necessary to secure good government for the city. Mr. Spreckels and Mr. de Young were then holding too intimate relations with the corporate and personal influences which have brought bad government to the city. Even though these gentlemen have suspended cordial relations with Mr. Herrin since the senatorial gold brick was handed out, their advice is, of necessity, not the best that could be found. "The Examiner," on the other hand, had steadfastly fought for the good government of the city; had assisted to lay the foundations for a new Charter; taken active part in the Charter fight of 1895, had assisted the Charter Convention of 1896 in its work; had fought for the Freeholders nominated by the Charter Convention, had fought practically alone the campaign that secured the adoption of the Charter that those Freeholders drew, and had given him its support in three campaigns, without reward or promise of reward, other than the belief that the best interests of the community would be promoted by the course taken. Why should he not consult "The Examiner," as he would consult any other friend?

The American people love a brave fighter, and in Mayor Phelan they have a man after their own sort. He has met the assaults of his enemies, and has returned their blows with heavy interest. He accepts the responsibility of his office, and assures the people that if mistakes are made they are his mistakes, and he will correct them or answer to the voters for them. The Mayor shows himself the worthy leader of the people of San Francisco.

PHOTOGRAPHS OF THE NOTE

That Is What Woodman's Attorneys Want.

ARMORY HALL TO CHANGE HANDS

The Local Play House Becomes the Property of Mrs. A. A. Morehead—Deputy Constable W. E. Gee Enjoys a Day Dream While a Prisoner Escapes.

Special to the ENTERPRISE.

OROVILLE, Jan. 10—In the matter of A. J. Landis vs. E. M. Woodman, administrator of the estate of Alfred Fuller, deceased, F. C. Lusk and John Gale, attorneys for defendant, have given notice that they will, on [illegible]esday, January 16, apply to the co[illegible] for an order requiring plaintiff to [illegible]mit the defendants to inspect and [illegible]ave photograph copies taken of th[illegible] alleged promissory note of Alfred Ful[illegible], upon which plaintiff bases his action

WILL USE THE CHARTER TO DEFEAT FRED ESOLA

May Have to Resign Before He Can Become Chief of Police.

"Bob" Hogan Anxious to Be Appointed Lees' Successor—Formally Announces His Candidacy--New Appointments.

DETECTIVE "BOB" HOGAN, WHO ASPIRES TO BE CHIEF OF POLICE.

> "All promotions in the department shall be made from the next lower rank, seniority of service and meritorious service to be considered."

THAT in the language of section 1, chapter VII of the charter. Upon it those opposed to the candidacy of Lieutenant Esola for the office of Chief of Police base their hopes that he will not be named as the successor of Isaiah W. Lees. They hold that the provision precludes the possibility of his appointment over the present captains, not to speak of the other lieutenants, his seniors on the force. Some stand will undoubtedly be made upon this point, although, in all likelihood, it will not avail to deprive Esola of the coveted prize.

It is stated that this provision of the charter has been carefully considered by the advisers of Esola and has been put under the notice of the Mayor. In addition, it is also said, his Honor and several prominent attorneys consulted have given it as their opinion that it is not necessary, for a person to be eligible for the office of Chief of Police, to be a member of the department. This interpretation of the provision may be somewhat in the nature of a hint concerning the plan of Esola to overcome any objection to his promotion that may be raised by section 1, chapter VII of the charter. It is as much as to say there is nothing to prevent him, when the time comes, resigning his lieutenancy and becoming a private citizen. The transformation, then, from private citizen to Chief of Police could be easily made as indicated.

Whether or not Lieutenant Esola contemplates such action is not announced. It is plain, however, that his so doing might prove a staggerer for those who pin their faith in his defeat on the wording of section 1, chapter VII.

Detective Robert Hogan has declared himself a candidate for Chief of Police in opposition to Esola. He is being warmly supported by a number of lawyers and business men, and is hopeful of victory.

When seen at his home last night Hogan said: "Yes, it is true that I have entered the race for Chief of Police. I consider that I am as much entitled to the place as any of the candidates whose names have been mentioned. My record as a detective conclusively shows that I have the necessary ability to conduct the affairs of the Police Department. My friends are doing all in their power to have me succeed Lees, and unless I am very much mistaken I will capture the coveted plum."

Hogan has been connected with the department for a long number of years and is considered one of the shrewdest detectives in the country. While engaged in gathering evidence in the Benhayon murder case about ten years ago, Hogan accidentally stumbled on Lees' cute and was immediately "shelved." Since then he has been working in the office of the District Attorney, handling important criminal cases, and rendering meritorious service in convicting desperate criminals. A number of the most prominent lawyers in the city are exerting themselves to have him appointed successor to ex-Chief Lees.

Yesterday the Police Commissioners held another session and reduced Sergeant Harper to the ranks on account of disability. John M. Lewis of the Potrero station was promoted to the rank of sergeant to take Harper's place.

The following new policemen were appointed: T. L. Wolters, Bert Wren, John Hayes, Thomas J. Larkin, William Flynn, George Merchant, John Rohl, Charles Birdsall, Maurice Bohan Jr., John D. Shine, Percy McPartland, Timothy Cronin and James Graham.

Wren is assistant clerk in Judge Treadwell's court, but he will resign his position next Monday. He is a brother of Detective Ed Wren and one of the most popular young men in the city.

Birdsall is the son of Lieutenant Birdsall of the Central station and has a host of friends. Shine is the son of the United States Marshal and is regarded as one of the most promising of the new appointees.

The Commissioners will hold another meeting at 1 o'clock this afternoon. It is understood that they will retire several old officers. In order that Captains Hahon and Dunleavy might enjoy the benefits of the increased pension under the new charter the Commissioners have decided not to interfere with them. Monday noon the Commissioners will formally vacate their seats in favor of the incoming board.

PET COYOTE GETS FULL OF BEER AND FIGHTS THE FAMILY WASHING

JACKO, THE SANTA BARBARA COYOTE, THAT BREAKS BOTTLES OF BEER TO SLAKE HIS THIRST.

SHOULD any one desire a good-tempered coyote of predatory instincts and a thirst for bottled beer, Jacko may fill the bill. He has already absorbed all the beer, photographic wills, cream, bromide prints of forged bonds and other delicacies belonging to Theodore Kytka, the handwriting expert.

Theodore doesn't want any more coyote in his, and is now trying to unload the frivolous beast on the new Park Commissioners. Knight & Heggerty have prepared a petition to that effect, and when Reuben Lloyd gets a new dress suit he will make the presentation speech, provided the Commissioners accept the coyote.

When Jacko was two months old Kytka shanghaied him from his native Santa Barbara wilds and gave him a good home at 2504 Howard street. Now Kytka knows how sharper than a serpent's tooth it is to have an ungrateful coyote that gets drunk and tips the laundry off the line.

Until Jacko became addicted to bottled beer he was a model coyote. He played about the house like a pet dog and formed a war alliance with a bull-terrier to fight Mr. Kytka's Angora cats. One day in the cellar Jacko knocked over and broke a bottle of beer. He lapped up the contents and straightway became an ungovernable dipsomaniac. While intoxicated he has been known to make a high dive from the second story window and otherwise whoop things up.

Taking a pint bottle of beer in his teeth, Jacko losses it up and lets the bottle fall on the concrete basement floor. The bottle breaks and the coyote licks up a jag. On Monday he always breaks two bottles, and then his conduct, according to the washlady, is something fierce. The bull-terrier and the cats take refuge in the attic, and as there is nothing else for him to fight, the coyote tackles the laundry on the line.

Kytka had the clothes line elevated, but Jacko gets there just the same. He bounds six feet in the air, grabs a sheet and bites large chunks therefrom or rips it fore and aft. In three jumps a new sheet looks like a Japanese screen. Kytka says that since the coyote took to fighting the laundry his shirts are nothing but bosoms.

When the beer gives out, Jacko makes lofty leaps to the top shelf and capsizes the cream jug. Once he mixed beer and cream, went dotty under the influence and Kytka ...

LAW INVOKED BY FRED DELANOY.

ANONYMOUS LETTER WRITER TO BE PUNISHED.

THE THREATENING MISSIVE IS REFERRED TO THE POSTAL AUTHORITIES.

Inspectors Will Make a Search for the Hidden Enemy of the Tormented Alameda Man.

ALAMEDA, January 1.—Fred N. Delanoy's mysterious Nemesis did not overlook him to-day, and he found two of the anonymous and threatening communications, instead of one as usual, on opening his mail this morning. One was a postal card, postmarked at Alameda January 4th, and with the following threat written in ink:

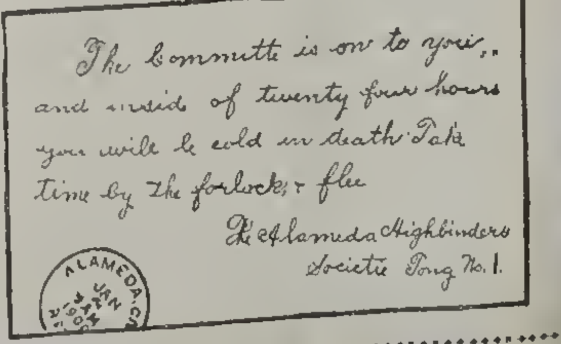
The committee is on to you, and inside of twenty-four hours you will be cold in death. Take time by the forelock and flee. THE ALAMEDA HIGHBINDER SOCIETY, TONG No. 1.

The same mail brought Delanoy an envelope inclosing an ordinary piece of cardboard, on which was drawn a large tombstone, with skull and crossbones, and the words, "More! Second Warning. The White Caps."

The pictorial [illegible] was mailed in San Francisco at 8:30 o'clock last night, and, like the former missives, was addressed with typewritten characters.

Delanoy's anonymous death correspondent made a serious error in seeking to speed a warning of the sudden death of his victim on a postal card, as the United States postal authorities have a harsh way of dealing with writers of scurrilous or threatening postal cards. Delanoy to-day stated his intention of turning the matter over to the Postoffice Inspectors at San Francisco.

THE POSTAL CARD SENT TO DELANOY.


The Committe is on to you, and insid of twenty four hours you will be cold in death Take time by the forlock & flee
The Alameda Highbinders Societie Tong No. 1.

Delanoy made complaint yesterday to the local postal inspectors and left in their possession the anonymous postal. The inspectors will investigate the case and assist Delanoy to determine the identity of the writer. As soon as the identity of the writer is known his arrest and prosecution will follow.

The postal inspectors can take no official action in the matter of the anonymous letters received by Delanoy. The letters not being indecent in character, [illegible] not denied to him the privilege of transmission through the mails. This [illegible] does not, however, extend to a postal card containing threats such as appear on the card received by Delanoy. Any action the postal authorities may take will be based solely on the sending of the card, although it is likely that the letters may aid in determining the identity of the author.

LETTERS THAT MAY HANG.

District Attorney of Merced County Here on an Important Mission.

District Attorney F. G. [illegible] of Merced county is here to obtain expert opinion on certain mysterious letters found on the body of Charles A. Thomas, who was murdered by Marguerita Silva. Proof of the authorship of the epistles may go far toward the final decision in the case.

The letters are anonymous, [illegible] to be from some one [illegible]. The handwriting considerably [illegible] that of both Thomas and Miss Silva. They bear allegations against [illegible] girl's character which point both ways. If the girl wrote the letters she probably did so in order that [illegible] free to go with her other [illegible]. If Thomas wrote them, it was in order to have documents in his possession which would put the girl more completely in his power.

The letters were examined recently in the office of Knight & Heggerty by Expert Theodore Kytka.

coyote two miles through the ... in his bare feet.

"... not equal to the strain of keeping a ... grown coyote with a jag," the detective ... Willis said last night, "and if the ... Commissioners will build a nice sunny ... for him they can have Jasko ... reform if locked up in the Park."

...ER 30, 1899.

MURDER THE CHARGE AGAINST MISS SILVEY

THE BETRAYED WOMAN AND THE YOUNG MAN WHOSE LIFE SHE TOOK IN AVENGING HER WRONGS.

MERCED, December 29.—C. A. Thomas, the newspaper reporter who was shot Wednesday night by the girl he had betrayed, died this morning without having made an ante-mortem statement regarding the tragedy or the events leading up to it.

The attending physician thought Wednesday evening that the wounded man could not live through the night, and as a consequence the District Attorney remained up until early morning, expecting at any moment to be called upon to take the ante-mortem statement. But Thomas himself never gave up hope of recovering, and therefore a statement from him would be valueless as evidence. When the end came this morning it came so suddenly that the watchers by the bedside had no time to send for either the doctor or the District Attorney.

Margaret Silvey, the girl who fired the shot that brought Thomas to his death, is almost crazed with grief and fright, although she stoutly maintains that she was fully justified in committing the act. She is twenty-two years old, of average brightness, and thoroughly understands the seriousness of the deed and the possible consequences. Thus far she has expressed no regret for the part she performed in the tragedy. When arrested Wednesday night, immediately after the shooting, she was taken before Justice of the Peace George L. Crocker, who admitted her to bail in the sum of $1,000. Friends at once went to her assistance, furnished the bond, and she was released. When Thomas' death was announced this morning Sheriff Warfield went to the girl's home and took her to the County Jail, where a charge of murder was placed against her. Her attorney applied to Judge Crocker to admit her to bail, but he has not yet done so, though it is expected he will because of the general sentiment that there is no possibility of her conviction, and the additional fact that there is no decent place in the County Jail for her accommodation, there being no place for women there except those already occupied by denizens of the tenderloin.

Some believe the girl did exactly right in killing the man who had wronged her, and think she should be speedily tried and acquitted. On the other hand, Thomas had many friends in the community, and they contend that she was knowingly a party to all of his actions. They argue that when she went to Fresno with Thomas several weeks ago she knew what she was doing; that when she returned to Merced and set up housekeeping for him as his wife she did so fully realizing her position.

As a matter of fact, however, Miss Silvey did not know, until her brother took her away from Thomas' home a week ago, that the man she had been living with already had a wife and children somewhere beyond the Rockies. It was her brooding over this fact that undoubtedly nerved her to commit the deed, for it is known that after being taken from her lover a week ago she wanted to return to him, and was only prevented from doing so by her family forcibly detaining her.

The Examiner" correspondent called on Thomas last evening and asked if he wished to make any statement regarding the affair. He replied that he had no statement to make, but that in the event of his recovery, which is hoped for, he would vindicate himself. The girl, he said, had been talked to and ... by her family until she had ... with jealousy, and he was ... was not the one most responsible for the cowardly attempt on his life.

Thomas was about thirty-five years old. He came from the East four years ago, worked on the Modesto papers for a few months, then went to La Grange as leader of the La Grange Band. He remained there but a few weeks, then came to Merced, and has been employed here ever since as local editor of the "Star." He was a prominent member of the local military company, and will be buried by that organization.

Deputy Coroner O'Brien this afternoon summoned a jury to view the remains, but the inquest will not be held until next Tuesday.

CONVICTED HIS FATHER'S FRIENDS.

Jan 14 — 1900

Killed Song Birds, by Invitation, on McIsaac's Ranch, and the Son Prosecuted the Hunters.

SAN RAFAEL, January 13.—Law and duty compelled District Attorney Hugh McIsaac to convict two of his father's friends and guests to-day for illegal killing of game. Mr. McIsaac Sr. invited his old chums over from San Francisco for a day's shooting. They got the wrong kind of birds and were fined $20 each after being convicted by McIsaac Jr.

The victims of this streak of ill-luck are O. Poelo, a liquor dealer at 125 Fourth street, and L. Casino, a merchant at Fifth and Howard streets. At the solicitation of John McIsaac they visited his ranch near Nicasio early yesterday morning and put in the day shooting. Birds were numerous and both marksmen bagged good strings of a variety classed as song birds, and which are protected by the State.

On the train the hunters boarded for San Rafael rode Constable Agnew and Deputy Sheriff Miller. They spotted the forbidden birds, arrested Poelo and Casino at the ferry and took them back to San Rafael for trial.

District Attorney McIsaac was shocked on coming into court to find his father's friends and honored guests in limbo. He stood between love and duty, and duty triumphed. With the evidence at hand young McIsaac soon secured a conviction and the unhappy merchants paid over $20 each and left the court-room feeling like anything but sportsmen.

MRS. ANN HARRIS DIES AT HER HOME.

She Was Eighty-Four Years Old and Had Been in Feeble Health.

OAKLAND, January 11.—Mrs. Ann Harris, who was the plaintiff in the sensational litigation against her brother, Josiah H. Ames, died last night at 10 o'clock at her home, 638 Thirty-second street, where she had been living for several years, with Mrs. John Ames, a sister-in-law. Mrs. Harris has been in feeble health. She was eighty-four years of age. She was victorious in the suit she brought to compel her brother Josiah to make restitution on account of about $150,000 in properties which he had handled for her. In this litigation she had charged her brother with misappropriating her fortune, which she had intrusted to him for investment.

The case was one of more than ordinary interest because of the prominence of Mr. Ames. He was at one time Warden of the State Penitentiary at San Quentin. Mrs. Harris' estate consists of considerable real property in this city, all of which it is understood has been deeded to Mrs. John Ames. Mrs. Harris leaves no children.

...ANUARY 16, 1900.

SULLIVAN NOW CHIEF OF SACRAMENTO POLICE FORCE

Special Dispatch to The Call

JOHN E. SULLIVAN, Sacramento's New Chief of Police.

SACRAMENTO, Jan. 15.—The appointment of John E. Sullivan as Chief of Police sent in last week by Mayor Clark, was confirmed by the Board of Trustees to-night and Sullivan will receive his star as the head of the municipal police department. The selection is regarded as an excellent one and it is generally believed that Chief Sullivan will make a splendid record in office. He is temperate in habits and courteous in manner, while he has ability of a character which should permit him to master the trying requirements of the position.

Chief Sullivan was born at Providence, R. I., in 185... He has been a resident of Sacramento for twenty-three years, during twenty-two of which he served as an employe of the Southern Pacific. For sixteen years he was connected with the Sacramento paid fire department and was for twelve years foreman of Engine Company No. 1. He resigned from the department and from the employ of the railroad company in 18.. to take a position as deputy in the office of County Assessor Berkey.

The appointment is declared by his friends not to have been dictated by party interests, but solely by consideration of the personal friendship existing between Mayor Clark and Sullivan and because of the Mayor's recognition of his ability.

SAY CHECK WAS FORGED.

Merchants Victimized by a Scheming Woman.

Jan 15, '00

SHE CLAIMED TO BE ARMY CHAPLAIN'S WIFE.

BOUGHT GOODS AND RECEIVED CHANGE FOR BOGUS PAPER.

Denver Bank Returns an Order to Pay, Pronouncing Signature Spurious, and Investigation Follows.

Serious trouble is in store for a woman, who claims to be Mrs. M. A. Swift and says she is the wife of the Army chaplain of that name, unless she can prove her innocence of uttering forged checks upon local merchants. Such are the charges made, and the scandal consequent is all the greater by the association with it of the name of the spiritual adviser of one of the regiments now doing service in the Philippines.

When the police ascertain the whereabouts of the accused woman she will be given an opportunity to refund a considerable sum of money alleged to have been obtained upon fictitious checks bearing, it is charged, the forged name of Chaplain Swift, and to explain by whom the checks were signed.

The scandal was brought to public attention yesterday, when A. S. Mangrum of the hardware firm of Mangrum & Otter consulted the police and applied for a warrant for the arrest of the person who claims to be Mrs. Swift, on the charge of uttering a forged check in the sum of $30, which was drawn upon the First National Bank of Denver, Col. It was signed "Henry Swift, Chaplain, U. S. A.," and indorsed upon the back in the name of Mrs. M. A. Swift. The check was given in payment for a small heating stove and other goods of the value of $14 75. When it was accepted the difference, $15 25, was paid in cash.

The paper was deposited in a local bank and by that agency forwarded to Denver for collection. It came back with the words written across it: "Payment refused, for signature is a forgery." With the bogus check was a notary's certificate acknowledging the teller's statement that the signature was not genuine. Then search was made in this city, on Angel Island and in other places for the alleged Mrs. Swift, but no trace of her was found. As a last resort the assistance of the police was asked.

Though merchants are slow to acknowledge that they have been victimized, it is understood, that Mangrum & Otter are not the only ones who have suffered by similar forgeries. It is said that a down-town grocery firm handled one of the checks amounting to $146 and that another of the bits of paper calling for the payment of $60 was accepted by Nathan, Dohrmann & Co. The check which Mangrum & Otter cashed was dated November 29, 1899, and was presented in payment for the goods on January 5th. Though it is not charged that the person who uttered the check forged the chaplain's name, the similarity between the writing of the signature at the bottom of the check and the indorsement on the back is sufficiently noticeable to cause comment.

Swift is chaplain of the Thirteenth Infantry and is now in Manila. He went to his post last May, and it is said that his wife accompanied him, but returned later and at her own request was assigned to quarters on Angel Island by General Shafter. According to the statements of officers of the post Mrs. Swift has not occupied the apartments assigned to her, but a number of packages of household effects have from time to time arrived at the island addressed to her.

A. S. Mangrum, who sold some goods to the person who introduced herself as the wife of the chaplain, is very anxious that she be located.

"The woman came into the store, and after making her purchases asked that they be sent to her quarters at Angel Island," said Mangrum yesterday. "She wanted them packed in boxes. She said that, being the wife of an Army chaplain, she might be called away at any time. She said also that for the same reason she did not carry much money with her, but that her husband always kept his account with the Denver bank and drew upon it as needed. Then she presented the check for $30, and as she seemed to be perfectly honest it was cashed without question. The next thing I knew about the matter was when the check was returned as a forgery. I went to the island and secured the goods and also learned some things about the Mrs. Swift, whom I should like to find."

Others acquainted with the woman, who says she is the chaplain's wife, tell queer tales of her. It is said, among other things, that letters, purporting to have been sent by the chaplain, and received by Captain Leeds, Postmaster at Alcatraz, asking that the Captain advance Mrs. Swift such money as she might need, are in the same handwriting as the signature to the check, which has been pronounced a forgery. The letters are postmarked from San Francisco, while the chaplain is in Manila. The woman's explanation of this fact has been that they were brought across on a transport by a friend and mailed in this city.

THE LETTER TELLS TALES.

Jan 7 — 1900

Light on the Murder of Charles Thomas at Merced.

DISTRICT ATTORNEY ON AN IMPORTANT MISSION.

BRINGS ANONYMOUS WRITING FOR EXAMINATION BY THE EXPERTS.

Kytka Finds That It Is in the Hand of the Man Who Was Shot—It May Be of Help to the Defense.

F. G. Ostrander, District Attorney of Merced county, is here on a mission that is likely to have an important bearing on the Thomas murder case. He has come from Merced in order to get expert opinion as to the anonymous letter found in the possession of Charles A. Thomas at the time of his murder. As Ostrander explained yesterday the identity of the letter writer is a matter of grave consequence and will go far toward assisting to establish certain material facts concerning the relations of the murdered man and Marguerite Silvey, the murderess.

"The letter in question," said Ostrander when seen at the Lick yesterday afternoon, "was sent from Bakersfield and was dated within a day or two of a certain letter which Miss Silvey received from her Bakersfield lover, H. J. Haley. Haley broke off the engagement existing between them. The anonymous letter showed some of the characteristics of the handwriting of both Thomas and the Silvey girl and apparently could have been written by either one of them. The important thing about the letter was that it attacked Miss Silvey's character. Had it been written by the girl it would have indicated that she wanted to sever her relations with Thomas and cling to the man in Bakersfield to whom she had been engaged. Had the letter been written by Thomas to himself it was unquestionably designed to enable Thomas to hold a club over the girl's head.

"I was inclined to think that the letter was written by Thomas, but to establish the fact beyond question I brought it here and submitted it to the scrutiny of an expert and I now have his statement that the handwriting is that of the murdered man. Thomas wrote the letter and addressed it to himself. I believe there is no question of this.

"I do not know what use may have been made of the letter, but it furnishes no legal justification for the murder. In fact, the Silvey girl has no defense, unless she puts up a plea of insanity. There may have been some moral justification, but absolutely none in law. In spite of this, however, the girl is entitled to some sympathy. Her relatives are morally culpable more than she, in permitting the shooting. If any killing had to be done they should have done it themselves."

The anonymous letter was experted by Theodore Kytka, and at a meeting held yesterday afternoon in the office of Knight & Heggerty the Merced District Attorney was assured that there could be no question as to the identity of the writer.

The crime with which the Silvey girl is charged was committed December 27th in Merced. Thomas, who was employed as a reporter on the Merced Weekly Star, was called from his office into the hall of the newspaper office early in the evening, and as he stepped through the door he was shot by Miss Silvey, who was accompanied by a relative. Thomas died two days later and Miss Silvey was charged with the murder. Her preliminary examination will be held on Wednesday next. Thomas and the girl had been intimate for some time previous to the shooting. The two went to Fresno a few weeks before the killing, and upon their return fitted up housekeeping apartments, Miss Silvey telling her people that she had married Thomas. The story was disbelieved and serious trouble ensued between the girl and her relatives. The denouement of the affair was the fatal shooting of the young newspaper man.

OBJECT TO THE TALESMEN.

Legal Fight Made by Dr. Rodley of Oroville, Charged With Perjury.

OROVILLE, January 23.—The trial of Dr. J. Ellis Rodley, charged with perjury in connection with the alleged forgery of the will of the late Alfred Fuller, began to-day in the Superior Court of Butte county. Attorneys for the defendant filed an exception to the entire venire of talesmen, on the ground of irregularity of proceedings in selecting and certifying the list of names. The District Attorney at once moved that the matter be investigated and had subpenas issued for the members of the Board of Supervisors, who will be in court to-morrow morning to explain how they selected the jury. The irregularities complained of are mostly minute details, in which it is claimed that the law is not fully complied with. In case the panel is declared to be legally drawn the trial will proceed.

Judge Gray of the Superior Court of this county is presiding. The defendant filed an affidavit declaring Judge Gray disqualified by reason of adverse opinion previously formed and expressed, but counter-affidavits were filed to-day by District Attorney Sproul and by Judge Gray, and Gray will preside.

FULLER'S NOTE TO DR. LANDIS

Administrator Demands Privilege of Making Photographs

Sale of Randall Rice Real Estate to W. H. Marshall is Confirmed—Woods Case

Special to the Record

OROVILLE, January 10.—E M Woodman, as defendant in the action entitled Landis vs Woodman, through his attorneys John Gale and F C Lusk, has notified Landis and his attorneys that on Tuesday, Jan. 16th, he will apply to the Court for an order requiring the plaintiff to permit him to inspect and have photographic copies taken of the alleged promissory note of the late Alfred Fuller, and for other and further relief as may be deemed just.

The sale of the Randall Rice real estate to W H Marshall has been confirmed. The purchase price was $4000.

L C Faulkner has been appointed a referee to take testimony in the divorce case of Lydia Woods vs Geo R Woods.

The inventory and appraisement of the Victor Noyot estate shows that money has come into the hands of the administrator to the amount of $465.35; claim against E F Coutolenc for $1000; mining claim and improvements $50; total $1,515.35.

D L Barnes, H R Pegden and H A Ham, have inventoried and appraised the Elizabeth Pegden estate as follows: Realty, Lot 4, blk 36, Chico, with improvements, $900; lot 4, blk F, of Bidwell's Extension to Chico, with improvements, $600; total $1500. The estate is community property.

Miss Fannie Evers has waived her right to administer upon the estate of her deceased husband, Henry Evers, and requests the appointment of Thos J Evers, a son. The estate consists of realty consisting of 360 acres of foothill land, with improvements, valued at $1000; personal property consisting of horses, cows, calves, hogs, harness, wagon and household furniture, valued at $210; total $1210.

In the suit of Moulton vs Evans, which was transferred here from Colusa county for trial, plaintiff has filed an amended complaint.

The inventory and appraisement of the Chris Gilman estate shows a total valuation of $383 65; of which amount $215 60 is cash, and the appraisement of the Mrs. E Nash estate places the total valuation of $100.

SCOTT ON THE DEFENSIVE.

Candidate for Tax Collector Testifies in His Own Behalf.

Jan 3 — 1900

CLAIMS A HOME IN THIS CITY.

Takes the Position That His Residence Here Began in July, 1894.

J. Harry Scott, who received the highest number of votes for the office of Tax Collector at the recent municipal election, spent some time on the witness stand in Judge Seawell's court today in an attempt to show that he possesses the qualifications necessary to that office. He devoted his greatest efforts to showing that he has resided in San Francisco for over five years.

Upon taking the stand Scott testified that he was born in San Francisco in 1862. He has resided here continuously ever since, with the exception of a few years spent in Santa Cruz and in San Jose. In October, 1893, he established his home in San Jose. He remained in that city until July, 1894, when he gave up his house and sent his wife to San Francisco.

"It was my intention at that time," said Scott, "to re-establish my home in this city. In fact, I consider that with the removal of my wife to San Francisco I transferred my home to this city, and that her home became my residence. Business interests compelled me to remain in San Jose after my wife came to San Francisco. However, I did not continue my home there, and I consider that I had no residence in that city after the month of July, 1894."

Before Scott entered upon his defense several witnesses were heard in opposition to his claims. Of these R P Doolin was the most prominent. He was the Democratic candidate for Tax Collector at the recent election. During the latter part of November he went to San Jose to investigate Scott's career in that city. He testified that he found that Scott did not remove to San Francisco until 1895. Scott did not move into his residence in the Nightingale block on Haight street until February 27 or 28, 1895.

Doolin denied on cross-examination that a conspiracy had been entered into between himself and Tax Collector Sheehan to deprive Scott of his office. He stated that Sheehan was making the present contest on his own responsibility.

4

JUSTIFICATION WAS NOT SHOWN

Margaret Silvey Held for Murdering Young Thomas.

[Special Dispatch to "The Examiner."]

MERCED, January 10.—The preliminary examination of Miss Margaret Silvey, charged with the murder of her lover, C. A. Thomas, a reporter on the "Star," on December 11th, was held at the Courthouse to-day by Justice Crocker. District Attorney Ostrander and F. W. Henderson appeared for the prosecution and J. W. Knox for the defense. The defendant, Miss Silvey, appeared in court attended by her father and brother. She wore a heavy veil and was very nervous, the excitement attending the murder of her sweetheart, by whom she had been betrayed, having left a marked effect on her.

Charles Harris, proprietor of the "Star," told about the tragedy which occurred in the hallway leading to his office. Dr. Lilley and Dr. O'Brien followed with minor testimony, the latter describing the murdered man's wound.

Constable J. H. Smith testified that he arrested Miss Silvey after she shot Thomas, overtaking her while she was on her way to her father's office in the lumber yard. After he had made the arrest Lacey Silvey, a brother of the defendant, came up. Smith told him his sister had killed Thomas. Lacey then said something to the effect that he had feared she would shoot Thomas and wanted to go with her, but she would not let him.

This statement from the girl's brother would seem to assist materially in establishing a case against her, as it tends to show that the murder was premeditated.

Mrs. Lenora Silvey, sister-in-law of the defendant, who accompanied Miss Silvey to the "Star" office on the evening Thomas was shot, told of Miss Silvey coming to her apartments in the Academy building on the evening of the murder. She said she accompanied her downtown to the "Star" office to see Thomas, the girl saying she "wanted to have a little talk with him." When they reached the top of the stairs leading to the "Star" office Mrs. Silvey waited while Miss Silvey met Thomas coming out of the office. Thomas stood with his hand on the doorknob and Miss Silvey a few feet away. Witness could not hear the conversation. Suddenly a pistol shot was fired and Thomas ran back into the office.

The case was then submitted to Judge Crocker, who held Miss Silvey to answer to the Superior Court, without bonds, on a charge of murder. Miss Silvey will, therefore, go to jail pending her trial. She had been released before on $10,000 bonds.

When the defendant heard the decision of the Judge she gave way completely and was carried downstairs in a fainting condition.

The Silvey-Thomas tragedy and its developments are the talk of the town, and considerable excitement exists. Thomas took the Silvey girl away from town some months ago and returned, claiming her as his wife. The story of a marriage was not believed by the girl's parents, and after the pair had lived together several months Miss Silvey admitted to her parents that they were not married. The realization that she had been wronged weighed on the girl and she finally sought revenge by murdering her lover. At the time of the murder the sympathy of the community was with her, but as the case develops the public is inclined to believe she was to some extent to blame in the matter, and that when she killed Thomas it was not justifiable homicide.

LEFT LITTLE TO HER BROTHER.

MRS. ANN HARRIS' WILL FILED FOR PROBATE.

JOSIAH AMES DISINHERITED WITH A LEGACY OF FIVE DOLLARS.

Ten Thousand-Dollar Estate Goes to the Children of Her Deceased Brother, John Ames.

Oakland Branch Office of the "Chronicle,"
[illegible]

OAKLAND, January 6. The will of the late Mrs. Ann Harris, whose litigation for several years with her brother, Josiah P. Ames, had brought her into public notice, was filed for probate today by E. Wilder Churchill of Napa, who is named as executor without bonds. Mrs. Harris' will disposes of the estate, which is estimated to be of the value of about $10,000, to the children of her deceased brother, John Ames. The children are also entitled under the will to all money recovered under whatever judgments may be rendered in favor of the estate against Josiah P. Ames in the suits now pending. Mrs. Harris remembered the brother, with whom she has been at war, with a bequest of $5. The will is dated April 14, 1898, and recites that the decedent was 81 years of age. Churchill is named as executor, and in case he refuses to act or for any reason he failed to act, William C. Ames is to execute the terms of the will.

Mrs. Harris' litigation with her brother, Josiah P. Ames, was the result of a dispute over valuable property which, she alleged, her brother was holding as his own, whereas she claimed that in reality he was but holding it in trust for her. Two suits were brought in the Superior Court of this county. One was an action for an accounting which has never come to trial, and the other a suit to determine the ownership of valuable bonds of the Dayton and Ohio Railroad, on which a judgment was rendered in favor of Mrs. Harris for $61,100.

The judgment was rendered several months ago by Judge Ogden, but the case is still unsettled, as the defendant's attorneys are preparing a bill of exceptions on an appeal to the Supreme Court. It is said that a motion for a new trial will be made.

RECORDS ARE STILL INTACT.

Jan 5 — 1900

SENSATIONAL STORY WAS WITHOUT BASIS.

ROGUES' GALLERY HAS NOT BEEN REMOVED FROM POLICE HEADQUARTERS.

Chief Lees Allowed the City to Retain Books Which Had Been Compiled at His Own Expense.

A great pile of books filled with photographs and descriptions and records of criminals gathered together at police headquarters proves the falsity of the published story that Chief of Police Lees had carried away the city's rogues' gallery when he retired from office. In addition to this mute testimony, Captain Wittman, who is directing the affairs of the department in the name of Acting Chief of Police Tobin, and Arnop Bainbridge, head of the criminal identification bureau, declare that there is no truth in the story.

"The collection of photographs and descriptions and pictures is intact," said Captain Wittman. "These records were taken out of the case in which they are usually kept, as the case is to be removed to-day to the new Hall of Justice. The rogues' gallery will remain here until the department removes to its new quarters, and it will then be taken to the Hall of Justice and put back into the case from which it has been temporarily taken."

"All our records from 1860 to the present day are here," said Arnop Bainbridge, pointing to the pile of books on the desk behind him. "All that Chief Lees took away was his private collection of daguerreotypes and ambrotypes, taken in the early days of the department, and we have copies of about all of these. These pictures were taken prior to 1860. Our books have everything since that date. The gallery is the property of the city, and no one has had any thoughts of taking it away. As to records, we have all of our own here and several books which Chief Lees has compiled at his own expense, paying $2500 out of his own pocket for the work. Instead of being handicapped by a lack of records, the police officials under the new charter will have one of the finest rogues' galleries ever owned by a municipality."

"There is no truth in the story," said Chief Lees. "I haven't taken the gallery. It is the property of the city, and it is still in the office to which it belongs. There are several records compiled at my expense, but they also are still in the possession of the city. Nothing has been taken away except a few of my personal belongings. As to the story that I am to start a private detective agency in opposition to the Pinkertons, there is nothing in it. I am not going to start any agency. I have had no trouble with the Pinkertons, and the state of their feelings toward me is shown by a great basket of flowers which they sent to me on the day of my retirement. Our relations always have been and still are most cordial."

Police Captain John Seymour, who is mentioned as a party to the private detective agency enterprise, also denies the story, and says that he has never even considered such a plan.

BOOMING WEEK IN OROVILLE

Hundreds of People Desire to Attend the Trial

Indications Are That Judge John C. Gray Will Preside Regardless of Dr Rodley's Protest

There will be a throng of people in Oroville during the coming week to attend the Rodley trial, and the word comes from the county seat that the courtroom will not be sufficient in size to accommodate the Oroville people who desire to attend.

From Chico quite a number intend to go solely for the purpose of witnessing the trial, while fully thirty people have been subpoenaed as witnesses for the defense. Nearly all of the witnesses for the defense from here will be called for the purpose of proving the reputation of the defendant. The selection of these witnesses was made by Attorney Guy R. Kennedy who is thoroughly conversant with the views of the majority regarding Dr. Rodley.

It is not probable that the real trial of the case will be begun today, as the affidavit filed by Dr. Rodley in support of a motion that he be permitted to have trial before a Judge other than Judge Gray will necessitate a hearing, in which arguments of some length will be made, and it is possible that testimony will be taken for the purpose of supporting the affidavit that Judge Gray has expressed himself in a manner that would indicate prejudice.

The general opinion both in Oroville and Chico is that Judge Gray will try the case regardless of Dr. Rodley's protest.

Some are of the opinion that an effort will be made by defendant to secure a delay, as is customary in many criminal cases. Such is not probable, as Dr. Rodley was very strongly opposed to the first continuance and was only persuaded to ask for it after his attorneys insisted that if he was to be his own lawyer, their services would not be required. They realized that a continuance was necessary, and Rodley finally gave in to his attorneys.

There is no basis upon which to forecast the length of the trial, but guesses place the time at from two to six weeks.

C H Dane leaves this morning for Oroville for the purpose of attending and reporting for the RECORD the Rodley trial. He will remain in Oroville until the close of the trial.

URDAY, JANUARY 20, 19

In the case of the People vs. Dr. J. Ellis Rodley, a stipulation has been filed by J D Sproul, representing the People and Guy R. Kennedy, counsel for Rodley, wherein it is stipulated that John Bruce, Sr., of Dump Precinct, who was drawn as a juror to appear on Jan. 23d, for the trial of the cause, be excused and his attendance dispensed with, for the reasons that on account of age and physical disabilities he is incapacitated from serving, said Bruce being at present sick and unable

THE RODLEY TRIAL.

Butte County Clerk Tells of Conversations With the Accused.

OROVILLE, January 25.—In the Rodley forgery case today Mrs. Minnie Jones, former court reporter, read the entire testimony of Dr. Rodley, given when Alfred Fuller's will was probated. County Clerk H. T. Batchelder was called to the stand and said that in February, 1898, Dr. Rodley came to him at Oroville and asked for a private interview. He asked him (Batchelder) if he could identify the signature of Fuller. He said that there was [illegible] Fuller. He said he could certify to the signature for him if he could ... Witness told him that Fuller had never asked him to sign any document as a witness. He said in explanation that he inferred the doctor wished him to sign a will. A few days later he received a letter from Dr. Rodley, asking him to come to Chico. He went there, and the doctor showed him a will signed by Alfred Fuller, and asked him if that was the signature of Fuller and if he could sign as a witness. Witness replied that he could not sign anything unless Fuller had requested him to do so. He said Dr. Rodley took the will from his safe and returned it to the same place. He was questioned at length concerning the letter and the two interviews and will return to the stand to-morrow.

RODLEY WANTS ANOTHER JUDGE

Says that Judge Gray is Biased and Prejudiced.

AFFIDAVITS FILED THIS MORNING

Avers that Judge Gray has Formed and Expressed a Belief as to the Guilt of Rodley—Information Filed Charging Schuyler Binney With Murder.

Special to the ENTERPRISE

OROVILLE, Jan. 22.—The first gun in the Rodley case was fired this morning, and the defendant has petitioned for a new judge to try the case.

The affidavit of defendant Rodley was filed this morning and states that Rodley could not have a fair and impartial trial before Judge Gray, the Judge of the Superior Court in and for Butte county.

The affidavit states that defendant could not receive a fair and impartial trial at the hands of Judge Gray for the reason of prejudice and bias, as this:

"That Judge Gray has formed and has expressed to others a fixed opinion concerning the merits of the said case, adverse to defendant, and has taken an active part in support of the prosecution of said action outside of his official duties; that said opinion formed and expressed is not by said Judge formed upon public rumors or statements in public journals or common notoriety, but is formed upon statements of others who claim to know the facts.

"Defendant insists upon his rights to a fair and impartial trial, and makes this affidavit under Section 17, Code of Civil Procedure."

District Attorney Sproul accepted service of the notice to-day, but the People and the District Attorney waive no rights in the acceptance of said notice.

The case will come up at 1:30 tomorrow afternoon and as the defendant will fight "every inch of the ground," it is expected the case will consume some 14 or 15 days. Grove L. Johnson of Sacramento, George D. Collins of San Francisco, and Guy R. Kennedy of Chico, will appear for the defense and will have a special reporter. It is expected by the defense that the entire panel of 75 jurors will be exhausted and the case promises to be one of the most stubbornly fought contests held in Butte County for many years past.

In the case of the People vs. S. Binney, the District Attorney this morning filed an information charging Binney with the crime of murder.

The case will probably follow immediately after the Rodley and Houseworth trials.

In the matter of the estate of A. Fuller, Richard White has power of attorney from Franklin Fuller, to represent him in the hearing on the petition of Wm. Fuller to determine his heirship and his rights to the estate.

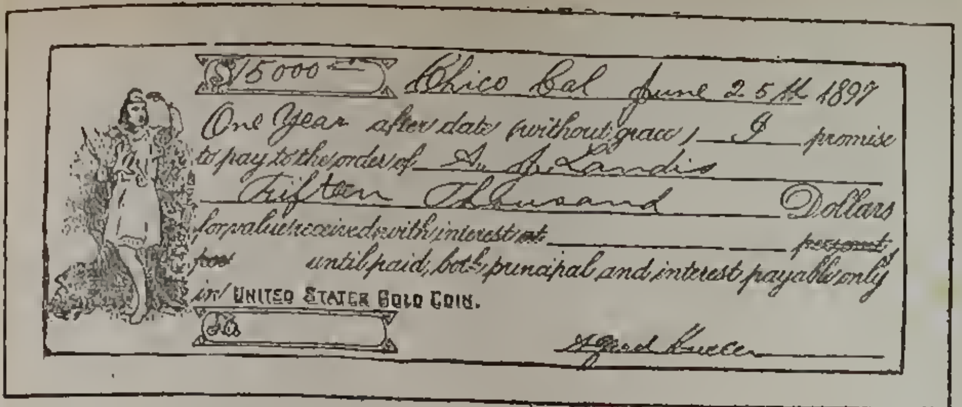
Estate Randall Rice—Return of sale of real estate filed and set for hearing Feb. 5. The real estate, consisting of 246 acres of land in Tp. 21, R. 3 E, was sold to W. A. Park for $492.

Estate Henry Piersall—Return of sale of real estate, consisting of lots 7 and 8, block 12, Oakdale, to Fetters & Williams for $294, filed and set for hearing Feb. 2.

Estate John Heirftl—Order of publication of notice to creditors entered.

Estate Wm. Tubbs—Bond of E. B. Cullins in the sum of $350 filed and letters of administration entered.

NOTE THAT FIGURES PROMINENTLY IN THE ALFRED FULLER WILL CONTEST AT CHICO.



$15000 — Chico Cal June 25th 1897

One Year after date (without grace) I promise to pay to the order of A. J. Landis Fifteen Thousand Dollars for value received with interest at — per cent — until paid, both principal and interest payable only in UNITED STATES GOLD COIN.

No —

Alfred Fuller

EXPERT THEODORE KYTKA leaves this city to-day for Oroville to photograph and pass upon the merits of the $15,000 note which Dr. A. J. Landis has presented against the estate of the late Alfred Fuller of Chico. The Public Administrator holds this note to be a forgery and has refused payment. He further claims that the Grand Jury will have more work to do in the affairs of this estate when he gets his evidence ready to present.

This note has been submitted to three experts, who have all pronounced the signature to be a forgery. These deductions were made from photographs taken in Oroville. Copies of these were sent to Kytka and with the use of a microscope and other tests he pronounced the note spurious, but refused to give expert testimony unless he was permitted to take original photographs and make enlargements. This, he says, will show the characteristics for eyes not expert in these matters. He will simply have to point the way. The attorneys for Landis bitterly opposed the granting of this concession, but the Public Administrator fought hard, and the Judge made an order that Kytka make the needful copies on January 27th. This time was set because Kytka had to make the trip to Oroville to be a witness in the criminal proceedings against Dr. J. E. Rodley, whose trial commences to-morrow.

Kytka takes the great camera which looks like a telescope and will make a thirteen-foot enlargement of the signature of the note in question. It was such tell-tale enlargements which Kytka made when the will brought out more than a year after the death of Fuller was pronounced a forgery. This, with the confession of Garner, one of the witnesses to the will, combined to make a big sensation. It was then that Dr. J. E. Rodley, who had been Mayor of Chico, was arrested; Garner, who signed the will with him, and Mrs. Houseworth, to whom, according to the terms of the will, all the property was left. Kytka showed that the will was in the handwriting of Mrs. Houseworth and that Fuller had not signed it. Former proceedings in this case have been civil. Criminal action is now at hand, Dr. Rodley having to answer first. The attorneys originally engaged by Rodley have deserted him and Grove L. Johnson and George Collins will now appear for him. The estate is valued at $50,000, all in cash.

ERASED DEMANDS PASS TREASURY

Jan 21 - 00

William Welch, a laundryman, has a grievance against the city's financial department, and he threatens to take it before the Grand Jury. He has lost $50, as warrants assigned to him and which were procured by some unexplained process by Max Goldberg, a warrant broker.

The warrants in question were $20 for expressage for the head janitor, and $30 for washing towels for December, both of which were made out in the name of Matt Smith, formerly head janitor. On a former occasion it appears Smith had not paid Welch's laundry bill, and Supervisor Collins made him assign these two demands to Welch. At that time the warrants were in the custody of John Ryan, the Warrant Clerk of the Board of Supervisors, and he saw them endorsed.

This demand is assigned to William Welch. (Signed) Matt Smith.

With this endorsement the demands, with numerous others, were sent by Nick Fitzgerald, a messenger-janitor, to the Auditor's office on December 29th for the Auditor's signature. In due time the bunch of demands was returned to the Supervisor's Warrant Clerk, but he found that the two Smith warrants, assigned to Welch, were missing. The rest were all checked off, and in accordance with the usual procedure they were taken by the various payees. Welch called on Ryan for his warrants and was referred to the Auditor's office. There he was informed that they had been paid to Max Goldberg on January 2d.

An investigation was held. The two demands were found in the treasury with the name of Welch erased with a knife from each assignment and that of Goldberg substituted. When the investigation reached the Auditor's department the claim was made that the demands came there with Goldberg's name on them. Fitzgerald, who carried them from the Supervisor's office with other demands, declared positively he did not know that the demands were in the bundle, and he protested that he took them direct to the Auditor. Goldberg had a claim against Smith for money advanced, and now there are many officials wondering who was his friend in the city's financial department. Goldberg was interviewed relative to the warrant last night. He said:

"I know nothing about the tampering with this warrant, and I court an investigation. I have nothing to hide from a Grand Jury. Smith owed me and I urged him hard. He assigned the claim to me, and my messenger went out and collected it. The scratching lies between Smith and the officers who handled the paper. To me it is all a mystery."

JUDGE JOHN C. GRAY,
Before whom Dr. J. Ellis Rodley will come up for trial.

RODLEY'S TRIAL TO BE BEFORE JUDGE GRAY

Affidavits Presented in Reply to Sworn Statements Made By Defendant

PANEL OF JURORS CHALLENGED

Attorneys for the Prisoner Fighting Upon Technicalities—Accused Has Endured Months of Imprisonment Well

Special to the Record.

OROVILLE, January 23.—After several weeks of lonely confinement in the tank at the county jail, Dr. Rodley was to-day ushered into the superior courtroom to pass through a trial, upon the result of which depends only the question of whether he shall go to State prison for a term of years or again be a free man. Imprisonment is the only question. Guilty or not guilty, his life is ruined and his property must be given up in his defense. It is a fight to avoid the prison.

Notwithstanding the rumors to the contrary, Dr. Rodley is enduring the confinement in the county jail magnificently. He is in excellent health, and has not lost none of that robust appearance which he has always possessed on account of good living. He seemed cheerful as he entered the courtroom, though quite naturally embarassed on being ushered forth as a prisoner in the presence of many of his old friends. Mrs. Rodley and Mrs. F. J. Hauck were with the Doctor in court. Attorneys Geo. D. Collins of San Francisco and Guy R. Kennedy of Chico were present to appear for the defendant, and District Attorney Sproul appeared for the People.

While Dr. Rodley was represented yesterday by only Attorneys Kennedy and Collins, he will have a trio as soon as the trial gets fairly under way, as Grove L. Johnson will appear immediately after the jury has been secured.

In response to the affidavit filed by Dr. Rodley yesterday to the effect that he believes Judge Gray to be prejudiced and biased against him, and unable to give him a fair trial on account of the prejudice, two affidavits were filed this morning—one by District Attorney Sproul and the other by Judge Gray.

The affidavit filed by Sproul set forth that he has been the District Attorney of Butte county during the year past and he was thoroughly conversant with all the testimony given by the various witnesses; he also had conversed frequently with Judge Gray, regarding the unfortunate affair, and the latter at no time made any intimation regarding what the testimony of any witness was or would be; that he never in all of the conversations had with him ever expressed himself in a manner indicating any prejudice. On the other hand, Judge Gray had stated to the affiant that he viewed the case with sorrow and regret, for Dr. Rodley had been a friend of his especially in politics, and at elections he had cared well for the interests of him, (Gray). He had also stated that if the evidence as he had heard it was, is true, the case for the prosecution appeared to be a strong one. Affiant declared that Judge Gray is not prejudiced nor biased, and that he has done nothing in the preliminary proceedings to indicate prejudice, and he believes that Judge Gray will give the defendant a fair trial.

Judge Gray's affidavit was a general denial of the allegations of Rodley. He sets forth that he entertains no prejudice against the defendant, has not talked with the witnesses in this case, and that he will give the defendant a fair trial.

The affidavits settle this matter for the present and Judge Gray will try the case, as he certainly has a right to do.

It was not long after the opening of court when it became apparent that the attorneys for the defense propose to fight every step of the way. The list of seventy-five jurors was read, and then came the line-up of those who believed they possessed legitimate excuses for being dismissed. Eighteen were excused.

Attorney Collins then challenged the remainder of the panel on several grounds. He objected to the order of the Court directing the Supervisors to make a selection of 300 jurors, claiming that it was not made in conformity with the Code. He criticised the returns made by the Sheriff in that they did not show whether service was made on the jurors in person or whether the subpoenas were left at their homes. He also claimed that the certificate of the Supervisors was defective, in that erasures of names had been made and other names substituted without any notations being made on the certificate to show who had made the changes. Further, he objected for the reason that H. T. Holms was drawn and H. P. Holms was substituted.

The challenge was argued at some length, and District Attorney Sproul stated that he did not propose to jeopardize the rights of the people by hasty action, and he asked that testimony of the Supervisors be taken. An adjournment was therefore taken until this morning at 10 o'clock, when the testimony on the questions raised will be taken.

Believes He Cannot Receive a Fair and Impartial Trial Before Him

SPROUL OBJECTS TO THE FILING

Defendant Declares That the Court Has Been Taking An Active Part in His Prosecution

Special to the Record.

OROVILLE, January 22.—The affidavit of Dr. J. Ellis Rodley subscribed and sworn to before Court Commissioner, John Guldery, wherein he objects to being tried before Judge John C. Gray, was filed to-day. Rodley avers that he cannot have a fair and impartial trial before said Judge, by reason of the "prejudice and bias" of said Judge. He further avers that the Judge has formed, has now, and has expressed to others, a fixed opinion concerning the merits of the case adverse to and against affiant and has taken an active part in support of the prosecution, outside of his official duties; that such expressed opinion is not founded upon public rumor, statements in public journals or common notoriety, but is founded upon statements of others who claimed to know the facts involved in the charge upon which affiant is about to be tried, therefore he insists upon a fair and impartial trial and makes affidavit under section 170 of Code of Civil Procedure. The objection of District Attorney Sproul to the filing of the affidavit on any legal ground, is on file on the ground that the same is irrelevant and not in due form of law, and he refuses to waive any right on the part of the people that they may have to object to any hearing thereon.

Franklin Fuller has given power of attorney to represent him in the Wm. Fuller matter, to Richard White. Wm. Fuller is the alleged new heir and son of Alfred Fuller.

JUDGE GRAY TO HEAR THE CASE

He Files a Counter Affidavit.

Jan 23 - '00

OBJECTIONS FROM THE DEFENSE

Declare the Jurors Were Irregularly Drawn, and that the Sheriff's Manner of Service Was Not in Conformity With the Code of Civil Procedure.

Special to the Enterprise.

OROVILLE, Jan 23.—The prediction that the attorneys for Dr. J. Ellis Rodley would fight every point was evidenced yesterday in the filing of the affidavit in opposition to Judge Gray hearing the case.

This morning both District Attorney Sproul and Judge Gray filed counter affidavits in which every allegation contained in the Rodley affidavit was denied, and the case will proceed in Judge Gray's Court.

Another evidence that defense was determined to grasp at every straw was demonstrated in the fact that Attorney Collins of San Francisco objected to the entire proceeding of the empanelling and subpoenaing of the 300 trial jurors.

When the case was called this morning the court-room was crowded to its utmost capacity, many ladies being present, and many more striving to gain an entrance who were crowded out by those who were earlier on the scene.

The first proceeding in this case, which is exciting so much interest, was the reading of the list of the 75 jurors called for this case. Then came the usual excuses of jurors for dismissal, some claiming business affairs as an excuse for discharge, while others had sickness in the family, were hard of hearing, and numerous other pleas. Of the 75 jurors summoned, 18 were excused on the various excuses offered. Attorney Collins then entered a challenge to the balance of the panel, to which the District Attorney entered a denial. This brought out a warm argument.

Attorney Coll[illegible] stated that he had [illegible]ered the challenge to the jurors on the following grounds: First—That the Sheriff's return on the subpoena was defective; that the manner of service was not in conformity with certain sections of the Code of Civil Procedure.

Second—That the order of the court requiring the Board of Supervisors to make a selection of 300 jurors was not in conformity with the Code.

Third—That the certificate of the Supervisors regarding the selection of the 300 jurors was defective.

The District Attorney denied all of these challenges, and the members of the Board of Supervisors were subpoenaed to appear in court at 10 o'clock to-morrow morning to give verbal testimony regarding the manner of selecting the 300 trial jurors.

SELECTION OF JURORS IS NOW PROGRESSING

Judge Gray Decides That the Panel Was Legally Drawn and Must Stand.

FOUR OF FIRST TWELVE TAKEN

Strong Indication That Rodley Will Make a Desperate Effort to Discredit Colonel Batchelder's Testimony

Jan — 24, 1900

The continuation of the trial of Dr. J Ellis Rodley this morning in the Superior Court was marked by a dull monotone of legal quibbles that to the outsider seem entirely foreign to the matter at issue. That the case will be a long and hardly fought legal battle, the tactics of Attorney Collins, for the defense, leaves no reason to doubt. His objections to the validity of the drawing of the present jury panel are based upon purely technical grounds, but they serve to draw out the case and add at least one day's proceedings to the record. At convening of court this morning the attendance was large and the seating capacity of the room is already severely taxed, although it is difficult to see how the proceedings could have any public interest.

Judge Gray announced as preliminary to the proceedings that Mrs. McCallan of Glenn county would act as official reporter with Miss Gray as assistant. Mrs. F Hall of San Francisco was also present, acting as the reporter for the defense. The Court also announced and it was made a part of the record that he denied the application of the defense for a change of Judge, to which an exception was noted.

The five Supervisors from the various districts were placed upon the stand as well as Deputy Clerk Belding and Sheriff Wilson to testify regarding the manner in which the three hundred names from the body of the county were selected, how their fitness according to the assessment roll was determined, and why certain erasures and substitutions were made. The Supervisors agreed in their statements that the list was prepared in regular session, personally selected according to the population of the various districts, and that they received no suggestions as to the fitness of certain names. The deputy clerk told how he had written in certain names and erased others because they were found not to be on the assessment roll, and that the changes were made before the list was attested and filed. Attorney Collins is striving to show that the panel and the entire list of jurymen for the year were not drawn in a strict compliance with the statute. There was little doubt however that the objections would be overruled on the ground that even if it was not strictly complied with no material right of the defendant had been interfered with. The examination of these witnesses occupied all the time up to the noon recess.

On convening of Court for the afternoon session the hearing on the motion for disallowing the panel of jurymen was continued, and brief arguments were made by Attorney George D Collins in favor of the motion, and District Attorney Sproul against it.

Notice.

All persons having bills against or who are indebted to Dr. J. Ellis Rodley will please call and settle with Mrs. Rodley at Guy R. Kennedy's office each day from 2 to 4 p. m. d23-tf

Judge Gray decided the question at once by determining that the panel was legally drawn and that no material rights of the defendant would be materially injured by its acceptance. Hence, the motion was denied, to which ruling Attorney Collins interposed an exception.

The impanelment of jurymen was then commenced. The first twelve drawn from the box were: Joseph Goss, L W Wakeham, Thos Truxell, George Duensing, Charles Crane, H P Helms, J R Moseley, J N Cole, John Jaeckel, E R Van Ness, F S Rowe and E J Brandt.

The prosecution had four questions to ask the jurymen, but the defense had a long series of inquiries to make regarding their qualifications. They wanted to know of the jurymen whether they were acquainted with the principal actors, and particularly, whether, in case H. T. Batchelder went on the stand and made a statement of facts, and Dr. Rodley went on the stand and made statements directly contrary, they would believe Batchelder or Rodley. It is apparent from the nature of the questions asked the jurymen by the defense, that an effort will be made to discredit the testimony of H. T. Batchelder, and it is a matter of rumor that the basis of the attack on his testimony will be somewhat sensational.

John Garner, hale and hearty, was brought into the courtroom at the request of the defense in order that he might be identified when the jurymen were asked if they were acquainted with him. It was an embarrassing ordeal for Garner.

Out of the first twelve jurymen, Truxel, Duensing, Cole, Helms and Brandt were challenged by the defense for cause, they having formed a fixed opinion, and the challenges were allowed. Van Ness was also challenged, but the challenge was disallowed. Jaeckel was peremptorily challenged by the prosecution, and Crane and Rowe were peremptorily challenged by the defense.

Of the twelve first called four passed the muster, they being as follows: Joseph Goss of Durham, L Wakeham of Bangor, J R Moseley of Berry Creek and E R Van Ness of Paradise. These four were ordered into the charge of Sheriff Wilson, and the Sheriff was given instructions to keep all local papers from them and if they are allowed to read the San Francisco or any other papers, all reference to the case must be cut out before the papers are delivered to them.

An adjournment was then taken until tomorrow morning at 9:30 o'clock.

DR. J. ELLIS RODLEY.
Now on trial for perjury in conection with the Alfred Fuller Will.

MRS. CRAVEN'S DEPOSITION. 1900

Cannot Be Found in County Clerk's Office. Jan 24

Pence & Pence, attorneys for Mrs. Nettie R. Craven in her litigation to secure part of the estate of James G. Fair, learned, on applying at the County Clerk's office for a deposition of Mrs Craven, that it was missing. The deposition was taken in 1896 and was filed when County Clerk Curry was in charge of the office. In the box where the deposition should have been was a card on which was written "See Harry Piper." Piper was Curry's chief deputy. The deposition was made at the time that Mrs. Craven brought suit on the two deeds for city property which she said Fair had given her. County Clerk Deane directed a thorough search for the document yesterday, but it could not be found. Piper, when questioned, stated that the deposition had been replaced in the box when he last saw it. Former Assistant District Attorney Hosmer had it during the prosecution of Notary Cooney for alleged perjury in connection with the deeds, but he said that he gave it back to Piper. The loss is not serious, as the attorneys supposed to Mrs. Craven have a certified copy of the deposition. County Clerk Deane and his deputies are not to blame for the loss.

LEGALLY DRAWN

So Decided Judge Gray This Morning.

FOUR HAVE BEEN SELECTED.

But All Were Subjected to a Series of Searching Questions as to Their Qualification to Sit in Butte County's Famous Case

Special to the ENTERPRISE.

OROVILLE, Jan. 24, 5 p. m.—The usual crowd was present in the courtroom this morning when the Rodley case was called. There was nothing of a sensational nature developed throughout the day, the early part of the forenoon being occupied in examining the members of the Board of Supervisors and other county officers regarding the manner in which the list of 300 trial jurors was drawn.

Deputy Clerk Belding was called and gave testimony regarding the drawing of jurors, after which the motion to throw out the entire panel was argued at length by Attorneys Collins and Sproul. After hearing the arguments the court overruled the motion of Collins to throw out the panel and the tedious task of selecting jurors was commenced.

The attorneys for the defense subjected the various jurymen to a very searching examination, and up to the hour of adjournment four jurymen were selected. They are:

E. R. Van Ness, L. Wakeman, J. R. Moseley and Joseph Goss.

That the case is creating much interest is evidenced by the large number of people in attendance who come from long distances to hear the proceedings of Butte's famous case.

At 5 o'clock an adjournment was taken to 9:30 o'clock to-morrow morning.

THIEF ARRESTED AFTER FIVE SHOTS.

JOSEPH E GILLIGAN went to jail yesterday morning, but not until five shots had been fired and four policemen had joined in the chase. It was Gilligan's second arrest within a year for theft, and this time a charge of forgery was added to that of burglary. The capture of Gilligan was brought about by the vigilance of Policemen Hurd and Snowball. At 4:30 o'clock yesterday they saw Gilligan, heavily laden with bundles, pass Grant avenue and Geary street. As he was acting suspiciously Gilligan was halted and asked his business. He had a bundle of laundered clothes, two boxes of cigars and a bottle of beer with him, and explained that he was taking the articles to his room at 507 Jones street. The cigars, he said, had been bought by him with money given him by a woman working in a restaurant on McAllister street. Policeman Hurd decided to make an investigation and took Gilligan to 507 Jones street. The landlady there said that she had ejected Gilligan last Sunday for failure to pay his rent. Hurd then started with Gilligan for the restaurant on McAllister street, but at the corner of Ellis and Leavenworth streets the suspect made a dash for liberty. Hurd fired five shots in the air to frighten the fleeing man, and soon Policemen Keys, Burns, Joy and Snowball were hurrying to the scene of the shooting. Gilligan ran into a house on the corner of Hyde and Turk streets and the police put the place in a state of siege. Policeman Burns went inside and found Gilligan concealed in a room on the top floor.

At the McAllister-street restaurant, which is opposite the City Hall and its police station, it was learned that a burglary had been committed. The rear window had been entered, and the things found on Gilligan stolen by some one, who had then left the place by the front door. There was no doubt but that Gilligan was the thief and he was booked at the City Prison on a charge of burglary.

Detective Anthony was detailed by Captain of Detectives Bohen to look up Gilligan's recent record. He learned that the thief passed a forged check on Clancy's saloon on McAllister street last Friday. The check was for $12, drawn on the First National Bank, and bore the forged signature of John T Sullivan, proprietor of the Oriel Hotel. He borrowed $5 on that bit of worthless paper, and probably negotiated other paper of its kind, as when arrested he had a number of blank checks of the First National Bank. He was booked on a charge of forgery and others may follow.

Gilligan's picture is already in the police rogues' gallery. In April of last year, while he was employed as a waiter in the Park Hotel, corner of Twenty-sixth and Mission streets, he stripped ten rooms of everything that could be crowded into a valise, making three trips before he succeeded in getting all of his plunder to his room down town on Jessie street. He was arrested by Detectives Fitzgerald and Graham and booked on ten charges of petty larceny. On April 20, 1899, he was sent to the County Jail for six months. At the time of his former arrest Gilligan had several blank checks in his pocket, but there was no evidence that he had ever committed forgery.

MRS. MINNIE HOUSEWORTH.

RODLEY JURY IS SELECTED

The Twelve Men Who Will Try the Case.

DEFENSE' CHALLLENGE EXHAUSTED

The Time of Selecting the Jury Was Much Less Than Was Expected—District Attorney Sproul Makes the Opening Statement to the Jury.

Special to the ENTERPRISE

OROVILLE, Jan. 25.—When Court was called at 9:30 this morning the work of selecting jurymen was renewed, and, contrary to the general expectation, progressed quite rapidly. Up to the time of adjournment at 11:50, five more jurymen had been secured, and as the defense had exhausted their peremptory challenges, it is believed the entire number will be selected before 3 o'clock this afternoon.

The law gives the defense the right to 10 peremptory challenges, and before this mornings session was concluded the entire number of challenges allowed them had been exhausted. The prosecution is allowed 5 peremptory challenges, and of this number District Attorney Sproul has used but 2. Should the attorneys wish to challenge any of the jurors this afternoon they can only do so by showing, from the answers made by the jurors to questions propounded, that said juror is disqualified by fact that he is prejudiced, is not on the assessment roll, or is in some other way wholly unfit to sit in the case.

As there are yet 17 on the list of 75 jurors drawn for this case it is quite likely that the entire jury will be selected from the venire of 75.

Those selected this morning are: Jas. Cozart, Hurleton; J. E. Crum, Bidwell's Bar; Hiram Chaplin, Palermo; Henry Huschman, Paradise; A. J. Batt, Forbestown.

The questions asked by the defense are along the line of what they know about the case, what they have read about the case, have they formed an opinion from what they have heard or read, have they heard any statements made regarding the case by persons professing to know the facts and if they have formed an opinion, can that opinion be changed by evidence produced.

One of the principal questions asked by the defense, and one which seems to bear significance as to one line of defence is as follows:

"Do you know H. T. Batchelder?"

"What is the character of your acquaintance with him?"

The examination of jurors brought out some peculiar and very conflicting opinions. One man, while under fire of a volley of questions stated emphatically that although [illegible] much [illegible] he had read [illegible] the case in the San Francisco papers, what he had read made no impression on his mind. He took no county papers, because there was "nothing in them anyhow."

Another man read the Butte county papers, had done so for many years, and believed all he read in them. He could see no reason for his county paper misrepresenting the facts in any case, whether of vital or minor importance, and he does not believe they were in the habit of doing so.

THE JURY SELECTED.

The Remaining Three Were Selected This Afternoon.

Special to the Enterprise

OROVILLE, Jan. 25, 3 p. m.—The remaining three jurymen to try the case of Dr. J. Ellis Rodley, charged with perjury in connection with the Fuller will case, were secured this afternoon. The three last selected are: B. E. Shaw, Biggs; Joel M. Nelson, Durham; N. Woodward, Chico.

The jury as selected is composed of the following men:

Jas. Goss, Durham; L. Wakeham, Bangor; J. R. Mosley, Berry Creek; E. R. Van Ness, Paradise; Jas. Cozart, Hurleton; J. E. Crum, Bidwell's Bar; Hiram Chaplin, Palermo; Henry Buschman, Paradise; A. J. Batt, Forbestown; B. E. Shaw, Biggs; J. M. Nelson, Durham; N. Woodward, Chico.

After the list of 12 jurors had been selected and the oath administered, the indictment found by the Grand Jury was read to them and the plea stated.

District Attorney Sproul then made his opening statement to the jury, in which he stated to them just what he expected to prove.

Deputy Clerk C. F. Belding was the first witness introduced by the prosecution, for the purpose of establishing the identity of the will which has caused such conviction.

The witness was asked if he was Deputy Clerk in 1897, to which question the defense objected on the ground that the records of the clerk's office were the best evidence as to when the will was admitted to probate.

In order to give time for looking up the records an adjournment was taken to 1:30 to-morrow morning.

It is quite probable that a recess will be taken from to-morrow noon to Monday morning.

AWAITING A DECISION IN THE FAIR WILL CASE.

Attorney Reuben H. Lloyd Not Willing to Fight Mrs. Craven-Fair Until the Trust Is Settled.

Exam. Jan. 28

Attorney Reuben H. Lloyd surprised the lawyers interested in the James G. Fair estate litigation by announcing, in Judge Troutt's court yesterday, that if the California Supreme Court should decide the trust clause of the Fair will to be invalid as contended by his heirs, that decision might lead to a speedy settlement of many points now disputed in the courts, and he therefore asked for a postponement of two weeks in the trial of Mrs. Nettie Craven-Fair's claim for a family allowance.

Mr Lloyd is attorney for Mrs. Theresa Oelrichs and Mrs. Virginia Vanderbilt, daughters of Senator Fair, and explained that a decision in regard to the trust clause in the Fair will is expected soon. It would be unwise, he thought, to take up Mrs. Craven-Fair's case at this time, because, while the fight was in progress, a decision might be handed down by the Supreme Court that might change the legal aspect of the situation, and possibly might make further proceedings in this direction unnecessary.

Attorney Lafe Pence, of the law firm of Pence & Pence, attorneys for Mrs Craven-Fair, was not willing to have a continuance granted on the strength of what might, would or could happen, his client was ready for trial, and objected to further delay.

Judge Troutt explained that his time will be occupied for the next fortnight, and he therefore put over the trial until Monday, February 12th.

After the adjournment of court Mr. Lloyd explained that he and his associates, representing the two daughters, had argued to the Supreme Court that former Judge Slack's decision, declaring the trust clause invalid, ought to be sustained. If this view should prevail in the Supreme Court it would put the entire estate in the hands of the heirs and would greatly simplify any steps they might see fit to take in the settlement of the litigation now pending.

Mr Lloyd was asked if this was an intimation that the children of Senator Fair would be willing to compromise with Mrs. Craven-Fair, or would recognize her claim to the Lick House property under the so-called pencil deeds, or in regard to a family allowance as Senator Fair's widow.

To this Mr Lloyd responded that he did not intend to intimate anything, as he did not know what his clients would do, even if the decision comes their way; but that it would change the status of the litigation in many important particulars.

Mr. Pence said he didn't know what the attorneys for the children of Senator Fair expected to gain by delay, unless that, possibly, they hoped to obtain, by compromise, part of the Lick House property, to which his client holds a deed.

Alfred Fuller.

If all the things of earth are known in Heaven and hell, what must be the pleasure of Alfred Fuller as he realizes the trouble into which all those have fallen who have endeavored to feather their nests with the wealth he so regretted to leave behind him.

As far as can be learned, this queer old fellow submitted himself but once to the camera, and that was over twenty years ago when he was residing near Sonora, where the photograph was taken. A reproduction of that photograph is herewith presented.

TASK OF SECURING A JURY IS COMPLETED

Attorney Collins Causes Hours of Delay on the First Inquiry For Testimony

Jan 26 1900

SEARCHING FOR MISLAID PAPERS

Prosecution Must Prove That Belding Was the Legally Appointed Deputy Clerk—Mrs Housecworth Appears

Special to THE RECORD.

OROVILLE, Jan. 25.—When court convened this morning at half past nine o'clock the attendance was not as large as on previous days, but before noon the room had filled up, and although nothing but the examination of jurors was the order, public interest seems in its unabated. The four jurymen who were chosen yesterday appeared freshly shaven and with the appearance of having passed a restful night in the custody of the Sheriff. They have comfortable quarters in the jury room where beds are provided them and their meals are brought in to them from a restaurant.

Four jurymen having been selected yesterday, the trial proceeded with the drawing of eight more names. The series of questions was almost identical with those asked yesterday, except occasionally the defense asked if the talesmen were acquainted with G. W. Mowrey, the foreman of the Grand Jury which indicted Rodley.

Of the first eight Geo. Gable was challenged by the defense for having a fixed opinion and the challenge was allowed. A. Greenwood was excused because he was not on the assessment roll. R. J. Hampton was challenged by the defense, but the challenge was not allowed and he was afterward peremptorily challenged and excused. E. Flenegan was excused for having an opinion and Frank Cress on account of defective hearing. Of the number Jas. Cozort of Hurleton, J. E. Crum of Bidwell Bar and A. J. Hatt of Forbestown were acceptable to both sides and were sworn to try the cause.

Five more were then drawn, Jacob Schorr of Chico was excused on account of defective hearing and R M Coon, J S Henelson and W R Stevenson were challenged by the defense, the three latter peremptorily. H Huschmann of Paradise was sworn to try the case. Of the next lot H Chaplin of Palermo was the only one satisfactory to the defense, A W Morse, M Ditzler and D Heckman being challenged. This left three to be selected. J I Gulick and Emmons White were peremptorily challenged by the defense and J H Messenger excused for not being on the assessment roll. The next three met with the same fate, A F Chase being excused because he was not on the assessment roll and A M Honodel and S A McCoy were challenged by the defense. At this point the defense announced that it had exhausted its peremptory challenges, the prosecution having used but one. At the hour of the noon recess P R Welsh, E B Shaw and Joseph Copeland were awaiting examination touching their qualifications to serve.

When Court reconvened for the afternoon session, the examination of jurors was resumed. P R Welch of Oroville was first called, and was excused on challenge by the defense, as it was apparent that he entertained a very fixed opinion. William Copeland was peremptorily challenged by the defense.

E B Shaw was acceptable to both sides, and was sworn in.

J M Nelson of Durham and N Woodward of Chico answered all questions satisfactorily to the prosecution and defense, and were sworn in. The defense had exhausted its allowance of peremptory challenges and had to accept both.

These two completed the jury, which is composed as follows: Joseph Goss of Durham, L Wakeman of Bangor, J. R. Moseley of Berry Creek, E. R. Van Ness of Paradise, James Cozort of Hurleton, J. F Crum of Bidwell Bar, A. J. Batt of Forbestown, H. Buschmann of Paradise, H. Chaplin of Palermo, E. B. Shaw of Biggs, J. M. Nelson of Durham and N. Chapman of Chico.

Attorney Guy R. Kennedy.

The general opinion is that the jury is an exceptionally intelligent and capable one, and that their judgment will be accepted by the public as final.

Judge Gray announced that all of the jurymen of this panel who were not taken, are dismissed until next Tuesday morning, and that those from Chico will look into the Chico RECORD to ascertain if they are needed on that day.

At this point Attorney Collins interposed an objection to the reading of the indictment charging Dr. Rodley with perjury. His objection was based on the ground that it was not an indictment under the law.

The objection was overruled and an exception was taken.

Deputy Clerk Belding then read the indictment.

District Attorney Sproul followed with his opening statement for the People. He set forth the many facts which he expected to prove. He told of the life and death of the old miser, of how the will was brought before the court, the appearance of the will, of the testimony of Dr. Rodley that he had with John Garner attested the will in Fuller's presence. He would prove that Dr. Rodley had obtained the signature of John Garner as an attesting witness by promising to pay him $3000. In fact, he declared in detail that he would prove all those facts showing a conspiracy to rob the estate of Alfred Fuller which were brought out at the trial of the contest of the will bequeathing to Mrs. Housew[orth] nearly the entire estate.

District Attorney Sproul having announced that he would not attack the previous good character of Dr. Rodley, Judge Gray informed the attorneys for the defendant that they would be limited to eight witnesses with whom to establish the good character of their client.

Attorney Collins took an exception to this ruling.

The taking of testimony was then begun, Deputy Clerk C. F. Belding being called to the stand. The first question asked brought out an objection from Attorney Collins which caused a delay of several hours, thus making it still more apparent that the defense will fight on technicalities from start to finish.

The initial question asked by Sproul which caused the trouble was whether witness was the Deputy County Clerk in 1898. Collins objected on the ground that the documents were the best evidence. Belding was dispatched to get the documents, and in the meantime the attorneys entered into a lengthy argument, in which new questions were raised which seemed to tangle things up still further. It was urged by Attorney Collins that it was necessary to prove that C. F. Belding was in fact the legally appointed deputy when he was administering oaths.

The discussion led up to the creation of a great desire on the part of the prosecution to find the certificates of appointment of Belding as Deputy Clerk, not only by Batchelder, but by ex-Clerk Lausen and ex-Clerk Harkness. A subpoena was issued for Lausen. It was nearly 6 o'clock when court adjourned, and up to that hour the desired papers had not been found.

Tonight it is understood that the searchers are on track of the missing documents.

In the trial of a case of so much importance as the one at hand, it is essential that an attorney be employed who is thoroughly conversant with local conditions which may have bearing upon the case. Of the attorneys in Butte county, Dr. Rodley selected Guy R Kennedy of Chico. While Mr. Kennedy is acting in a secondary capacity in Court, he is not to receive

(Continued on 4th Page.)

less credit for the able manner in which the interests of the defense are being cared for. The technicalities to be relied upon will be studied by both Mr. Kennedy and Mr. Collins, but the important work of securing evidence and digging up all data for the defense has been and is being done by Mr. Kennedy. Collins and Kennedy are certainly a strong team, and Rodley, if found guilty, can never say that his case was not ably handled.

Attorney Grove L. Johnson, who was heralded shortly after Rodley's arrest as being the defendant's leading attorney, has not as yet appeared on the scene, and it is rumored today that he will not appear, the reason given being that he cannot afford to be away from his place in the State Legislature during the extra session. It is possible, however, that Dr. Rodley is not exceedingly anxious that he should appear, as it has been stated on quite excellent authority that Grove L's charges are rather high; that his proposition to Rodley called for $100 per day, and for the payment of the money each morning for each day's service.

Mrs. Houseworth, the beneficiary under the will, was brought from her cell in the jail to the courtroom this morning for the purpose of identification by the jurymen. Mrs. Houseworth had the appearance of having passed through a long, severe illness, and her manner in the courtroom was not such as to indicate any bravado.

NEW MEN GO INTO OFFICE, AND, AT LAST, THE CITY'S NEW CHARTER TAKES EFFECT,

An Orderly and Quiet Change Save for the Ruffianly Behavior of Sheehan's Gang.

One of Them Shoots Another During the Vain Attempt of the Ex-Tax Collector to Cling to Office.

JOHN O'BRIEN THE WOUNDED DEPUTY

The Health Board Stays Awhile to Argue and Then Withdraws With No Show of Force.

Organization Is Quickly Effected in All the Departments and Many New Attaches Are Chosen.

SHEEHAN AND SCOTT "MIX MATTERS."

smashed his skull if it had struck him. The shouting, struggling, shoving, cursing and panting mob swayed back and forth, the Scott men gaining ground and pushing the Sheehan men toward the inside room.

Strangely enough, the one pistol shot, instead of beginning a general fusillade, had the effect of calming the fighters to some extent. After the sharp report they confined their efforts to tackling and line-bucking, instead of clubbing and fist-fighting. But the temper of the antagonists was uncontrolled, and no doubt serious results would have followed had not a large squad of police tardily appeared as Attorney Ruef was dodging the deadly inkstands.

"Arrest that man!" shouted Ruef, pointing to Charles E. Broad, a Sheehan heeler.

Several of the policemen had seen Broad throw the inkstands, and he was quickly hustled out of the room. The police also arrested Ben Salomon, Scott's chief deputy, on suspicion of shooting O'Brien.

The police threw themselves into the thick of the fray and soon had the combatants separated, though they were not able to stop the noise. Shouting and cursing filled the room. Detached scrimmages were started here and there, only to be quickly squelched by the bluecoats.

replied Mayor Phelan. "This matter is in court. Why couldn't you wait for the decision of the court? The Board of Health gave way, pending a legal decision. Where were the police?"

Nobody could reply to this last question. The police, though in the same building, and aware of impending battle, did not appear in force until the damage had been done.

"Well," concluded Mayor Phelan, "all I can say is it is a disgrace to San Francisco. You both ought to lose the office for this. But, anyway," shrugging his shoulders, "it's all in one family."

This shot at the Republicans raised a laugh, at the height of which the Mayor withdrew, leaving the trouble as mixed as ever.

Auditor Wells called on Scott during the truce and made an arrangement to take over the license office. He recognized Scott officially as Tax Collector. This had a weakening effect upon the Sheehan crowd, which rapidly lost the spirit of fight.

After a truce of several hours Deputy Sheriff Fred Heyer appeared on the scene [illegible] Attorneys Ruef and Tuska [illegible] on behalf of Scott from Judge Bahrs. It was Judge Bahrs' first act as Presiding Judge. The Court's order directed Sheehan and his men to refrain from resisting or hindering Scott in the discharge of the Tax Collector's duties, from intruding in the office, from barricading the doors or windows and from remaining in the offices or rooms of the Tax Collector. The complaint set forth that Scott was elected last November under the new charter, that he had received his certificate of election, had taken the oath of office and filed the certificate in the County Clerk's office, and that his bond in the sum of $100,000 had been approved by the Mayor and the Auditor. It recited also Sheehan's attempt with armed men to shut Scott out of the office, and the barring of the doors and windows, and stated that Sheehan windows, and stated that Sheehan threatened to continue his efforts to keep Scott from performing the duties of Tax Collector. The injunction is to run until a further order by Judge Bahrs is made. A bond of $1000 on the injunction was given, with Oscar H. Curtaz, F. P. Haynes and J. H. J. Seyden as sureties.

This marked the defeat of Sheehan. His attorney, with the permission of Scott, took an hour to deliberate over the matter. Garret McEnerney was consulted and advised capitulation; so, at 4:45 o'clock, Sheehan called his cohort together and made a short but tearful talk, dismissing them. Sheehan, followed by his men, went out of a back door. There was no demonstration. A [illegible]

and they are hereby required to file with the Secretary of this Board, prior to noon of Thursday, January 11, 1900, their written applications for such appointment.

Resolved, That any and all persons objecting to any candidate for the office of Chief of Police be and they are hereby required to file with the secretary of the Board, prior to 5 P. M. of Saturday, January 13, 1900, their written objections to such candidate, setting forth fully the grounds of such objections.

Among the members of the department in attendance upon the meeting were ex-Chief Lees and Captains Wittman, Gillen and Spillane. The veteran ex-Chief addressed the Board at some length, it being his final speech before retiring to private life after a continuous service of over forty-seven years in the department. He was listened to with the greatest interest and respect by the Commissioners. Chief Lees first gave a detailed account of the funds in his possession and control, which he was prepared to turn over to the Commissioners or their duly authorized representative. He next referred to the records and descriptions of prisoners, and the photographs, sometimes called the "rogues' gallery." He said that the [illegible] had been instituted [illegible] sequently the Legislature provided a contingent fund. He had caused the first photographs to be duplicated, so that the gallery, as he would turn it over to the Commissioners, was absolutely complete from its organization. The originals which he had paid for were at his home, where they belonged. They would be of no use to any one but himself in the event he should conclude to write a history of the department. In conclusion the Chief declared, with much feeling:

"I have been connected with this department for forty-seven years, and, wherever I am, Lees will always say it is the most perfect police department on earth. There is no department equal to it either in personnel or in its records."

In the afternoon the Commissioners made a tour of inspection of the various branches of the department. It has been arranged that Captain Wittman will continue to conduct the affairs of the department under Acting Chief Biggy the same as he did when Commissioner Tobin occupied a similar position.

OLD HEALTH BOARD MAKES NO CONTEST.

After Vain Hunt for Favorable Opinion, New Charter Men

SHEEHAN AND SCOTT "MIX MATTERS."

SAN FRANCISCO changed her form of municipal government at noon yesterday. The new charter, which is the subject of close scrutiny by students of municipal politics all over the United States, is now in force and effect. The process of assuming the new and expanded garb of government was an interesting one, and was watched at the City Hall yesterday by about 1000 citizens.

With the exception of a disgraceful scene in the Tax Collector's office, caused by the retiring Collector, E. I. Sheehan, in attempting to resist the authority of Tax Collector Joseph H. Scott to take possession of his office, the transition was devoid of excitement. Rumors of violent resistance to the new law and its representatives proved groundless. The good sense and adaptability of the American character were revealed except in the case of Sheehan, whose gang of ruffians, slinking back like beaten hounds, served as a type of the old spirit of lawlessness which, it is to be hoped, is forever overthrown.

The Mayor acquired new and vastly extended powers yesterday. Centralization of authority in him goes very far in the new charter. Though Mayor Phelan's appointments in the various commissions were announced some time ago, deep interest was manifested yesterday upon the convening of the Board of Supervisors, over which the Mayor presides. Mayor Phelan read his annual message, taking a survey of the scope of the Board's authority and responsibility under the new organic law. The new committees were announced, and the Board adjourned to meet next Monday.

The Mayor was also in evidence at the meeting of the Board of Health. Here a bitter contest was expected, the old Board giving promise of resisting all attempts to remove it. An arrangement was made, however, after much argument, whereby the old Board retired and was declared dissolved.

The new Board of Police Commissioners organized by electing George A. Newhall president. Commissioner W. J. Biggy was appointed the representative of the Board pending the election of a Chief of Police to succeed I. W. Lees, and Police Captain Wittman was placed in charge of the department under Commissioner Biggy. The Board gave no hint as to when it will elect a new Chief.

The Civil Service Commission began its work early, and the first competitive examination for a position under the new charter was held. This position is that of secretary and chief examiner of the Commission. There were thirty-five applicants.

The Fire Commissioners re-elected Chief Sullivan, Captain Comstock and Marshal Towe. The Board will meet again this morning.

The Board of Public Works placed Commissioner Mendell in the chair, and inspected the offices of the Surveyor and the Street Superintendent. C. E. Grunsky was elected City Engineer, and J. Leo Parks secretary to the Board. Daily meetings will be held at 10 A. M.

The Election Commissioners organized by electing Commissioner Wells chairman. The work of Registrar Steppacher was commended. A number of appointments were made.

Other boards and offices were filled by the choices of the people and of the Mayor without friction or delay. By 2 o'clock the entire city government, with the exception of the Tax Collector's office, had passed under the sway of the new charter. By 5 o'clock the obstreperous ex-Collector gave way, and the whole machinery of the city was working smoothly.

BATTLE IN OFFICE OF TAX COLLECTOR.

One of Sheehan's Rowdies Shoots Another--Scott Wins in the End.

FIFTY men, all young and husky, were engaged in a free fight in the Tax Collector's office at the City Hall yesterday. The battle was caused by the refusal of Edward I. Sheehan, the retiring Collector, to surrender the office to Joseph H. Scott, whose term began at noon. Sheehan had previously barricaded the office and posted behind the counters about twenty-five stout fellows, some of them prize-fighters, to defend the place. When his fortifications were completed Sheehan gave out the word that the office would not be surrendered without bloodshed. He kept his word, but the bloodshed was small. Only one shot was fired, the victim being John O'Brien, a Sheehan deputy, who was shot by one of Sheehan's own men in the heat of combat.

Sheehan and his commando were on the anxious seat all the morning. John B. Williams, a burly private detective, stood at the little gate leading behind the counter, and permitted no man to pass unless he bore the Sheehan badge and gave the Sheehan countersign. Sheehan, with a shaggy black beard and black slouch hat, stood behind the breastworks peering like a pirate over the poop of a Spanish privateer. His "deputies," hired for the occasion, stood nervously fanning themselves and narrowly watching the door. A small crowd, scenting trouble, gathered in the office outside the counter. In the crowd were a half dozen detectives in citizens' dress.

As 12 o'clock approached the room was still. The crowd increased rapidly, but everybody stood about trying to appear unconcerned, and the Sheehan defenders grew more and more nervous. Two or three policemen appeared and stood near the doorway. It was the calm before the storm.

The preliminary skirmish occurred at the door a few minutes after 12 o'clock. A. Ruef, attorney for Scott, started toward the counter and was stopped by the officer at the door. Ruef tried to tell his business, but an angry murmur behind him drowned his words. He was pushed forward, brushing the policeman aside, and Scott followed. The crowd in the corridor, numbering several hundred, then made a break to enter. Three officers struggled with them. Ruef stopped the disturbance by calling out the names of the men who had been appointed deputies by Collector Scott, and were entitled to enter. These the police permitted to pass, all others being barred out. Everybody in the room except those having business was ejected.

Ruef advanced to the counter and shook hands with John S. Drumm, Garret McEnerney's assistant, who was with Sheehan as his legal adviser. The Sheehan crowd glared at Ruef and Scott with trepidation, moving uneasily along behind the counter. Sheehan edged toward the little gate to make sure that the keeper was doing his duty. A big hubbub continued at the door, where scores of men were trying to get past the police.

Scott and Ruef made their way to the little gate, and there met Sheehan. The two Tax Collectors looked at each other in embarrassed fashion, while Ruef introduced Scott to Sheehan. "This is Mr. Scott," said Ruef. "He is the new Tax Collector, and after receiving his certificate and duly qualifying he has come to take possession of the office."

The certificate of election was exhibited.

"As my term of office began at noon I come to demand possession," said Scott.

Sheehan was very pale.

"On the advice of my attorney," he said, in a low voice, "I decline to deliver the office to Mr. Scott and absolutely refuse to do so."

"Then, Mr. Scott, it is your duty to take possession," said Ruef. "Gentlemen, take possession!"

"Get ready!" shouted somebody behind the counter.

Then the fight was on. Scott shot up into the air and over the counter before the astonished gatekeeper could collect his wits. Scott's men pressed up to the counter. There was a great shuffling and scrambling. Sheehan's men reached under the counter and drew out clubs they had improvised from the legs of office stools. Ruef made a lunge for the counter and was pushed back. Scott was in the thick of the fray with half a dozen men trying to throw him to the floor. Alex Greggains, the pugilist, was one of Scott's supporters. He bounded over the counter and brushed away two or three Sheehan men, fighting his way toward Scott. Two or three others followed him.

One of the Sheehan men drew a revolver and edged back from the crowd as it pressed over the counter. He fell back about eight feet and then fired. The bullet went through the neck of John O'Brien, a Sheehan henchman, standing six or eight feet from the man who fired the shot. O'Brien sank to the floor.

The pressure of the crowd outside stopped like magic. The police ran into the room, but were tossed about like straws in a gale. Half a dozen spectators, pale with fear, dashed out of the door and raced up the corridor. Everybody expected a fusillade of shots.

The next figure to be distinguished in the mass of struggling men was that of Attorney Ruef, standing upon the counter. He was looking for a spot to jump into the fray, when a Sheehan man ran up and struck him with a high stool. Ruef wrenched it from the man's hands and slammed it upon his head. The stool flew out over the heads of the crowd and Ruef jumped. He landed in the thick of a Sheehan crowd and was jammed back against the counter and his hat smashed. By this time Scott was twenty feet inside the office, fighting like a Trojan.

Tim Sullivan, a Sheehan man, jumped up, plucked the globes off a chandelier and handed them into the crowd. They flew into a thousand pieces. Somebody seized Sheehan by the whiskers and pushed him backward. His hat flew off, revealing a bald head that hardly matched his piratical beard. He fought with desperation, but fell back rapidly before the onslaught.

The crash of electric-light bulbs and gas globes, the slamming of big books and the smashing in of hats added to the hubbub of scuffling feet and angry exclamations. It was impossible to distinguish more than a word here and there, but these words were shot like bullets from a rapid-fire gun. The Scott forces scrambled over the counter in a rush and bore the Sheehan crowd back toward the eastern end of the long room. Books were snatched from their places and hurled over the heads of the mob. Paper files sailed through the air, to the imminent peril of the combatants' eyes. The stool-leg clubs flew thick. Trousers ripped, hats danced about as in a heavy sea, coats slipped awry and splotches of ink from flying inkstands bespattered more than one face.

The Scott men surrounded Sheehan, who was pulling and retreating toward his private office. At least ten men were upon and around him, and it looked as if he would be torn to pieces. Scott had been joined by his supporters and was not in such straits as at first. Attorney Ruef leaped upon a high table and shouted at the men surrounding Sheehan. His words could not be heard two feet away. He continued yelling until a big glass inkstand flew past his neck and crashed into the wall. Ruef dodged and whirled to face his assailant. Another inkstand was hurled at him, which he dodged. It would have ... had the combatants separated, though they were not able to stop the noise. Shouting and cursing filled the room. Detached scrimmages were started here and there, only to be quickly squelched by the bluecoats.

Police Captain Wittman elbowed his way through the howling mob to Sheehan and drew him over to Scott. Sheehan's black whiskers were quivering with excitement and fatigue. Scott was minus his hat and his clothes were covered with dust. Ruef edged through the crowd to Scott's side.

"Now this thing has got to stop!" shouted Wittman. "There seem to be two Tax Collectors here. We'll allow you both to stay, but there must not be any more fighting. Each of you must name the deputies who are entitled to stay here and everybody else will have to get out."

"We want Sheehan to go first," said Ruef.

"Well, that won't work, Ruef," replied Wittman.

Wittman called to Lieutenant Martin and put him in charge of the squad. "You may permit both sides to stay here for the time being," said Wittman, "but there must be no more fighting."

As Wittman withdrew Lieutenant Martin stood Scott and Sheehan side by side and searched them for weapons. None was found. Then Sheehan and Scott told off their men, who were permitted to remain and the outsiders were forced out. The police "went through" each fighting man and secured in all four revolvers.

Sheehan's force remained in the rear, occupying a little inside office, while Scott's force took possession of the main office. In an incredibly short time Scott was mildly puffing away at a cigar and jokes began to fly through the crowd, which had begun to see the ridiculous side of the situation. The police moved about, overawing the fighting men. Scott's men got at the books and with savage delight painted Scott's name with a big red stamp over that of Sheehan. Ruef cracked jokes and picked up pieces of crockery and wrote touching souvenir sentiments upon them. One he handed to Scott. It read, "E. I. Sheehan to Joseph H. Scott, January 8, 1900."

A little old man with a shiny plug hat stepped to the counter with a tax notice in his hand. He stopped suddenly, stared at the brass-buttoned men lining the counter, noted the fragments of glass, spilled ink and torn books and asked breathlessly, "Are you doing business to-day?"

"Well, I guess yes," said Sergeant Michael Joseph Conboy, "this is our busy day."

Salomon, who had been taken to the Central Station, soon reappeared. Half a dozen witnesses to the shooting said he was the wrong man. He was searched by the police, and a pistol was found upon him, but all the chambers were full. John Doyle, a Sheehan man, said he was a witness to the shooting, and that Salomon was the man who fired. He said he was the intended victim, but ducked just as Salomon fired. Doyle swore to a complaint before Judge Cabaniss charging Salomon with assault with intent to commit murder, and Salomon was rearrested and released on bail. O'Brien, the wounded man, was so slightly hurt that he got up after the bullet was extracted, and went looking for the man who had shot him.

During the truce, while the Scott men held the fort and the Sheehan men eyed them, expecting at any moment a renewal of hostilities, Mayor Phelan appeared. He did not see Sheehan, but confined his talk to Scott and Ruef.

"What does all this mean?" he asked. "Don't you know this is supposed to be a law-abiding city?"

Scott intimated that Sheehan was the man to reply to that question. Ruef produced Scott's election certificate, signed by Mayor Phelan, and asked the Mayor if Scott was not right in taking possession, so long as he was held responsible for the office after 12 o'clock.

"Well, a plague on both your houses,"

... consulted and advised capitulation; so, at 4:45 o'clock, Sheehan called his cohort together and made a short but tearful talk, dismissing them. Sheehan, followed by his men, went out of a back door. There was no demonstration. A Sheehan deputy showed Scott's deputies how to open the big safe, and by 5 o'clock Scott was in peaceful possession.

BIGGY WILL ACT AS CHIEF FOR A TIME.

New Police Commission Delays Choice of Successor to Lees.

THE NEW Board of Police Commissioners assembled at noon in the rooms that have been occupied by the Commissioners for many years. The old Board, which had been in session since 10:30 A. M., passing upon the details of pension cases, retired and the new members took their seats. They were called to order by William Thomas, there also being present W. J. Biggy, Dr. W. F. McNutt and George A. Newhall, constituting all the members of the Board.

Dr. McNutt was elected temporary chairman and H. O. Beatty temporary secretary, subject to the approval of the Civil Service Commissioners. Beatty is a son of Chief Justice Beatty of the Supreme Court and is employed in the law office of Commissioner Thomas. His selection for the position of temporary secretary of the Board is regarded as purely complimentary, it being understood that he does not desire to hold the position permanently. The Commissioners have expressed a wish that they be given a practicing lawyer for their secretary and they expect the Civil Service Commissioners to furnish them with a candidate having the desired qualifications. On motion of Biggy notification of the action of the Board was ordered transmitted to the Civil Service Commissioners.

The secretary prepared the ballots for the official terms of the members. They were placed between the leaves of a copy of the charter, with the ends slightly protruding. The result of the drawing was as follows: McNutt, one year, Thomas two, Biggy three and Newhall four. The result of the drawing was ordered transmitted to the Board of Supervisors and the Auditor.

On motion of Biggy George A. Newhall was elected permanent president of the Board for the term of one year. Newhall on taking his seat made a brief speech, thanking his associates for electing the youngest member of the Board to the office of president.

A resolution by Biggy declaring all the present rules and regulations of the department in force until such time as they shall be amended or repealed by the new Commissioners was adopted.

The following by Thomas was adopted without dissent:

Resolved, That, pending the appointment of a permanent Chief of Police and until the further order of this Board Commissioner Biggy is hereby appointed as the representative of this Board in the management of the present police force. Notice of the appointment was ordered filed with the Civil Service Commission and also with the Auditor.

By resolution of McNutt 8 o'clock Tuesday evening was fixed as the time for holding the regular weekly meeting of the Board.

Commissioner Biggy then presented the following, which was unanimously adopted:

Resolved, That all persons who are candidates for the office of Chief of Police be

After Vain Hunt for Favorable Opinion, New Charter Men Are Seated.

WITH NO legal standing as municipal officers and fearful of forcible removal, the members of the Burns Board of Health retired yesterday at noon in favor of Mayor Phelan's appointees under the charter. Dr. Coffey skirmished around all the morning in a vain effort to obtain a legal opinion that would uphold him in refusing to give up his job. Attorney-General Ford was communicated with, but declined to define the legal status of the old Board of Health, on the ground that the body was provided with an attorney of its own, George A. Knight, and that for him to offer advice would be an unwarranted interference with that attorney's duties. Charles J. Heggerty, George Knight's partner, gave an unfavorable opinion, but Dr. Coffey declared that he would not relinquish his position unless forced to do so. Drs. Payne and Barbat were not so belligerent in their attitude, and, when they saw that they had no legal backing, voted with Mayor Phelan to retire involuntarily, and reserving the right to bring suit.

The old Board was called to order at 12 o'clock by Mayor Phelan. The clerk stated that the Attorney-General had promised a reply to the communication requesting an opinion, but could not attend the meeting. In lieu of an opinion by the Attorney-General, Mayor Phelan presented and the clerk read an opinion by City and County Attorney Franklin K. Lane. The County Attorney stated that the legal life of the old Board ended at 12 o'clock and that the life of the new one began at that hour. Drs. Payne and Coffey, seeing that their hope of a favorable legal opinion had gone, fell back upon the "municipal affair" contention. Dr. Barbat threw cold water on that, however, by failing to see that the Board had any other than municipal duties. He wanted to retain his job, though, and was willing to wait a while for an opinion by the Attorney-General. With Payne and Barbat undecided as to what they were going to

7,297 WANT ADS
WERE PUBLISHED IN THE
Sunday Examiner
During the Month of December.
In the Other Papers - - - - - 3,635
And - - - - - 3,056 Respectively.
Total in Other Two Papers. - - 6,691

An American Paper for the American People
The Examiner.
VOL. LXX. SAN FRANCISCO: SUNDAY MORNING, JANUARY 14 1900. NO. 14

THE WEATHER.

FORECAST MADE AT SAN FRANCISCO FOR THIRTY HOURS ENDING MIDNIGHT JANUARY 14, 1900: SAN FRANCISCO AND VICINITY—Cloudy Sunday, probably light rain, warmer in afternoon; light southeasterly winds.
ALEXANDER G. McADIE,
Forecast Official.

CHARGES MADE AGAINST ESOLA AND PROMPTLY REFUTED

Light on the Amazing Conspiracy of I. W. Lees, R. A. Crothers and John Curtin to Ruin the Lieutenant.

THE culmination of the attacks that have recently been made upon Frederick L. Esola, Lieutenant of Police, who is generally regarded as the most prominent candidate for the position of Chief of Police, was reached yesterday when Fremont Older, an attache of the "Bulletin," filed with the Police Commissioners charges against that young officer. The climax has been awaited with interest by the community, because of the notorious virulence of the little coterie of conspirators by whom Lieutenant Esola has been maligned. The filing of written charges was demanded by him and by his counsel. A hearing has been ordered by the Police Commissioners for next Monday, when the fullest inquiry will be made. When it is concluded the courts will be called upon by the slandered officer to deal with the defamers as they deserve.

IT may well be doubted if this State has in its annals a case of conspiracy paralleling in baseness that whereby Isaiah W. Lees, Robert A. Crothers and John Curtin are seeking to ruin the reputation of embellishments of base abuse known to his unscrupulous mentality.

There came a day, however, when Lees made up his mind that nothing would avail to save him—that his reign could not be

ESOLA AN EFFICIENT OFFICER, SAYS EX-COMMISSIONER ALVORD

If charges are made that Lieutenant Esola has been an inefficient officer and neglectful of his duties, it is a surprise to me. I cannot recall that any complaint was ever made against Lieutenant Esola while I was a Police Commissioner. I know that Chief Crowley has always spoken well of him, and so has Mr. Tobin. I often thought that Chief Crowley, while at the head of the department, was sometimes too severe and exacting. He was always a stern disciplinarian, and for that reason it is highly improbable that Esola, if inefficient or derelict in his duty, could have deceived the Chief. It is equally positive that if Esola had been incompetent or faithless, no one would have brought such fact to the attention of the Commission quicker than Chief Crowley would have done. I never heard anything said against Lieutenant Esola's character as an officer and a man.

—Statement made to "The Examiner" by former Police Commissioner William Alvord, President of the Bank of California.

Frederick L. Esola, and thus to prevent him from becoming the head of the Police Department of San Francisco.

The story of this conspiracy may now be told, for at last its details are known and

extended beyond the hour when the new charter should become effective. Then he set himself to continue as matter of vengeance the campaign he had instituted with another motive. He vowed that since he

TELLS THE SIMPLE STORY OF AN HONORABLE LIFE

THE charges made against my standing as a man make it appropriate, if not necessary, that my reply should be broader than the specific facts charged against me. I will therefore give, as near as I can recall them, all of the facts of my history.

My parents were both natives of Italy, and were poor. My father was a laboring miner. My parents were married at Sacramento October 11, 1866. They had four sons, all of whom were born in Amador County. The youngest died while an infant. The other three are myself, Frederick L. Esola, and my brothers Joseph and Frank.

I was born August 11, 1867; my brother Joseph is nearly two years younger than I, and my brother Frank nearly two years younger than my brother Joseph.

Unhappy differences arose between my parents in the early seventies, and they separated. My mother took upon herself the rearing of her children and went to live with her brothers, all of whom were miners and are well known in Sutter Creek and Amador county, in this State. They are Domenico Boro, at present foreman or assistant foreman of the Argonaut mill in Jackson, Amador County; Charles Boro, a man of considerable property in Sutter Creek, Amador County; and Antone Boro, recently deceased, who was a man of considerable property in Amador County. My uncles have acquired all of their property since my birth, and they were all men who started out in life as laborers.

A MOTHER'S EARLY STRUGGLES.

After living with my uncles for two years after the separation of my parents, my mother opened a boarding-house at Sutter Creek, which she conducted until about the year 1881, when she moved to Amador City, where she conducted another boarding-house for three years following. All of the residents of both of those places are well acquainted with my mother, and my uncles, my brothers and myself, and can vouch for all of us.

In July, 1884, my mother [illegible] San Francisco. For a short period of time we lived on Second street, near Howard. After that time we moved to Kearny, between Vallejo and Green, subsequently to Broadway, between Montgomery and Kearny; afterwards to Green, between Stockton and Dupont, then to the corner of Vallejo and Stockton; and finally to 420 Montgomery avenue, where I have lived with my mother for the last seven years, except when I was obliged in the performance of my duties to lodge temporarily near the police stations.

During the first two years of our life in San Francisco my brothers Joseph and Frank attended school while my mother and I labored to maintain the family. My mother was a seamstress and followed that calling for two years. At the end of that time she opened a boarding house on Broadway, between Montgomery and Kearny streets. This house was generally, and almost exclusively, resorted to by acquaintances of my family who came from Amador County to live in San Francisco. The character of the house can be abundantly established by respectable people. The boarding-house was resorted to, of course, by people of small means.

HELPING TO MAINTAIN THE FAMILY.

Between July, 1884, and the year 1887, I labored in various places and followed various pursuits, taking such work as I could get to assist my mother to maintain our family. During that time I worked at Hall's boiler factory on Beale street; for Williamson, the plumber and gasfitter, on Sutter street, near Stockton; at Day's carriage factory, on Sutter street, near Stockton; at Meyrisch's cigar factory, at Clay and Battery; in the barrel department of the American Sugar Refinery, and also in the refinery itself. I made several trips on the steamer Orizaba, owned by Goodall, Perkins & Co., as a deck boy.

I believe that all the persons with whom or for whom I have labored will vouch for my respectability.

In 1887 I was appointed Sergeant-at-Arms to the Democratic caucus in the Assembly. Shortly after that time I was appointed a guard at San Quentin. I served as a guard in that prison under Wardens Shirley and John McComb. I was a guard there for nearly four years. I quit the prison under these circumstances: I quarreled with Mr. Maloney, who was my superior officer. I was informed that I would have to apologize to Mr. Maloney in order to remain as a guard. I declined to do so, and quit under those circumstances. There was no other cause.

I never smuggled any opium into the prison and such a charge never was made until this case.

During my stay at the prison Captain Edward A. Reddy, Superintendent of the Almshouse, was captain of the guard. He can vouch for my standing and conduct while there. In addition to Captain Reddy, there are a number of other gentlemen who were connected with the prison at that time, who can vouch for me and to the same effect. Among these are Mr. Joseph Ellis, State clerk at the prison; Major E. H. Tharp, Commissary; Captain Varney, Captain Gooch and Captain Dougherty.

JOINED THE POLICE FORCE OF THIS CITY.

FREDERICK L. ESOLA, LIEUTENANT OF POLICE.

was paid $25 by one W. G. Maloney, likewise an employee of the "Bulletin."

The affidavit set forth in substance the matter contained in the anonymous statement handed the Mayor; but it did not mention names of persons who could be called to support it, as did the secret document. However, it held one pregnant sentence through which a pen had scratched a line. That sentence by innuendo aspersed the virtue of Esola's mother. The lady thus maligned, it need scarcely be written, is of excellent character, of whom nothing discreditable could truthfully be said.

his appointment to the force, that his appointment would give "The Examiner" an undue advantage in the gathering of news, and that his accession to the Chieftaincy

CALUMNY EXPOSED

Sutter Creek Neighbors of the Esolas Indig-

partment of San Francisco.

The story of this conspiracy may now be told, for at last its details are known and the blow the conspirators have plotted to strike has been delivered.

When Frederick L. Esola began to be thought of as a fit man for Chief of Police, Isaiah W. Lees began to train upon him the batteries of his wrath, and from that day to this the old detective has pursued the young lieutenant as one pursues who is animated by a clear-cut desire to destroy.

Early in his campaign against Esola, Lees chose as efficient aids John Curtin, a detective, and Robert A. Crothers the proprietor of the "Bulletin." The three consulted and plotted steadily to the end they had in view—the retaining for Lees of the office of Chief of Police and the breaking down of the reputation of Esola, the only man Lees deemed a formidable rival.

Lees never lost an opportunity of throwing difficulties in the way of the Lieutenant he feared, nor of inspiring the notion that the young officer was incompetent; Curtin scoured the highways and the byways for rumors and appearances damaging to Esola or members of Esola's family; Crothers printed in his paper every word of slander the three could gather together and tricked the slanders out in all the em-

[...] set himself to continue as matter of evidence the campaign he had instituted with another motive. He vowed that since he could not be Chief of Police the young man who had dared aspire should never be; and in the pursuit of this new policy he was given the eager support of Curtin and Crothers.

During the last week in 1899 the three conspirators were closeted for hours every night in room 700 of the California Hotel—a room occupied by Fremont Older, an employee of the "Bulletin." There and then they plotted to make a final and extreme effort to blacken the good repute of Esola.

As a result of these nightly meetings a typewritten paper was prepared. Nobody signed it. Nobody dared to sign it. The paper was a mendacious assault on the unsullied name of Frederick L. Esola. It purported to set forth with great particularity a number of proofs that he had been for years a scoundrel.

The unsigned paper was by Fremont Older, an attache of the "Bulletin" and a creature of Crothers, handed to Mayor Phelan.

The next day—January 3d—an affidavit made its appearance.

The affidavit was made by a disreputable fellow named Meaders. For making it he

A FAITHFUL AND EFFICIENT MAN, SAYS EX-COMMISSIONER TOBIN

During my term of office as a Police Commissioner I never heard anything derogatory to Lieutenant Esola. No complaint was ever made against him, nor was his efficiency or faithfulness ever questioned. From my knowledge of the man, I consider him a faithful and efficient officer.

—Statement made to "The Examiner" by former Police Commissioner R. J. Tobin.

PROMINENT MEN OF AMADOR RESENT "BULLETIN" CALUMNIES

AMADOR, January 13.—Having known both Lieutenant F. L. Esola and his mother for several years, we, the undersigned, attest to their good character and irreproachable citizenship, and we consider the charges of the "Bulletin" against their good name to be utterly false and a malignant attempt to injure an energetic and deserving man. We challenge the "Bulletin" to find a citizen in Amador county who would say anything derogatory concerning the character of either of them.

C. R. DOWNS, JULIUS CHICHISOLA,
J. A. PHIPPS, B. WHITE,
C. L. CULBERT, FRED SETZER.

and Captain Dougherty.

JOINED THE POLICE FORCE OF THIS CITY.

After I quit the prison I went to work at Brush Creek in Butte county, in a sash and blind factory. After that time I procured employment with the San Francisco and North Pacific Railroad [...] system, drilling and breaking rock for the roadbed. After a time I was appointed as a brakeman on the road, and worked there until I was appointed a member of the police force in San Francisco in 1892. Mr. J. W. Burgin, president of the road, and Mr. Corbaley, the Superintendent at that time, know my history while connected with that road.

Concerning my connection with the Police Department, it is not necessary for me to say anything. I refer you to ex-Chief of Police Crowley and to the Commissioners who were in office during my connection with the department.

I know James Alexander Meader, whose affidavit was filed with the Police Commissioners this afternoon. When I was employed at Meyriach's cigar factory I made the acquaintance of a young woman employed there, whose maiden name was Annie Rigney, and who now is the wife of James Alexander Meader. It was through her that I became acquainted with Meader. I knew him while our family lived on Kearny and Broadway streets.

The charge that I was ever known as Fred. Harrington or Bill Harrington is untrue. The statement in the affidavit of Meader that I ever committed a theft with him at Ehlers' grocery, or any other place, is a lie. And all of the details concerning that alleged theft, so far as they relate to me, are lies. I never heard of them until I saw them in an anonymous document handed to Mayor Phelan by some one who, I believe, was Mr. Fremont Older, managing editor of the "Bulletin."

In support of my statement I refer to Mr. Ehlers, the grocer, himself.

It is also a lie that I ever stole a milk can from a doorway.

THE TRUTH ABOUT MEADER.

It is true that while I was in Bodeker's grocery one day Meader took some soap. Mr. Bodeker, and I with him, gave chase to follow Meader. That I was in any manner connected with the theft of the soap is absolutely untrue, and this can be vouched for by Mr. Bodeker himself.

I never sold, either in conjunction with Mr. Meader or otherwise, to John Turano, the proprietor of the "New Model," any soap or anything else. I do not know Turano and was never in his place, to my best recollection.

The story that I met Meader in the McKenzie House is equally untrue.

The falsity of Meader's statement in this regard may be shown independent of my statement by the statement of O'Connell, who is mentioned to have been connected with the affair.

So far as Adam Stroh is concerned, I never saw him and never knew him until he was arrested since I became a member of the police force.

The statement that I ever robbed Charles McCloskey, or anybody else, is a downright lie.

The statement about the theft of four sacks of potatoes is also a lie; and Daniel O'Connell may be interviewed upon the subject.

The charge in relation to my ever having been arrested was simply this: One New Year's eve, upon the hill, while I was standing on a corner, some boys on the hill came along and struck me, and we had a fight, and the officer came along and arrested me for it. When it was called in the Police Court it was dismissed. I never was arrested before in my life; and on that occasion it was for fighting on the street, which I did in self-defense.

Two very respectable ladies living in that neighborhood—Miss Harrington and Mrs. John Creeber, well known at North Beach—witnessed the entire affair, and will corroborate what I say about it.

For some years past Mr. Meader has been addicted to the excessive use of liquor. I have had an acquaintance with him for some time past. I am told by people acquainted with his condition that he is reputed to be out of his mind. I am also informed that he was paid $25 for the making of this affidavit by Mr. Meloney, a reporter on the "Bulletin." The affidavit which he made was prepared, I understand, in the "Bulletin" office. I understand that he was accompanied by Mr. R. A. Crothers, the proprietor of the "Bulletin," to the notary's office, when he signed it.

CROTHERS WILL HAVE TO ANSWER.

In conclusion, all that I have to say is this. That, as soon as the matter of the Chief of Police is settled by the Board of Police Commissioners, I propose to hold Mr. Crothers accountable in the courts. He has had this affidavit in his possession for ten days, but has failed to publish it, I have assumed, for fear of the consequences. I do not desire to import any side controversies into the issue now before the Police Commissioners, but, whatever the result of the questions before that body may be, I propose to obtain a vindication in the courts.

FREDERICK L. ESOLA.

Patrick Crowley, Ex-Chief of Police, Commends the Character of Esola.

I never heard anything against Lieutenant Esola either as a policeman or a citizen while I was Chief of the Police Department. No complaint was ever filed against him. I never had the slightest reason to question Esola's efficiency or his faithful attention to his duties. Had there been any just cause for complaint, I should certainly have known of it. For a time I had Esola assigned to duty in the Chinese quarters, and I thought he made a very good record there. As I have already stated, I do not know that Esola's name was ever before the Police Commissioners except in a way in every respect favorable. I have always thought well of him, and know of no reason for changing that opinion.

P. CROWLEY.

maligned, it need scarcely be written, is of excellent character of whom nothing discreditable could truthfully be said.

Fremont Older took one copy of this affidavit to M. H. De Young of the "Chronicle" and another to the managing editor of the "Call," and he urged the "Chronicle" and the "Call" to publish it and to make it the basis of attacks upon Esola. Neither paper could be persuaded to touch the thing.

Since Older's failure to get the affidavit into print in the "Chronicle" and "Call," the "Bulletin" has continued day after day to publish calumnies concerning Esola and to hint at the dreadful disclosures it could make if it would; but it has not printed the affidavit it sought to unload on the "Chronicle" and the "Call." It knew the affidavit to be flatly libelous and unprivileged, and it preferred to get its neighbors into trouble.

And yesterday the conspirators played their last card. They filed formal charges and as a basis for those charges they produced the affidavit they themselves had cooked up—the affidavit they had not dared print under circumstances imposing personal responsibility in like proceedings.

The charges will be examined by the Police Commissioners in due form of course; and when the Police Commission have done with them, Lieutenant Esola will invoke the aid of the courts in getting at the facts of this disgraceful conspiracy and dragging the conspirators into the light.

CHARGES AND REFUTATION

What the Conspirators Allege and How the Facts Proves Them Slanderers.

The charges filed by Older recite that Esola is the associate of degraded and criminal people, that he has been guilty of robbery and petty larceny, that he was discharged for cause from a position as guard at San Quentin prison, that he is not capable of filling the office of Chief of Police, that he has not been attentive to police duties since

Sutter Creek Neighbors of the Esolas Indignant at Crothers-Lees' Conspiracy.

SUTTER CREEK, January 13.—The attacks made upon the characters of Mrs. Esola and her family have caused great indignation here. "The Examiner" correspondent has interviewed a large number of leading citizens who were neighbors of the family, and they are shocked that anyone should attempt to sully the names of the Esolas.

In the absence of ex-Senator Voorhies, Mrs. Voorhies said: "Mrs. Esola was my neighbor for years. A woman of lovelier character never lived. Her life seemed to be entirely devoted to bringing her sons up properly, and the result any mother might be proud of. Shame on anyone who would say aught against such a woman. Senator Voorhies, though [...] politically from Fred Esola, used his influence to get him on the police force in San Francisco, and he has never had occasion to regret it. Another son is foreman at the Bunker Hill mine, and is respected and esteemed by all who know him. You may use the Senator's name and my name in that connection."

The Brignolis, leading merchants, said: "We have known Mrs. Esola since a time preceding her marriage, and can say that she and her sons are honored by everyone in this community."

John Brown, ex-Assessor, spoke in the same emphatic way. Tears came to the eyes of Mrs. Brown when she was told that the character of Mrs. Esola had been attacked. "How could they even in politics do such a cruel thing?" she observed. "The lady was my neighbor for years and reared a family that any mother might be proud of."

Carlton Downs said: "Put me down as one who will testify to the excellent characters of the mother and sons."

Henry Hayden said: "The man who says anything against the character of Mrs. Esola or her sons simply lies."

Charles Soracco, merchant, declared: "Politics must be getting low when so dastardly an attack is made upon the character of so noble a woman as Mrs. Esola. It would be impossible to find a person in Sutter Creek who would say anything but praise of her and her sons, and the man who would attempt to besmirch their characters would not be able to remain in this community one hour."

DISTRICT ATTORNEY OF AMADOR STRONGLY COMMENDS ESOLA

JACKSON, January 13.—I have known Frederick L. Esola since his childhood. He was born and raised in this county, and has a host of friends here. I can personally testify to his honesty and sterling worth. His reputation and that of his family in this community is first-class in every respect.

C. P. VICINI, District Attorney of Amador County.

THE CIVIC GOVERNMENT IS NOW IN NEW HANDS

Commissions Organize and Elect Necessary Officers.

ALL the commissions appointed under the new charter by Mayor Phelan organized yesterday by electing the necessary officers and took charge of their departments of the civil government. The members of the old Board of Health gave way after a big show of resistance. The names of the deputies and clerks appointed are given below:

BOARD OF EDUCATION.

John H Hansen, secretary, $150; Miss M F. Cusick, stenographer, $75.

ELECTION COMMISSIONERS.

Thomas J. Walsh, secretary and Registrar of Voters, $200, C. C. Pratt, James H Dignan, J. H Zemansky, D J. Gordon, clerks for sixty days at $100 a month. H. Guttstedt, Cameron H. King Jr., clerks for thirty days at $100 a month.

PARK COMMISSIONERS.

Philip Fay Jr., secretary, $125; Miss M B. Fairman, accountant, $100.

FIRE COMMISSIONERS.

D T. Sullivan, Chief Engineer, $4,000; J. C Gorman, secretary, $2 400, Charles Towe, J F. O. Comstock, Fire Marshals.

POLICE COURTS.

Department 4—Judge G H. Cabaniss; Prosecuting Attorney, James Hanley, $200. Department 3—Judge, Alfred J Fritz, Prosecuting Attorney, R. V Whiting, $200 Department 2—Judge, C T Conlan, Prosecuting Attorney, Charles Weller, $200. Department 1—Judge, F P Mogan, Prosecuting Attorney, I. Harris, $200, Charles Peery chief bond clerk, $200, T I Fitzpatrick, John J. Greely, William G. Burke, warrant clerks, $125; D. Long, Frank Vernon, reporters, $200. Bailiffs—Department 1, Patrolmen Love and Coghlin; Department 2, Patrolmen Owens and McGrayn; Department 3, Sergeant Duncan and Patrolman J. J. Conlan; Department 4, Patrolmen Hall and Fleming

BOARD OF PUBLIC WORKS.

J Leo Parke, secretary, $150, C. E. Grunsky, City Engineer, $5,000, A. J. Donovan, Street Superintendent (temporary), $200.

SHERIFF'S OFFICE.

Under Sheriff, G. A. Hare; attorney, W. J. Herrin, chief bookkeeper, S. Simon; chief jailor at No. 1, Frank Coryn; superintendent of jails Nos. 2 and 3, A. J. Martin; assistant bookkeepers, D. Lauer and L. Jacobs; office deputies—P. J. Walsh, E. H. Brandt, F. Dugon, J. F. Wulzen, Otto Lemcke, L. W. Hollingsworth, J G Waibel, E. M. Greene, J. Curlett, T. Atkinson; commissary, I P. Kincaid, bookkeeper for branch jails, J. G. Hecker; bailiffs for courts—Department 1, G. H. Williams; No. 2, C. R Burton; No. 3, W H. Smith; No. 4, J. C. Nobmann; No 5, C. Troell; No. 6, D. J. McCarthy; No. 7, H. J. Strehl; No. 8, George D Troy; No. 9, T. Murphy; No. 10, D. M. Short; No. 11, Joseph Winrow; No 12, W. F Dasha, unassigned, C T. McCarthy and R. H Mowbray; jailors—T. Costello, J. C. Symons, J. Gallagher, T. F. Bryant, J. F Harvey, J. McCarthy, J. J. Moran, J. N. Colter, John Davidson, Charles Metzner; matron at jail No. 3, Mrs. I P. Kincaid; driver of van, D G. Kingley; guards at branch jails Nos. 2 and 3—J. Costello, Samuel Gamble, L. Winters, J. McGeough, D A Sweeney, O. W Freund, D J. Wulzen, J Demartini, R D Squires, A. Murphy, James Toomey, H. Hinds, M Rodgers, P. de Valli, William R Nixon, X. Gaugloff, J. Sohl, J. D Kersey, F E Wallace, William Meyers,

order to pay that paper about $6,000 for printing resolution for the work in question. He said the resolution was erroneously passed to print, and should have been adopted. "The motion was made to adopt," said he, "but the Mayor inadvertently said 'passed to print.'"

On Holland's motion to rescind, the board, excepting Byington, voted aye. Holland moved immediately after the motion prevailed to adopt the resolution as requested by the "Post." The motion was carried, Byington voting no. The effect of this move is to pay out of the Treasury about $6,000 without giving the Mayor an opportunity to veto it.

Half an hour later the Mayor met the incoming Charter board in the Supervisors' committee-room. Only Aigeltinger, Attridge, Kalben and Collins remained to extend the customary courtesies to their successors.

When the Charter Supervisors entered the meeting-chamber they were shown to seats arranged in three semi-circles facing the Mayor's bench in the center. Immediately in front of the clerk's desk a space was reserved for the ex-Mayors, who will sit with the board and participate in the proceedings, without having, however, the right to vote. The gallery and benches were crowded with interested spectators.

The Mayor announced that as there was [illegible]

my office to Mr. Scott. I absolutely refuse to do so."

"It is our duty, then, Mr. Sheehan," [illegible] Ruef, "to take it. [illegible] take possession of the office."

Scott tried to open the gate, but Sheehan's burly Horatius punched him.

Two men, the next instant, lifted Scott on top of the gate and Scott plunged forward with Ruef at his side and Alex Greggains, Jack Fitzgerald, Charlie Sweeney and some other deputies behind him. Scott jumped at Sheehan and grabbed him by the throat. The two grappled.

Scott's men tore the counter gate from its lock and strong hinges. The Sheehan warriors hurled heavy inkstands and a huge volume of tax records at the invaders. Then Scott plunged forward like a genuine Roderick Dhu and his men went with him. The advance was after the manner of a football wedge, but clubs and fists were flying, missiles filled the air, and the liveliest kind of a free-for-all fight was in progress. The captured gate, torn from its fastenings, had been hurled at the Sheehan crowd.

Detectives Reynolds, Eagan, Cody and Gibson were trying to quell the riot. Captain Bohen, knowing how helpless his handful of men were, had ordered up a whole battalion of police, and fifty uniformed men were already on the way.

Men were on the desks and counters [illegible]

There Was Some Discussion in the City Hall Yesterday Concerning the Office of Tax Collector.

Many contradictory statements were made about the firing of the revolver.

Writing Expert Theodore Kytka, who was looking on, says that he saw the shot fired and that the man with the pistol was a stout man, about forty years old, with a dark moustache and that he wore dark clothing. This is entirely different from the description of Salomon.

Attorney Ruef caused the arrest of Charles E. Broad, alleging that the latter hit him with a heavy inkstand. Broad was charged with making an assault with a deadly weapon. Attorney George B. Keane, associated with Ruef, went through the fight and was struck several times.

Collector Scott's necktie was torn away during the row and was not recovered, and Attorney Ruef lost a pearl pin to the enemy. None of the principals on either side was [illegible]

the honors of war and bearing their side arms."

Sheehan and his adherents, who had just partaken of a hearty luncheon of sandwiches and pie, washed down by black coffee, had regained their self-composure, and left the premises in the utmost good temper, several of Scott's deputies courteously bidding good evening as at ten minutes to 5 o'clock they filed out, leaving Scott and his men in undisputed possession of the office.

"It is a disgrace to San Francisco," said the Mayor. "We have an orderly government here, and the man who organized such a gang to come in here by force deserves to forfeit his office. I hope you will both lose. It's a disgrace to the city, but it's all in one family."

board, prior to noon of Thursday, January 11, 1900, their written applications for such appointment.

Resolved, That any and all persons objecting to any candidate for the office of Chief of Police, be and they are hereby requested to file with the Secretary of the board, prior to 5 p. m. of Saturday, January 13, 1900, their written objections to such candidates, setting forth fully the grounds of such objections.

The new Commissioners were received in private by the old board, and it was not until the latter had retired that the public were invited to witness the organization of the new board. Captains Wittman, Spillane, Dunleavy and Gillen were present in full uniform. I. W. Lees, late Chief of Police, was also in attendance.

Dr. McNutt was elected temporary chairman and H O. Beatty, a son of the Chief Justice of the Supreme Court, was elected temporary secretary. The latter's appointment was ordered transmitted to the Civil [illegible]

Heads of Departments Select Deputies to Serve Under Them.

M. Conlan, M. Butley; keepers—P. E. McCarthy, John Harney, Frank Chapman, H. J. McMahon, J. F. Mooney, W. W. Whan, George D. O'Neill, H. D. Lawrie.

TAX-COLLECTOR'S OFFICE.

Chief deputy, Morris Levy; cashier, Oscar Curtaz; cashier license department, Harry Baehr; deputies—Edward Casey, P. M. J. Kelly, Al Lewald, George Tiddes, John Fitzgerald, Ben J. Solomon, James McCabe, J. H. Nelson, J F. Leyden, W. F. Howe, J. K. Jones, Herman Enkel, J. J. Cooney, John Hegler; extra clerks—Henry J. Byrne, Joseph Tillson, Meyer Cohn, William O'Neil Ben Levy, Morris Schwartz, J. Voisinette, Claire F. Kuerr, E. H. Herrick, David L. Reynolds, John Caplace, J. M. Clark, John J. Hoar, Edward Fitzgerald, J. J. Boyle, William M Villette, Fred Smith, James Campbell, James Bodyd.

COUNTY CLERK'S OFFICE.

Chief deputy, Joseph Goddard; Thomas O'Neill, Frank Grimes, W. J. Kennedy, W. C. Ratsch, R. H. Fitzgerald, A. A. Watson, A B. Mahoney, C. C Morris, R. J. Welch, J B. Martin, J. R. McElroy, W. B. Jost, O A. Tolle, J. P. Rice, J. J. Groom, J. A Fenton, R. E. Conway, J. J. Greif, D. V. Graham, W B. Lee, Nelson Doolittle, J. E Sutton, E. M. Thompson, T. C. Maher, F. C. Danforth, J J. Cassidy, V. F. Northrop, A. Houston, Charles Corey, Joseph Riordan, G. Valero, W. R. A. Johnson, Carl Meuller, J. C. Flood, T. L. Doran, J. B. Reilly, Isadore Erb, D. C. Van Nostrand, J. V. Harrison, P. W. Lannon, P. A. McGuehin, John Houston, Frank Meyers, P. Hirleman, Oscar Herold, Drew Harrigan, Joseph McAuliffe.

AUDITOR'S OFFICE.

William W. Wells, Chief Deputy; Daniel J Leary, Benning Wentworth, deputies; Horace L. Crocker, N E. Maison, clerks.

DISTRICT ATTORNEY'S OFFICE.

Eugene N Deuprey, John T. Greany, William H. Alford, deputies, $300, chief clerk, John B. Tungate; clerk, Wallace L. Thompson; stenographer, Louis H. Ward.

TREASURER'S OFFICE.

J. O. Reis, Chief Deputy; Septimus de Greayer, Colonel McClung and F. B. Perkins, deputies.

RECORDER'S OFFICE.

Chief Deputy, Fred S. Myrtle, deputies, Max Warshauer and Charles M. Stoltz, copyists, L. Brannan, M. Harris, James W. Farrell, Eli Landry, Thomas Kelly, P. J. Hagerty, John T. Kane, William E. Foley, Eugene Sullivan, E. T. Russell, Thomas Hyland, Harmon McKisick, William H. Garnett, P. Paul Vlauntin, John Nolan, C. O. M. Cosgrave and William Sullivan.

ASSESSOR'S OFFICE.

William J. Blattner, J Bennett, H. L. Bienfield, R. V. Crosky, J. Campodonico, F. J. Corbett, H. Dahl, John Ferris, P. J. Fay, Charles Gildea, John Ginty, A. B. Henderson, H. O. Hess, Moses Heins, E. Howerton, H. S. Hagan, M. C. Haley, W. B. Joyce, W. H. Kline, J. Lalley, A. D. Miesegaes, A. W. Murphy, M. W. Pratt, F. L. Putman, W. H. Reilly, George Tyrell, W. H. Wiggins Jr., W. B. Pritchard.

CITY ATTORNEY'S OFFICE.

Assistants—G. Whitfield Lane, W. I. Brobeck, Hugo K. Asher, Walter E. Dorn; clerk, Richard M Sims; messenger, P. Allen Joy.

organization was effected by the election of Rolla V. Watt as President. He was nominated by Commissioner Hecht. Commissioner Grady [illegible] Joseph C. Gorman for permanent secretary. Mr. Gorman was unanimously elected. Upon taking his seat, Mr. Watt made a brief address, saying the new board hoped to keep the department up to its present state of efficiency.

On motion of Commissioner Mahoney, D. T. Sullivan was elected Chief Engineer of the department. The Commissioners then drew lots for office. The result was as follows: Hecht, one year; Mahoney, two years; Grady, three years; Watt, four years.

Upon the recommendation of the Underwriters' Fire Patrol, as required by the charter, Charles Towe was elected Fire Marshal and J. F. O. Comstock Assistant Fire Marshal. The Secretary was instructed to notify the Civil Service Commissioners of the appointments made by the board, and an adjournment was then taken until 9 o'clock this morning.

During the proceedings George F. Maxwell, the retired Secretary, served several notices upon the members, setting forth the claims he makes to the retention of the office of Secretary. He set forth that he has been a member of the Fire Department continuously since April 9, 1878, in various capacities. He was appointed clerk of the department on December 22, 1888, and by Sections [illegible]

of the applicants. "Nobby" Clark was detected by President Freud copying from a copy of the Charter. Clark said that he wanted "to get the exact language of the Charter." He was ruled out. Two other contestants were seen cheating. Their names were noted for future reference. The result of the examination will be known in a few days.

At noon the commission assumed office in the old quarters of Judge Campbell, opposite the registration office in the City Hall. Commissioner Freud was formally elected President, and work was at once begun registering laborers. Long lines of men had been waiting in the corridors since the early morning, all anxious to get enrolled. The work of registration was done by clerks from the Merchants' Association. By 4 o'clock they had registered five hundred laborers, nearly enough for all the city departments under civil service. Fifteen hundred applications for examination to the classified civil service were issued.

The Board of Election Commissioners met in the rooms adjoining the Registration office and organized by electing Jeremiah Deasy chairman. The bonds of the secretary and Registrar were fixed at $10,000. A resolution was adopted commending Jacob Steppacher, the retiring Registrar, for his efficiency and faithfulness.

The Board of Public Works organized in the former rooms of the City and County Surveyor. Colonel Mendell was elected President. The board decided to meet daily [illegible]

cepting, without having, however, the right to vote. The gallery and lobbies were crowded with interested spectators.

The Mayor announced that as there was no quorum of the old board, under the provisions of the Charter the Supervisors elected November last, having duly qualified, would take their seats. The roll was then called and Supervisors Booth, Boxton, Brandenstein, Comte, Connor, Curtis, d'Ancona, Duboce, Dwyer, Fontana, Helms, Jennings, Maguire, McCarthy, Reed, Sanderson and Tobin answered present. Supervisor Hotaling arrived later.

The outgoing Supervisors introduced their successors and, after brief remarks by former Mayors Alvord and Ellert, the Mayor's message was read.

BATTLE FOR TAX COLLECTOR'S OFFICE WITH CLUBS AND PISTOLS

(Continued From Page One.)

and the same he is entitled to possession of this office, and has come to take it. Will you kindly deliver possession to him?"

This was all polite and gentle, with the thugs ranged in massive column at each side of the gate.

Mr. Sheehan said in perfect courteousness still: "Acting on advice of my attorney, I decline to deliver possession of

tain Bohen, knowing how helpless his handful of men were, had ordered up a whole battalion of police, and fifty uniformed men were already on the way.

Men were on the desks and counters, hitting anybody that was opposed to them. The narrow floor spaces were packed with the struggling, shouting rioters. The chandeliers were shattered. Clubs made by taking the legs from long office-stools were clattering and banging above and about the heads of the combatants. Suddenly, in all the confusion, a pistol shot was heard. The smoke arose close to the line at which the factions were fighting.

The shot caused a panic among the spectators outside of the counter, and intensified the furious fight within. There would almost certainly have been murder, and probably more than the first pistol shot would have been heard, but at that moment the police reinforcements burst in through the door and swept over the howling mob with clubs in motion. Lieutenant Mooney and Sergeants Conboy and Coogan, with fifty men, followed the instructions of Captain Bohen, and within two minutes after the firing of the revolver the hostilities had practically ceased.

Ben Salomon was pointed out as the man who had done the shooting and he was arrested by Detective Reynolds and Patrolman Phil Hering. Those who accused Salomon say that he shot downward. O'Brien was wounded in the neck by the bullet, but the injury was not dangerous. He walked to the receiving hospital and was discharged by the surgeons at 1:30 o'clock.

associated with Ruef, went through the fight and was struck several times.

Collector Scott's necktie was torn away during the row and was not recovered, and Attorney Ruef lost a pearl pin to the enemy. None of the principals on either side was scarred, nor was any of them very much hurt.

Mayor Phelan, accompanied by Colonel Sullivan, called at the Tax Collector's office at 2:30 o'clock and sharply rebuked Scott and Ruef for the assault they had led.

Mayor Phelan took note of the city property that had been destroyed and then left the place. Attorney Ruef, who had declared to the Mayor that forcible entry was necessary, said that by "all in one family" the Mayor assumed to blame the Republican party for all the trouble, as both factions were Republican.

Immediately after the battle Attorney Tuska appeared before Judge Bahrs on behalf of Scott and applied for an injunction to restrain Edward I. Sheehan, John Doe, Richard Roe and others from interfering with Tax Collector J. Harry Scott in the discharge of his duties. In the complaint Mr. Sheehan was mentioned as a citizen and not as a contestant for the office of Tax Collector. It was set forth that Sheehan had intruded himself into the office and refused to leave, thus interfering with and hindering the transaction of public business.

Attorney John S. Drum, representing Sheehan, objected to the issuance of an injunction, suggesting a suit to test tenure of the office.

Presiding Judge George H. Bahrs replied that no such matter appeared in the pleadings and besides he did not understand how Sheehan could lay claim to the right to hold over, since the Supreme Court had decided that the office to which he was elected was a mere municipal office, and the office to which he was elected as well as the corporation which he had been elected to serve had been legislated out of existence.

The injunction was therefore allowed to issue, and the case was assigned to Judge Carroll Cook for trial.

When the order was served on Sheehan, he said he deemed it his duty to obey the order of the Court, and that though he did not abandon his legal rights he was willing to retire and await the decision of the Court. He suggested but one condition for his speedy departure, and that was that there should be no hooting or shouting or other demonstration of derision during the withdrawal of himself and his deputies.

"That's all right," said Scott laughingly. "We'll treat the boys civilly and will allow them to retreat in dignified manner, with

party government here, and the man who organized such a gang to come in here by force deserves to forfeit his office. I hope you will both lose. It's a disgrace to the city, but it's all in one family."

"I was elected to the office and was entitled to the place, so I took it," said Scott late in the afternoon. "I have an idea that this thing is not exactly all right so far as this unusual redress is concerned, but do not consider that my side was to blame. We simply did what we considered our duty. I have the office and intend to keep it, unless turned out by the court."

Wm. J. Tuska, attorney for Scott, said: "I saw the shot fired and could recognize the man if I saw him again. It seems to me that the shooter had no intention of injuring any one, but fired only to make a noise and scare somebody. I saw the man draw his revolver and fire at the floor, and if the bullet struck anybody it must have rebounded after its impact with the floor. In fact, I do not believe that the firing of that pistol injured or wounded any one. At the time the shot was fired nobody fell and nobody cried out as if hurt, but the row inside the counter kept right on. It seems to me possible that the injury to O'Brien's neck might have been caused by a stroke from a stool leg or from a flying piece of a glass lamp shade."

"We were prepared to resist intruders," said Sheehan, waving his hand in the direction of a formidable pile of wagon-spokes and stool legs lying behind the counter. "We thought we could stand them off all right, but it seems that we were mistaken, for they were too heavy for us.

DR. W. F. M'NUTT

GEORGE A. NEWHALL

W. J. BIGGY

WILLIAM THOMAS

THE NEW BOARD OF POLICE COMMISSIONERS ORGANIZING

BIGGY CHOSEN ACTING CHIEF

Relieves Captain Wittman and Assumes Command.

The most important work done by the new Police Commission was the appointment of Commissioner W. J. Biggy as Acting Chief of Police.

On taking his office, Acting Chief Biggy relieved Captain Wittman of the authority he has exercised since former Commissioner Tobin was made temporary Chief. Wittman was sent back to his former command and the Acting Chief at once assumed active command of the department. He took Captain Bohen, head of the staff of detectives, into his office.

The new Police Commissioners will not fully consider the appointment of a Chief of Police before next Saturday. That question was one of the first settled after the organization of the board yesterday.

The purpose of the board is set forth in the following resolution, presented by Commissioner Biggy, which was adopted:

Resolved, That all persons who are candidates for the office of Chief of Police be, and they are hereby requested, to file with the Secretary of the

was also in attendance.

Dr. McNutt was elected temporary chairman and H. O. Beatty, a son of the Chief Justice of the Supreme Court, was elected temporary secretary. The latter's appointment was ordered transmitted to the Civil Service Commissioners, and then the Commissioners drew lots for their terms of office. Commissioner McNutt drew one year, Thomas two, Biggy three and Newhall four.

Commissioner Biggy nominated Commissioner George A. Newhall for President. He was unanimously elected. He said a few words in acknowledgment, took the presiding officer's chair and proceeded with the business. It was resolved that all the rules and regulations of the department should continue in force until ordered changed. Then Commissioner Biggy's resolution on candidates for Chief was adopted.

After the time for regular meetings had been fixed at 8 p. m. Tuesdays, Commissioner Thomas introduced a resolution appointing Commissioner Biggy temporary Chief. It was unanimously adopted.

That practically finished the business of the board. Former Chief Lees then addressed the Commissioners. He stated that he was responsible upon his official bond for considerable property in the custody of the property clerk, which he desired to turn over to the board or any person appointed by it, so that he might be relieved from further liability. All the public moneys in his custody, he said, had been transferred to the Treasurer. He had also transferred to the Police Benevolent Association certain small sums arising from rebates on cloth for uniforms and from contributions. These moneys were not public funds and belonged to the members of the department collectively. Lees stated that Captain Moran, the former property clerk, who has retired from the department, had remained to aid the former Chief in settling up the affairs of the clerk's office and transferring the property. Lees asked that the Captain be paid for his work out of the contingent fund. This was agreed to.

In conclusion, Lees announced that he desired to transfer to the Commissioners the "Rogues' Gallery." He presented a long catalogue of all the books and albums in the gallery, which he said was complete from 1853 to date.

Acting Chief Biggy will take account of stock in the property clerk's office, and upon his report the board will receipt to the former Chief for the property, and thus release his bondsmen.

After the adjournment of the board the new Commissioners, escorted by Lees and four captains, inspected the offices of the Police Department and the City Prison. The board will meet again this morning.

MAXWELL MAKES MANY PROTESTS

Claims to Be Secretary of the Fire Board.

The only incident out of the ordinary in connection with the organization of the new Board of Fire Commissioners was the protest filed by George F. Maxwell, the retiring secretary, against the election by the board of his successor in office.

The board met in the Fire Commissioners' rooms at noon. The old Commissioners were present and withal it was a very pleasant gathering. In behalf of the retiring board, Colin M. Boyd delivered a brief speech, in which he highly praised the department for its organization and general efficiency. David I. Mahoney briefly responded in behalf of the new board.

The Commissioners organized by electing Mr. Mahoney temporary Chairman and John H. Grady temporary secretary. Permanent

of Secretary. He set forth that he has been a member of the Fire Department continuously since April 9, 1878, in various capacities. He was appointed clerk of the department on December 23, 1883, and by Sections 3 and 10 of the Act of March 28, 1874, became, by virtue of that office, Secretary of the board. He protested against the election of Gorman, claiming that the board was without lawful authority to appoint any one but himself Secretary. He demanded that the resolution appointing Gorman be rescinded and another be adopted appointing himself.

Maxwell depends on the following sections of the charter to sustain his position:

Sections 1 and 2, Article IX, Chapter II of the Charter (Stats. 1899, pp. 236 and 337) read as follows:

"Section 1. The Board of Fire Commissioners shall immediately after their appointment and qualification proceed to reorganize the Fire Department in conformity with the provisions of this charter. In so doing the board shall make its appointment of officers and members from the persons constituting the force in the service of the Fire Department at the time this charter goes into effect. Such officers and members shall not be required to pass any civil service examination. All future appointments and promotions shall be made subject to the provisions of Article XIII of this charter. If any reduction is made in the force of the department the Commissioners may temporarily discharge those persons whose discharge shall be most conducive to the efficient reorganization of the department; but in case of a subsequent increase of the force, those temporarily discharged shall be reappointed without civil service examination and assigned to the same rank in which they were at the time of their discharge.

"Sec. 2. No officer, member or employee of the department shall be dismissed or transferred except for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least three days previous to the day of trial. He shall have the right to appear in person and by counsel and examine witnesses in his behalf. All witnesses shall be examined under oath, and all trials shall be public."

Garret McEnerney, Maxwell's attorney, will institute legal proceedings to-day to establish his client's claim to the office now held by Gorman.

APPLYING FOR PUBLIC WORK

Five Hundred Laborers Have Registered.

The Civil Service Commission began the day's work at 9 a. m., when it conducted the examination for Chief Examiner of the commission, in the assembly room of the Mills Building. About forty applicants for the position took the examination.

One incident relieved somewhat the strain

resolution was adopted commending Jacob Steppacher, the retiring ... for his efficiency and faithfulness.

The Board of Public Works organized in the former rooms of the City and County Surveyor. Colonel Mendell was elected President. The board decided to meet daily at 10 a. m. in the Surveyor's office, on the third floor of the City Hall.

Many of the clerks in the Superintendent of Streets office are retained temporarily. The board may act to-day upon the City Engineer's office, the janitors of public buildings, employees needed in school building work and the Street Superintendent's office.

The Board of Park Commissioners met in the Park Lodge and organized by electing Adolph Spreckels President. Lots were drawn for terms of service. Commissioners Spreckels and McDonald each drew a four-year term, Commissioner Lloyd, three years; Commissioner Stanton, two years, and Commissioner Zeile, one year.

The Board of Education organized by electing C. W. Mark President. The Superintendent was authorized to appoint his own stenographer at $75 a month. The board decided to appoint a clerk at $100 a month and a messenger at $75.

The new Police Judges will to-day determine by lot which two of the four magistrates hold office for four years. The terms of the unlucky two will expire in 1902.

BOERS WON'T PERMIT US TO ACT FOR ENGLAND.

WASHINGTON, January 8.—The Transvaal Government has thrown a diplomatic bombshell in assuming an attitude in regard to the American representation of British interests within its territory, that is regarded here as directly at variance with the courtesy that marks the relations between friendly nations.

The United States have been notified by the Boer Government that it cannot permit W. Stanley Hollis, the American Consul at Pretoria, to represent the interests of Great Britain in the South African republic during the period of the war, in the fullest sense of such representation, but that he will, in his personal capacity, be allowed to continue to care for the British prisoners of war in confinement in Pretoria. The only reason given by the Boers is that they did not want any British representative in their territory.

Slashed Her Bosom Friend.

SACRAMENTO, January 8.—Mrs. Elliott became insanely jealous of the attention paid her bosom friend, Mable Carlton, by her husband, so she procured a razor to-night and inflicted a gash on her rival's face that extends from her nose across her left cheek.

INFALLIBLE KYTKA SWEARS AND SWEARS

The Penman Fastens the Guilt on Mrs. Storke.

INCRIMINATING LETTERS

The Expert Certain the Accused Woman Wrote Them.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, June 6.—The Storke libel case reached its climax this morning, so far as the work of the prosecution is concerned, when Expert Kytka, following up yesterday's preliminary testimony, explained why he considered the writing of the disputed letters in the case to have been done by the same hand that wrote certain other writings admittedly those of Mrs. Storke.

Before the witness came to the technical part of his testimony, it became necessary for the prosecution to introduce in evidence the great body of anonymous correspondence that flooded this city at the time Mrs. Storke's crime is alleged to have been committed. Whispers of the character of these letters had gone the rounds among a few of those who had been connected with the case, but the general public had never known what they were. They were simply execrable in their vulgar simplicity. They were of three kinds. One set urged young men to visit a certain house, the respectability of which has never been questioned. When the letters were written, it was occupied by three respectable women, one of whom, a lady physician, was professionally connected with Winchester. Other letters were to neighbors concerning the house, and the worst were in the form of invitations to decent young girls to go to the same house for ignoble purposes.

The reading of these letters stirred the wrath of all who heard them.

Through the means of these and other writings, Mr. Kytka made out his case. His chief exhibit was an immense photograph, several feet square, of the word "acknowledged," as found in certain admitted writings and in the letter upon which Mrs. Storke was indicted. The general appearance of the words, enlarged as they were 11 times, was almost identical, and the expert pointed out the many exact resemblances. The letters throughout were shown to have been made by the same strokes and the witness laid great stress upon the fact that in writing the word the pen had been taken up from the paper in six places, the places being the same in each example. This removal of the pen caused several letters to be separated, and these small points, Mr. Kytka said, were conclusive to his mind. They were points that no forger could, by any possibility, imitate. It was beyond the human power of imitation. Some of the strokes might have been made by a forger, but the perfect agreement of all was something conclusive.

Several capital letters, found in both the Winchester letter and in a copy of a Justice Court complaint written recently by the defendant, were illustrated by blackboard drawings. The capital G, found frequently in the specimens, was drawn rather than written, and the capitals H and B were peculiarly and similarly made. The expert simply piled example upon example and the jury examined the original documents. Several jurymen found and called attention to letters made as the witness had indicated. During the whole of this testimony the defendant continually called the attention of her counsel to certain peculiarities in the exhibits. The defense will undoubtedly endeavor to show that the letters were written and the blame thrown upon Yda Addis by those who wish to see the last of her here.

One other link of evidence was brought out through Kytka's testimony. Certain clippings were introduced, pasted upon tissue paper. A like piece of tissue found in Mrs. Storke's room was exhibited, and these, the expert swore, were of the same quality, composition and texture. A paint stain on the back of one of the anonymous letters was also identified as a stain of yellow ochre paint, which, as Mrs. Storke has done considerable painting, was against her.

The defense will probably get to the cross-examination of the witness some time to-morrow afternoon, although it is possible that there will be no cross-examination.

Kytka says he will go from here to Paris, leaving just as soon as the Storke case is over. He will be employed there by M. Zola and will work [illegible] upon the disputed writings of the [illegible] case.

YDA ADDIS STORKE CASE.

Judgment Finding Her Guilty of Criminal Libel Affirmed.

The judgment of the Superior Court of Santa Barbara county in the case of Mrs. Yda Addis Storke has been affirmed by the Supreme Court and the verdict of guilty of criminal libel stands.

The Grand Jury of Santa Barbara county found a true bill for criminal libel against her, and in the Superior Court she was found guilty and sentenced to one year's imprisonment. The Supreme Court found no error in the proceedings. Mrs. Storke, as Yda Addis, a newspaper woman, threatened suit against ex-Governor John G. Downey for breach of promise of marriage, and was afterward married to C. A. Storke, an attorney of Santa Barbara. Divorce proceedings were brought by the wife, and a term of fighting in the courts was the outcome. The husband was elected District Attorney of Santa Barbara county, and was such officer when his ex-wife was indicted. An anonymous letter was received by Mrs. Emelie Thompson, which reflected upon the character and business standing of Dr. E. H. Winchester. This was traced to Mrs. Storke, and her arrest and conviction followed.

HOW THE SHEEHANS WERE DRIVEN OUT.

Witnesses Tell About the Shooting at the Row in the Tax-Collector's Office.

Ben I. Salomon, who is accused of having shot John O'Brien in the neck during the Sheehan-Scott row at the Tax Collector's office on January 8th, was before Police Judge Cabaniss yesterday for hearing. Finlay Cook acted as Prosecuting Attorney, with District Attorney Byington at his side for the purpose of watching the case. Attorney D. J. Murphy conducted the defense.

O'Brien, the first witness, testified that he saw Salomon fire the shot which struck him in the neck. He admitted that he was under instruction to prevent Scott's men from going behind the counter. He had the leg of a stool to use as a club if there should be any occasion for clubbing.

"Did you hit anybody with that club?" asked Attorney Murphy.

"I did not," replied Mr. O'Brien.

Did you raise it to strike anybody?

I may have raised it, but I'm sure that I didn't hit anybody.

Didn't the Sheehan forces all have weapons or clubs?

They may have had.

Now, as a matter of fact, didn't the whole Sheehan crowd have weapons?

They may have had—I don't know.

Didn't you see any others with clubs?

Yes; two or three.

Did you see any [illegible] thrown?

No, I didn't.

Did you see a pistol in Charles E. Brand's hand?

I did not.

How long did you stay in the room after you were shot?

About five minutes.

You were conscious all the time?

Yes, sir.

Standing up and walking about?

Yes, sir.

John Doyle, one of the leaders of the Sheehan forces, was the second witness. He declared that he had seen Salomon draw a pistol and shoot. His testimony corresponded with O'Brien's statements.

On cross-examination Mr. Doyle stated that he had not received any instructions to prevent Scott and his men from taking the office, that he took no active part in the trouble, though he was in the middle of the crowd, and that he had no club nor weapon. Ben Salomon had been in the office during the forenoon, excited and apparently intoxicated.

Attorney Murphy led the witness to say that he did not actually see Salomon shoot, as he ducked under the counter when the pistol was drawn.

Mr. Doyle was evasive in many of his answers and Judge Cabaniss warned him twice to be less "flippant." He hesitated about a minute before he denied that he had a personal encounter with "Jack" Fitzgerald and that Fitzgerald knocked him down.

P. J. Hagan, Sheehan's chief deputy, testified that he heard the pistol report, but did not see who did the shooting. Then the hearing was continued to next Wednesday afternoon.

NOT WRITTEN BY FULLER.

Claim, However, That the Disputed Will Was Signed by Him.

OROVILLE, January 20.—There were no new developments in the Rodley perjury case to-day. Witnesses Mining Judge John Shannon, Mrs. Monti[illegible], W. M. Marvin, Justice of the Peace [illegible] of Chico and Expert Theodore Kytka were placed on the stand. Numerous letters, documents, receipts, etc., were shown to be in the handwriting of the late Alfred Fuller. Defense late in the afternoon acknowledged that the will was not in the handwriting of Fuller, but claimed that the signature was his. A long and stubborn fight was made to keep testimony which would prove the [illegible] penmanship of Fuller. A still harder fight was made to prevent the testimony of Expert Kytka.

SALOMON IS EXONERATED.

Charge of Assault to Murder Dismissed by Judge Cabaniss.

The preliminary examination of Ben I. Salomon, accused of attempting to murder John O'Brien during the battle on January 8th, for the possession of the Tax Collector's office, ended yesterday in the dismissal of the charge against Salomon.

The witnesses who testified yesterday were Theodore Kytka, George Fletcher, Wallace Wedelmann and H. P. Lambert. The latter is City Clerk of Alameda and merely happened to be around when the trouble began. All four witnesses gave testimony favorable to Salomon. Witness Kytka was positive that Salomon had not fired the shot that wounded O'Brien. The other witnesses gave similar testimony, and at the conclusion of the preliminary examination Police Judge Cabaniss ordered that the charge be dismissed.

BIG CLAIM AGAINST DELGER ESTATE

Pronounced by Handwriting Experts to Be a Clumsy Forgery—Arrests May Follow.

Another sensation has been given to the residents of Oakland to gossip about. The promissory note which James J. Lampling presented several days ago against the estate of Frederick Delger, the late multi-millionaire, for $10,000 has been pronounced a forgery of the crudest kind by two local handwriting experts.

Arrests in all probability will follow, and the affair is being watched with the keenest interest.

Frederick Delger died at his home at Nineteenth street and Telegraph avenue in April, 1898, and left an estate valued at many millions of dollars. In fact, it is claimed by the residents of the bay city that Delger's belongings comprised half of the city of Oakland.

About ten years ago James J. Lampling, so it is claimed by the relatives of the Delger family, entered the employment of the late Frederick Delger. He was assigned to the exalted duties of a brick cleaner. Being a man of fair education and superior ambitions, he forged ahead, step by step, and soon controlled the confidence of his employer. The Delgers claim that Lampling's first position under the late capitalist was that of collector. The friends of Lampling are just as sure that he was manager.

However, Mr. Lampling's duties occasionally [illegible] to collect [illegible] bills [illegible] the elder Delger for his signature.

Immediately after the death of Frederick Delger his son, E. L. Delger, who is State agent for the Bankers' Association of Des Moines, took charge of the estate of his father. He had been named as one of the executors. The will of the deceased was presented to the Superior Court of Oakland for probate, and nothing was heard of the promissory note held by Lampling until January 3d of this year. He presented it to the Probate Court for collection and the Judge appointed the Oakland City Bank custodian.

The younger Delger doubted the genuineness of the signature on the paper and immediately asked the Court's permission to have the signature examined, which was granted him. He immediately sent for Theodore Kytka, the well-known handwriting expert, and showed him the admitted signature of his father, as on the note, and several admitted signatures. Mr. Kytka carefully examined the handwriting, and after two weeks of expecting pronounced the signature on the Lampling note a crude forgery. The paper was then taken to George Hesketh, another handwriting expert, and his findings were identical with those of Kytka.

The disputed note is alleged to have been executed on January 3, 1897, and reads as follows:

OAKLAND, Jan. 3, 1897.

$10,000—

I promise to pay, after three years from date, the sum of ten thousand ($10,000) dollars to James J. Lampling.

FREDERICK DELGER.

No consideration is named in the note. The California statutes, however, hold that a consideration must be named in all promissory notes, but this matter is only secondary. It is singular, however, that Lampling never mentioned the existence of the note, and only presented it one year and seven months after the death of the millionaire, or on the day of maturity.

It is alleged that even the bank officials, who hold the note in escrow, ridicule the signature.

The note, when originally presented to the Probate Court as a claim against the Delger estate, created a small sensation, but when the experts' findings leaked out in Oakland yesterday the matter was discussed on nearly every street corner, and people shook their heads.

E. L. Delger could not be located at his mother's mansion in Oakland, and all inquiry made at his residence, Twenty-fifth and Fair Oaks streets, this morning could elicit no information as to the whereabouts of the gentleman. That Mr. Delger knew that a reporter sought an interview, which he did not wish to grant, is demonstrated by the fact that he took his mother's housekeeper to task today for having furnished The Report's representative with his local address.

However, the matter of the alleged forgery is not denied by the Delgers and is common property in the Delger mansion. The employes of the household freely discuss it. They are sure, so they claim, that arrests will be made, and do not hesitate to denounce Lampling.

The handwriting experts who examined the note have been instructed to prepare photographs of the signatures, both admitted and disputed, so that they can be produced in court at an hour's notice.

The Delger home in Oakland is situated in the center of a lot one block square.

Mrs. Frederick Delger, widow of the millionaire, is an invalid.

MEN CANNOT PAY FOR A LEES TESTIMONIAL.

Police Commissioners Declare That Members of the Department Cannot Be Assessed.

The Board of Police Commissioners, at a meeting yesterday afternoon, decided that the men of the Police Department could not be assessed or, as members of the department, be asked to contribute toward a testimonial to be presented to ex-Chief Lees. Soon after I. W. Lees retired from the Police Department a few of his friends got together and [illegible] for a testimonial expressing the esteem in which he was held by the policemen. It was completed a few days ago and it is an engrossed affair, elaborately framed and [illegible] an easel. It was set up in the assembly room of the Central police station and when it made its first appearance it was the first intimation that the patrolmen and many of the officers received that a presentation was to be made to the former chief. A provision of the new charter forbids employes of the city making any such presentation and for that reason the Police Commissioners would not grant their sanction. The patrolmen feel that they have a grievance in the matter. They declare that they should have been consulted because they are expected to pay for the engrossing and framing of the testimonial, which amounts to about $250, or at least that the patrolmen and sergeants should have had some representation.

The testimonial bears the signatures of the police captains, some of the lieutenants and a number of ex-members of the police force. None of the sergeants or the patrolmen are represented and the men do not think they have been treated fairly.

SHE WOULD NOT TRUST BROTHER WITH HER WILL

Mrs. Ann Harris Took Precautions.

Oakland Office San Francisco Call,
908 Broadway, Jan. 29.

In a letter left by Mrs. Ann Harris accompanying her will is revealed the bitter feeling she entertained for her brother, Josiah P. Ames, whom she cut off with a bequest of $5 and whom she had sued to recover $175,000 worth of bonds and securities.

The will was admitted to probate to-day by Judge Greene. E. Wilder Churchill, husband to a niece of Mrs. Harris, was appointed executor, and he related in court that he had received the will in a sealed envelope from his father, Edmund S. Churchill, a Napa banker. The older Mr. Churchill corroborated his son's statement and said he received the will in a package in December, 1898, a letter accompanying it from Mrs. Ann Harris. This letter was made public for the first time to-day. It reads:

My Dear Mr. Churchill: Please find inclosed my will. Kindly take charge of it and deliver it to your son, E. Wilder Churchill, after my death. Having had so much trouble with my brother Josiah, I desire my will shall be in safe hands. Having done so much for him I am determined he shall have no more.

ANN HARRIS.

It was supposed that the estate to be administered upon would amount to nearly $250,000, but it appears from testimony taken to-day that Mrs. Harris disposed of most of her property by deed prior to her death, leaving only about $100 in personal effects and a $60,000 judgment obtained against her brother, Josiah P. Ames, recently. Her property she left to the children of her other brother, John Ames, deceased.

MRS. TEVIS RECEIVES THREATENING LETTERS.

Demands Made on the Widow of the Late Millionaire for Five Thousand Dollars Under Penalty of Death.

MRS. SUSAN TEVIS, the widow of the late Lloyd Tevis, the millionaire, has been singled out by either a crank or a dangerous criminal as the object of threats and blackmail. Three letters have been addressed to her within the last three weeks and although the police have been able through the aid of a handwriting expert to discover beyond scarcely any doubt the identity of the writer no steps have been taken to place him under restraint. While the authorities refuse to state exactly the cause for such a course they tacitly admit that the man is still at liberty because those who are the most concerned in the affair have expressed a desire not to prosecute him. The reasons for such a course upon the part of those the most interested in the welfare of Mrs. Tevis are, at present, unknown.

Charles Maurice Eaton is the name of the man who is strongly suspected of having written the threatening letters to Mrs. Tevis. He says that his father and Tevis were pioneers together and that he is nothing more than a friend of the family. Whether this acquaintance which he claims has anything to do with the leniency which is admitted by the officers to have been shown him or whether Eaton is granted immunity from arrest and prosecution from some other cause is known only to those intimately acquainted with the case.

About three weeks ago a letter was found addressed to Mrs. Tevis at her residence, 1316 Taylor street. This communication was evidently from a man, and demanded $5000. A woman or a man dressed in black would, the writer said, call at the house for the money. If the sum demanded was not forthcoming the life of Mrs. Tevis would pay the forfeit, for she would be waylaid upon the first opportunity and either shot or stabbed to death. On the same night, the letter continued, that she was to be murdered another accomplice would set fire to her residence. The communication was written in a bold style of penmanship and was signed "Moritz."

Although the letter had a disquieting effect upon the female members of the household, Dr. Harry Tevis, the son of the recipient of the communication, decided that it had evidently been sent by some harmless crank, and dismissed the matter from further thought. Several mornings after this, however, the family was again thrown into a state of perturbation by the arrival of a second threatening letter. This note also was addressed to Mrs. Susan Tevis, and was found under the front door by the butler. The second communication renewed the threats of the former letter, and said that the writer was determined to leave the city, but that he required $5000, and as the Tevises were the only family he knew who were wealthy enough to supply him with that amount, he applied to them. He had no money or friends. The writer grew bolder in the second letter and named a place where a boy would be sent to receive the money. This letter was also signed "Moritz."

Dr. Tevis decided that the anonymous writer might be reckless enough to attempt the life of Mrs. Tevis so, thoroughly alarmed, he at once hurried to the police headquarters with the two letters and acquainted Acting Chief Biggy and Captain of Detectives Bohen with the details of the threats against his mother's life and the circumstances of the receipt of the communications. Dr. Tevis expressly cautioned the authorities not to divulge the facts of the occurrence. He was questioned closely regarding any possible enemies who might desire to accomplish the death of his mother, and was also asked to supply the authorities with letters which he had received from correspondents in order that the various styles of writing could be compared with that shown in the anonymous letters. Detectives Wren and Dinan were detailed upon the case.

Several days after the matter was turned over to the police for investigation a third letter was received, which reiterated the demands and threats contained in the previous communications and contained the following: "I will kill you surely and will destroy your house by fire." The writer also added that he had but a short time to remain in the city and he proposed to compel the payment of the sum demanded. This letter also was delivered to the authorities.

About the first person whom the authorities visited was Eaton, who resides at 120 Ellis street. While the police refused to state to what extent their dealings with Eaton had gone, he admitted last night that the detectives had left him a note requesting that he call upon them at the Central Police Station, as they wished to interview him upon the case. Eaton claimed that his father and the late Lloyd Tevis had been pioneers together, and that he, the present Eaton, had been born in San Francisco forty years ago. He admitted having written some letters of a business character to Dr. Tevis, and had also addressed some of a personal nature to Mrs. Tevis. He did not claim, however, that his friendship with the Tevises was of an intimate character. What he told the police was not stated by the detectives, but Eaton said that he was shown the three letters which had been sent to Mrs. Tevis, and he seemed to be well acquainted with their contents. Evidently the authorities did not then have sufficient evidence with which to incriminate Eaton, for he was allowed to depart.

Last Monday, however, the three letters were turned over to a handwriting expert to be compared with other writing, including some of Eaton's acknowledged letters to members of the Tevis family. As the result of the examination, which lasted until Wednesday, the handwriting expert gave as his positive opinion that Eaton was the author of the anonymous letters which had caused such alarm to the members of the Tevis household. Dr. Tevis was acquainted with the opinion, but the police who had been working in his interests in the matter received no instructions to take Eaton into custody, and in consequence the latter has been permitted to go and come at will.

This is not the only act of similar nature in which Eaton is accused of being concerned. It is said that some time ago an anonymous letter was sent to a newspaper office signed "Hase 1." The writer of that communication claimed to be a member of the half-world and pretended to relate certain occurrences which reflected upon the action of a police detective. The case was investigated, and after a careful inquiry the recipients of the communication decided that Eaton had been the writer.

The detectives admit that were it not for other interests than their own and of the city to be served in the present case, Eaton would receive the attention of the police within a short time.

One of the letters was sent through the mails, and as the using of the United States postal service for the purpose of conveying threats is a serious offense, this part of the affair may be brought to the attention of the Federal authorities, provided there is any desire upon the part of Dr. Tevis and others interested to prosecute Eaton.

As the result of the threatening letters the Tevis residence has been guarded by a special officer for the last three weeks.

Eaton, when seen last night at his room, said: "About two weeks ago I received a card from Detective Wren asking me to call at his office. I went there and he told me that threatening letters had been sent to Mrs. Tevis. He asked me if I had written to Mr. Tevis, and I said I had and identified some letters in my handwriting that he had there. I also told him that I had written to Mrs. Tevis. Then he handed me the threatening letters and asked me if that was my writing. I told him it was not, that I had never seen the letters before, and asked him if he suspected me. He replied that he did not, but that he was making the same inquiries of every individual who had written to the Tevises for some time past.

"My father and Lloyd Tevis were friends together forty years ago and I have lived in this city all my life. Dr. Tevis will make every effort to locate the writer and will spend thousands of dollars if necessary. If there were any suspicion that I wrote them you may be sure that I would not be as I am at perfect liberty. It was none of my business so I did not offer any suggestions to Detective Wren. I thought though, that it would have been an excellent plan to apparently agree to accede to the terms demanded by the writer and send the money to the place named and by that means secure trace of those who are in the plot, for such I believe it to be. I presumed, however, that the officer knew his business, so did not venture any suggestion of this character. I have been a paying teller in a bank for a number of years and was employed fifteen years in that capacity at San Luis Obispo."

THREATENS LIFE OF MRS. TEVIS

Police Are at Work Shadowing the Writer of Letters of the Blackmail Order.

The life of Mrs. Susan Tevis, wife of the late millionaire, Lloyd Tevis, has been threatened. Though anonymous letters she has been informed that she is to be murdered and that her mansion at 1316 Taylor street is to be burned by incendiaries unless she surrenders the sum of $10,000.

The first letter was received three weeks ago. It was written in a bold hand and was signed "Moritz." In this letter the man demanded $5000. He stated a lady in black or a gentleman in light suit would call at the house for the money, and that if it was not surrendered her life would pay the forfeit. She would be waylaid, and either stabbed or shot to death, the letter said. On the same night as the murder the torch of one of his accomplices would be applied to the Taylor-street home of the family.

No attention was paid to the first letter, as it was thought to be the momentary deed of a crank. A few mornings after the receipt of the first threatening letter the butler found another note under the front door, where it had been placed the previous night. It was addressed to "Mrs. Susan Tevis." Again the would-be assassin repeated his threats, stating he desired to leave the city. He had no money and no friends. The only family that he knew was that of Tevis, and they would have to pay him $5000.

Dr. Tevis, a son of Mrs. Tevis, was shown the letters, and with them he hurried to police headquarters. He was closeted with Captain of Detectives Bohen and "Acting" Chief Biggy for several hours. He was anxious that the matter be suppressed, as his mother did not want to gain newspaper notoriety. Bohen, and surprising as it may seem, even Biggy not only gave his word, but kept it. Five days after the visit of Dr. Tevis at the "Acting" Chief's office another letter was received at the Tevis home from the same writer. This was also turned over to the police.

Last Monday the fourth threatening letter was found under the door of the Taylor-street mansion.

In this communication the would-be murderer raised the amount he demanded for peace from $5000 to $10,000. He underlined the statement that he would murder Mrs. Tevis and reiterated that she had only a short time to live unless the money he demanded was forthcoming. He had not much more time to remain in the city, and needed the money. "I will kill you surely and will destroy your house by fire," is one of the statements in the last communication.

The Tevis family became more alarmed than ever, and every effort was made to have the police hurry their investigation.

The four letters, one of which had been sent by mail, were turned over to a handwriting expert and he established the identity of the penman. The man's given name is Moritz, as he signed it, and he is known to the Tevis family. He has on frequent occasions been arrested, and in police phraseology is known as an "all-around bad man."

As soon as the expert's report was filed, the best men from the "upper office" were detailed on the case.

The writer of the letters has been located and the lodging-house at 120 Ellis, where he resides, is under police surveillance. Whenever the man leaves the house he is followed by detectives and his every action noted. His accomplices are also known, and as soon as they appear at the Tevis home arrests will follow.

It is stated that the man "Moritz" has a questionable profession, but that he is well educated. The police refuse to give any information in the case. Captain Bohen and "Acting" Chief Biggy do not deny the truth of the matter, but reply to all questions reluctantly.

"Captain Bohen, is it not a fact that you are working on this case?" was asked.

"Well, that is no one's business. This Tevis case is not a public matter, it is a private one," replied the officer.

"However, Mrs. Tevis has never been in this office. If Dr. Tevis has, that's another matter."

Mr. Drumm, confidential clerk of the Tevis estate, at first admitted that the case was well in hand and then denied that Mrs. Tevis had ever received any threatening letters.

Mrs. Susan Tevis refused to be interviewed in the matter.

However, it is expected that arrests will be made early next week. The writer of the letters will have to answer to the United States Government, as well as to the municipality. One of the letters was sent by mail.

EATON WILL NOT BE PROSECUTED.

MRS. TEVIS UNAWARE THREATS WERE MADE.

NO FURTHER FEAR ENTERTAINED OF HER ANONYMOUS CORRESPONDENT.

The Incident Is Now Declared to Be Closed So Far as the Authorities Are Concerned in It.

Charles Maurice Eaton, who is accused by the police of having sent threatening letters to Mrs. Susan Tevis, the wife of the late Lloyd Tevis, the millionaire, is still enjoying his liberty, and from the statements made by the authorities yesterday nothing is likely to be done to bring him to task upon the present charge. There are several reasons for this, the principal one being the fact that Dr. Harry Tevis, son of Mrs. Tevis, told the police that he did not care to prosecute the man.

Mrs. Tevis has been in ill health for some time past, and consequently is too feeble to stand the strain of appearing in court as the complainant in a case of this sort, when it would be necessary for her to confront the man accused of having threatened to kill her and set fire to her home.

It is even said by intimate friends of the family that she has, thus far, been kept in ignorance of the existence of the threatening letters, and every attempt will be made by her family to see that she is not acquainted with the affair.

In consequence the incident is closed, so far as the authorities are concerned, for they do not entertain the slightest apprehension that any attempt will be made to carry the threats into execution.

In the course of an interview Eaton claimed that his father had been a friend of the late Lloyd Tevis, and that he was also known to members of the Tevis family. This statement was positively denied yesterday by Gordon Blanding, the son-in-law of Mrs. Tevis. "The claim," he said, "upon the part of Eaton that he or his father were friends of the late Lloyd Tevis is absolutely false. I knew the friends of Tevis, and I know that no such persons as the Eatons were among them. I know this to be a positive fact, and any statement from him to the contrary is false."

SAY THEIR FATHER WAS DRUGGED AND DELUDED.

The Children of an Old Ex-Mayor of Los Angeles File a New Contest of His Will.

LOS ANGELES, February 23.—An amended contest has been filed by the contestants of the will of Jose Mascarel, a rich old Frenchman and ex-Mayor, who died here October 6, 1891. The amended contest contains all the allegations already made by the Mascarel children and several new contentions. It is claimed, as before, that the old Frenchman was not of sound mind when he made the will in favor of the grandchildren of his first wife by her former marriage. It is alleged that during his last days he was persuaded by ex-Assemblyman H. G. Weyse, his attorney and friend, and by other persons to transfer away or otherwise dispose of his property without consideration. The charge is made that from August until his death in October Mascarel was kept practically under the constant influence of drugs and that the proponents of the will, entering into a conspiracy, brought spiritualists to Mascarel and had them tell him that the spirits advised his cutting off his own children. One of the persons accused of so influencing old Mascarel is Jesus Mascarel's widow, who is alleged to have lived with old Jose for many years, keeping him apart from his wife and family.

The proponents of the will have filed an answer denying these things. Judge Shaw set the trial for April 9th. Henry G. Weyse, one of the executors and special administrator of the estate, was cited to appear in court on March 2d to show why he should not be removed from office because he is an interested party in the litigation.

FAIR ESTATE SUITS MAY BE SOON ENDED ON AMICABLE ARBITRATION

Tentative Recognition of Mrs. Nettie Craven-Fair's Claims.

WERE THE TRUSTEES OUT

Attorneys for the Senator's Children Would Advise a Compromise.

SPEEDY settlement of Mrs. Nettie Craven-Fair's litigation against the Fair estate, it is believed, would follow a decision by the Supreme Court annulling the trust clause by which the late Senator James G. Fair attempted to put the bulk of his estate beyond the immediate control of his children—Charles L. Fair, Mrs. Hermann Oelrichs and Mrs. W. K. Vanderbilt. Upon representations that such a result might be brought about in the event of a decision by the Supreme Court invalidating the trust, Judge Troutt has postponed until February 12th the trial of Mrs. Craven-Fair's claim to a family allowance as the widow of Senator Fair. Attorneys for the Fair children assent to the suggestion that they would listen to a suggestion for a compromise. Pence & Pence, representing Mrs. Craven-Fair, say that she would expect to receive one-third of the estate.

Mrs. Nettie Craven-Fair may realize her hope to share in the estate of the late Senator James G. Fair in a comparatively short time, provided the current of events turns her way, as she expects. Mrs. Craven-Fair and her legal advisers are ardent in their well-wishes for the welfare of the children of Senator Fair touching the decision of the Supreme Court on the question of the so-called trust clause of the will. Though opposed in many matters, Mrs. Craven-Fair devoutly wishes good luck to Charles L. Fair, Mrs. Hermann Oelrichs and Mrs. W. K. Vanderbilt, children of Senator Fair, in their effort to oust the trustees from possession of their father's estate, which was worth $12,800,000 when he died, and which is estimated to have attained a valuation of $16,000,000 at the present time. She believes that a victory for the children would in a measure be a help to her, since it would clear the field and leave but one party with which to deal in her effort to obtain recognition as the widow of Senator Fair.

The trust clause in the Fair will out of which has arisen such a complication of litigation, following provisions for liberal bequests to personal friends and charitable organizations, reads thus:

All the rest, residue and remainder of my estate, property and effects, personal and mixed, whatsoever and wheresoever situated, I give, devise and bequeath unto my trustees hereinafter named [W. S. Goodfellow, James S. Angus, L. F. Breese, Thomas G. Crothers] and T. G. Crothers, and to the survivors of them and to their successors in office, in trust for the following uses and purposes, that is to say:

To have and to hold the same in trust during the lives of my daughters Theresa A. Oelrichs and Virginia Fair and of my son Charles L. Fair, and during the life of the survivor of them and upon the death of such survivor to transfer and convey to the children or descendants of my said daughter Theresa the one-fourth part of said trust property and estate, and to the children or descendants of my said daughter Virginia the one-fourth part of said trust property and estate, and the remaining one-half of said trust property and estate to transfer and convey in equal shares to my brothers and sisters and to the children of any deceased brother or sister by right of representation. [The language of this clause is taken from the Civil Code of the State of California, Section 1386, Subdivision 3, as it now exists, and shall bear the same construction as said subdivision of said section, subject, however, to the provisions of paragraph "thirteenth" of this will.] In case either of my daughters die leaving no children or descendants, the one-fourth part of said trust property and estate herein directed to be transferred and conveyed to her children or descendants, shall be transferred and conveyed to the children or descendants of my other daughter, and if there be none the same shall be transferred and conveyed to my brothers and sisters and to the children of any deceased brother or sister by right of representation as aforesaid.

In trust further during the life or lives of my said daughters and son, and of the survivor of them, to hold, manage and control the said trust property and estate and monthly to pay over the net income derived therefrom to my said daughters and son in equal proportions, and upon the death of either of my said daughters to pay over the one-third of said net income to which she, if living, would be entitled, to her children or descendants, if any there be, otherwise to my surviving daughter and upon the death, during the life of my said son, of said surviving daughter having children or descendants, then to her said children or descendants, and if she leave no children or descendants then said portion of said net income to become a part of the rest and residue of my estate and to be disposed of as such under the provisions of this will, and upon the death of my said son to pay over the one-third of said net income to which he if living would be entitled to my said two daughters in equal proportions or to the survivor of them.

Yet the fate of future litigation in the Fair estate depends upon an "if." That is the phase given to the adjustment of the vast interests at stake in that controversy by recent declarations of attorneys for the children of Mr. Fair.

The "if" relates to the expected decision of the Supreme Court in regard to the validity of the trust clause. Should the decision of former Judge Slack be affirmed, the trust provision of the will must fall, and the children of Fair will demand immediate possession of the entire estate, to the exclusion of the trustees. In that event, an effort will be made to end the lawsuit of Mrs. Craven-Fair, who has laid claim to one-third of the property, alleging that she is the widow of the decedent.

Reuben H. Lloyd of the firm of Lloyd & Wood, representing Mrs. Theresa Oelrichs and Mrs. William K. Vanderbilt, daughters of Senator Fair, spoke openly in confirmation of such a plan in Judge Troutt's department of the Superior Court last week, and Charles J. Heggerty of the firm of Knight & Heggerty, attorneys for Charles L. Fair, only surviving son of James G. Fair, made an equally succinct statement to this effect yesterday.

"It would be merely a business proposition, that would meet with the approval of

MRS. NETTIE CRAVEN-FAIR.

were possible to reach an agreement for a reasonable amount. It would be foolish to prolong the litigation."

Mr. Heggerty illustrated his meaning by adding: "If somebody had got possession of our client's watch, or had set up a claim to it in such a way as to bring the matter before the courts, and if we believed that a proper settlement and recovery of the watch could be obtained by arbitration with less delay and less expense than by fighting it out in the courts, we would deem it our duty to advise a compromise. That is the way in which we feel concerning Mrs. Craven. Her claim is before the courts in a way that gives her no opportunity to be heard, and though we consider her claims invalid, yet she might harass the children of Senator Fair for a long time. So far as our client is concerned, we would consider it wise to listen to any suggestion of a settlement that might be offered, and if an agreement could be reached to wind up the matter and end the dispute as soon as possible. It is a recognized principle that it is sometimes the right thing for a litigant to buy his peace even though he may not admit that his adversary is right."

Mr. Heggerty's avowal of his sentiment concerning the advice he would give his client in the event of the trust clause being annulled, renews interest in the remarks of Mr. Lloyd, who asked Judge Troutt for a postponement of a trial of Mrs. Craven-Fair's suit for family allowance on the ground that an understanding might be reached which possibly would obviate the necessity of irksome court proceedings. He told the Court that a decision in regard to the trust clause in the Fair will is expected soon. It would be improvident, he thought, to take up Mrs. Craven-Fair's case at this time, because, while the fight was in progress, a decision might be handed down by the Supreme Court that might change the legal aspect of the situation, and possibly might make further proceedings in this direction unnecessary.

Attorney Lafe Pence of the law firm of Pence & Pence, attorneys for Mrs. Craven-Fair, at that time said that he was not willing to have a continuance granted on the strength of what might, would or could happen; his client was ready for trial, and objected to further delay.

Judge Troutt said that his time would be occupied for the next fortnight, and he therefore put over the trial until Monday, February 12th.

After the adjournment of court, Mr. Lloyd explained that he and his associates, representing the two daughters, had argued to the Supreme Court that former Judge Slack's decision, declaring the trust clause invalid, ought to be sustained. If this view should prevail in the Supreme Court it would put the entire estate in the hands of the heirs and would greatly minimize the legal complications and make easy any steps the heirs might see fit to take in the settlement of the litigation now pending.

Mr. Lloyd was asked if this was an intimation that the children of Senator Fair would be willing to compromise with Mrs. Craven-Fair, or would recognize her claim to the Lick House property under the so-called pencil deeds, or in regard to a family allowance as Senator Fair's widow.

To this Mr. Lloyd responded that he did not intend to intimate anything, as he did not know what his clients would do, even if the decision comes their way, but that it would change the status of the litigation in many important particulars, he said, was apparent to all.

Lafe Pence was asked for his view of the situation, and said:

"If in the beginning of the litigation Mrs. Fair had been allowed without contest to take what Senator Fair gave her she would have been content. Now that the children of Senator Fair have placed the estate in such shape, that the annulment of the trust clause will result in declaring the estate claiming the valuable real estate at North Beach.

Pence & Pence have given notice that they will not consent to any further continuance of the trial which involves the claim of Mrs. Craven-Fair for family allowance.

"That case has been peremptorily set for February 12th," said Mr. Pence, "and we shall insist on having it go on at that time, whether there is a decision by the Supreme Court on the trust clause or not. In that trial the validity of Mrs. Fair's claim to be the widow of Senator Fair will be tried on its merits, and she will abide by the result of that trial."

CONFLICT OVER A CHECK.

Allegation That Hodson's Name on It Was Forged.

The answer of A. F. Booker in the suit brought against him by M. A. Frank to secure payment of a check for [illegible] was filed yesterday in the Superior Court. Booker said that the check, which was drawn on the Nevada Bank on November [illegible], was made at [illegible] county, and was made payable to J. [illegible] Hodson. He alleged that Hodson lost the check and payment of it was then stopped. On January [illegible] Hodson [illegible] the [illegible] of the check to Booker. Frank stated in his complaint that the check was indorsed by Hodson and delivered by him to L. H. [illegible], who transferred it to [illegible] and Ryan turned it over to Frank. Booker avers in his answer that Hodson did not indorse the check and that the indorsement is a forgery.

CONTESTS HIS MOTHER'S WILL

Frank P. Wickersham Wants His Share of the Estate.

BANKER'S HEIRS FIGHT FOR HIS MILLIONS.

BROTHER AND SISTER ACCUSED OF HAVING INFLUENCED MOTHER.

She Is Alleged to Have Been in a Paralyzed Condition at the Time She Signed Her Will.

The fight for the Wickersham millions, which began in June last and was compromised by an agreement between the heirs of the deceased banker of Petaluma two months later, has been renewed, and there is every indication that it will be contested to the bitter end.

When I. G. Wickersham, founder of the Wickersham Banking Company of Petaluma, died at that place some six months ago, he left a will by the terms of which he bequeathed an estate, consisting of interests in many of the banking corporations of this State, valued at about $900,000, to his wife and children. He made an exception, however, in the case of his son, Frank P. Wickersham, a former Supervisor of Fresno, to whom he bequeathed the sum of $10 only. On June 27th last Frank Wickersham filed a contest to this will upon the ground that his father was not of sound and disposing mind at the time of the alleged signing of the will, that undue influence was brought to bear upon him by other heirs, and that the will was void because the bequests therein contained were uncertain as to their objects, and not susceptible to enforcement. This contest was withdrawn in September last, Frank Wickersham having effected an agreement with his fellow-heirs whereby he should receive an equal share of the estate with them.

On February 10th last Mrs. Wickersham, wife of the late millionaire, died at Petaluma, leaving a will which was filed in the Superior Court of Sonoma county on February 19th by her son, Fred A. Wickersham. It was dated on September 2, 1899. After bequeathing $500 to St. John's Episcopal Church of Petaluma, $250 to Miss Catherine Bowers, an aged companion, and $50 to her son, Frank P. Wickersham, the deceased left all the rest of her estate to her children, Fred A. and Lizzie C. Wickersham, and her married daughter, Mrs. Mary Bergerin, in equal parts. Letters testamentary were issued to Fred Wickersham in response to his petition, and steps were immediately taken to probate this will.

Yesterday Frank P. Wickersham, through his attorneys, Riordan & Lande of this city, filed a contest to this will at Santa Rosa upon the ground that Mrs. Wickersham was not of sound and disposing mind at the time the will was signed, having been paralyzed for some months prior thereto; that fraudulent misrepresentations had been made by the other heirs to induce her to disinherit the contestant, and that undue influences had been brought to bear upon her to compel her to make the will in the interests of those heirs.

It is alleged in this contest that this will was not executed, attested or published as required by law, that it was not a holographic will, and was not signed by Mrs. Wickersham in the presence of the attesting witnesses, that the signature attached thereto was not made by her or with her authority, and that the alleged witnesses thereto did not sign it in her presence. It is further alleged that at the time of her death Mrs. Wickersham was 71 years of age, and had been for a long time prior thereto suffering from paralysis, which impaired her mental faculties to such a degree that she did not know what she was doing, and that she was induced to make such a will by being continually harassed, coerced and goaded by her daughter, Lizzie C. Wickersham, and her son, Fred A. Wickersham.

Fred A. Wickersham, to whom letters testamentary have already been issued, is vice-president of the bank at Petaluma founded by his father.

Frank P. Wickersham announces his determination to follow up this contest with a renewal of that entered against his father's will, so that the battle will probably be prolonged indefinitely.

SPEEDY settlement of Mrs. Nettie Craven-Fair's litigation against the Fair estate, it is believed, would follow a decision by the Supreme Court annulling the trust clause by which the late Senator James G. Fair attempted to put the bulk of his estate beyond the immediate control of his children—Charles L. Fair, Mrs. Hermann Oelrichs and Mrs. W. K. Vanderbilt. Upon representations that such a result might be brought about in the event of a decision by the Supreme Court invalidating the trust, Judge Trout has postponed until February 12th the trial of Mrs. Craven-Fair's claim to a family allowance as the widow of Senator Fair. Attorneys for the Fair children assent to the suggestion that they would listen to a suggestion for a compromise. Pence & Pence, representing Mrs. Craven-Fair, say that she would expect to receive one-third of the estate.

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Yet the fate of future litigation in the Fair estate depends upon an "if." That is the phase given in the adjustment of the vast interests at stake in that controversy by recent declarations of attorneys for the children of Mr. Fair.

The "if" relates to the expected decision of the Supreme Court in regard to the validity of the trust clause. Should the decision of former Judge Slack be affirmed, the trust provision of the will must fall, and the children of Fair will demand immediate possession of the entire estate, to the exclusion of the trustees. In that event, an effort will be made to end the lawsuit of Mrs. Craven-Fair, who has laid claim to one-third of the property, alleging that she is the widow of the decedent.

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"It would be merely a business proposition, that would meet with the approval of any sensible person, to end the litigation as soon as possible," said Mr. Heggerty. "Of course, no one can tell what the decision of the Supreme Court will be, but we have presented our reasons for thinking that the trust clause ought to be annulled. Now, if our argument is accepted as sound and the trust clause is knocked out by the affirmation of Judge Slack's decision, the entire estate will pass to the heirs at law, the children of Senator Fair. That would greatly simplify matters in the courts, for the trustees would no longer be entitled to bear the burden of the litigation, and those having claims against the estate could deal directly with the heirs. The position that the children of Senator Fair would take may be readily conjectured. They would be willing to terminate the controversy with all their opponents. I do not wish in any way to anticipate the result of any judicial decision in the matter, but since the direct question is put to me, I will say frankly that if the claim of Mrs. Craven were the only obstacle that stood in the way of our client coming into possession of his inheritance, we undoubtedly would recommend some kind of a settlement. We might not advise a compromise for any large sum, but if it were possible to reach an agreement for a reasonable amount, it would be foolish to prolong the litigation."

Mr. Heggerty illustrated his meaning by adding: "If somebody had got possession of our client's watch, or had set up a claim to it in such a way as to bring the matter before the courts, and if we believed that a proper settlement and recovery of the watch could be obtained by arbitration with less delay and less expense than by fighting it out in the courts, we would deem it our duty to advise a compromise. That is the way in which we feel concerning Mrs. Craven. Her claim is before the courts in a way that gives her an opportunity to be heard, and though we consider her claims invalid, yet she might harass the children of Senator Fair for a long time. So far as our client is concerned, we would consider it wise to listen to any suggestion of a settlement that might be offered, and if an agreement could be reached to wind up the matter and end the dispute as soon as possible. It is a recognized principle that it is sometimes the right thing for a litigant to buy his peace even though he may not admit that his adversary is right."

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Lafe Pence was asked for his views of the situation, and said:

"If in the beginning of the litigation Mrs. Fair had been allowed without contest to take what Senator Fair gave her she would have been content. Now that the children of Senator Fair have placed the estate in such shape, that the annulment of the trust clause will result in declaring the estate to be in a condition of intestacy, Mrs. Fair will maintain her position as the widow of Senator Fair and will ask for one-third of the estate—no more, no less."

"Mrs. Fair will not ask for any part of the two-thirds that the law says ought to go to the children of Senator Fair," remarked Charles Pence. "She will not seek to deprive them of any part of their share of the property."

It is apparent that the lawyers representing the children of Senator Fair do not so seriously consider the claims of Mrs. Craven-Fair, as she is called in the record, Mrs. Craven as the lawyers opposed to her call her, or Mrs. Fair as her own attorneys call her. They regard her deeds to the real estate as entirely futile, and express a willingness to meet her for the purpose of testing the validity of her marriage as soon as the deck is cleared for action by the coming decision of the Supreme Court touching the trust clause.

The estate is said to have increased in value under the management of the trustees, and as none of the heirs have been able to draw any money because of the litigation, the accumulations have been piled up in bank or have been invested in real estate. Among the suits filed by the trustees is one claiming the valuable real estate at North Beach.

Pence & Pence have given notice that they will not consent to any further continuances of the trial which involves the claim of Mrs. Craven-Fair for family allowance.

"That case has been peremptorily set for February 12th," said Mr. Pence, "and we shall insist on having it go on at that time, whether there is a decision by the Supreme Court on the trust clause or not. In that trial the validity of Mrs. Fair's claim to be the widow of Senator Fair will be tried on its merits, and she will abide by the result of that trial."

MRS. NETTIE CRAVEN-FAIR.

CONFLICT OVER A CHECK.

Allegation That Hudson's Name on It Was Forged.

The answer of A. F. Booker in the suit brought against him by M. A. Frank to secure payment of a check for $[illegible] was filed yesterday in the Superior Court. Booker said that the check, which was drawn on the Nevada Bank on November 25, 189[illegible], was made at Willows, Glenn county, and was made payable to J. P. Hudson. He alleged that Hudson lost the check and payment of it was then stopped. On January 16, 18[illegible], Hudson assigned his ownership of the check to another [illegible]. [illegible] stated in his complaint that the check was indorsed by Hudson and delivered by him to E. H. [illegible], who transferred it to F. E. Ryan, and Ryan turned it over to Frank. Booker avers in his answer that Hudson did not indorse the check and that the indorsement is a forgery.

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WANTED MONEY OR WOMAN'S LIFE

Mrs. Susan Tevis Threatened in Some Blackmailing Letters.

KYTKA EXAMINES THE WRITING

Expert Declares Eaton's Penmanship Identical With That of Criminal Missives.

[illegible] threatening letter [illegible] to Mrs. [illegible] [illegible] the [illegible]. The writer [illegible] the name [illegible] and demanded [illegible] who would appear [illegible]. The penalty for failure to pay [illegible] death. Mrs. Tevis was ill and the letter was not [illegible].

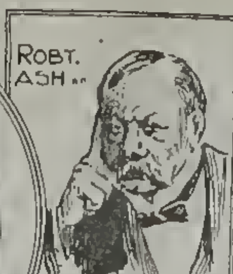
As no attention was paid to the first letter a second one [illegible]. It repeated the threat of death and [illegible] that failure to comply with the request would mean [illegible].

A few days after a third letter [illegible] upon Dr. H. Tevis [illegible] Tevis took [illegible] a [illegible] Dr. Tevis submitted to the detective [illegible] letters [illegible] and [illegible] from Charles Man[illegible] [illegible] a resemblance to that of the anonymous communications that Eaton was [illegible].

I [illegible] Eaton [illegible] last night and admitted that the letters [illegible] the [illegible] the [illegible] Mrs. Tevis [illegible] about [illegible] were [illegible].

Eaton's letters [illegible] were submitted to expert Theodore Kytka for analysis. After careful study for ten days he pronounced the threatening letters the disguised handwriting of Eaton, and so reported to the police. He said the case was beyond dispute, the [illegible] the [illegible] all the data submitted [illegible] there has been an arrest and probably there will be none.

RIPPEY SAID SHE WAS JAMES FAIR'S CHILD



LITTLE Charlotte B. Gregory ceased drawing pictures of the bailiff and listened with breathless interest yesterday morning when Attorney Robert Ash took the stand in Judge Troutt's court and said that Wesley C. Rippey told him that he could prove that James G. Fair Jr. was the father of the little girl. This evidence occasioned the first surprise during the trial of the contest instituted by Robert Ash of the will of the late Mrs. Catherine E. Gregory, who died recently, leaving an estate valued at $30,000. Mrs. Gregory was little Charlotte's foster mother, and by the terms of a will executed December 10, 1896, she devised her entire estate to the child, subject, however, to a life estate vested in Mrs. Martha Munson, proponent of the will, in whose care the deceased placed the child just prior to her death. This will, being of later date, defeated the purpose of a testament made by Mrs. Gregory March 22, 1892, in which she devised one-half of her estate to Ash, the contestant.

Ash testified that the later will was written by Wesley C. Rippey, the old man who shot John W. Mackay in Lick alley some years ago, and was not signed by Mrs. Gregory. Ash said that Rippey was a warm friend of Mrs. Munson and often told Mrs. Gregory that if the will was made to suit him matters would be all right as he could prove that the child was the daughter of young Jim Fair and that the latter's father had promised to pay $100,000 to keep the matter a secret and to protect the memory of his son.

Notwithstanding the statement alleged to have been made by Rippey, who is now dead, the parentage of the child will forever remain a secret. If Rippey had proofs they died with him, as did Mrs. Gregory's knowledge of little Charlotte's kin. The child is evidently fond of Mrs. Munson and unconcerned over the prominent place she occupies in the litigation.

After Ash had retired from the stand Mrs. Munson was called by the defense. She acknowledged that Rippey wrote the will, as alleged by the defense, but said that it was at Mrs. Gregory's suggestion.

"Mrs. Gregory did not want Ash to know that she had made another will," said Mrs. Munson, "but she felt that she had done considerable for him during her life, having purchased him several suits of clothes and assisted him in many other ways. She was anxious that her child should have the entire estate and knew that I would care for her, so she got Rippey to write the will, which was not published until after her death. The hearing of the case will go on next Monday.

WORRIED OVER A NAME ON A HOTEL REGISTER

LOUNGERS IN THE CORRIDORS CRITICIZE A SIGNATURE.

The question which is agitating the loungers in the corridors of the Palace Hotel is whether or not pre-emption of a name gives the pre-emptor a legal right to assume it after a certain time has elapsed without her right having been challenged.

This is a rather momentous question, and one involving more than is usually attached to the discussions that one hears around a hotel desk. It has had its origin in a name that has recently appeared on the hotel register, put there by one whom the courts of this State have declared has no right to it—one to whom others of the same name have offered many thousands of dollars if she would but forego the enjoyment of dragging it through the legal mire of a will contest.

The name on the register is "Mrs. N. C. Fair," and the woman who put it there is Mrs. Nettie Craven of legal memory.

Mrs. Craven returned to this city a few days ago to be present at the opening of the Fair will contest, which again appears on the calendar for Wednesday next. She is accompanied by her daughter, Mrs. Koehler, formerly of the Columbia, whom she has been visiting in St. Louis.

Mrs. Koehler signs herself Mrs. Koehler, and the loungers find nothing to complain of. She has a right to the name, and it goes. But with her mother it is different. Mrs. Craven has never been able to establish her right to the cognomen of the dead millionaire. In fact the attempt she made to show that she was the spouse of the departed Senator failed most signally.

This fact seems to worry her but little. She uses the name just the same and with a freedom and abandon that would make it appear she had been accustomed to it for many a long year. It goes on all her orders, it is to be found at the bottom of every epistle she writes and it is used when she is addressed by her intimates. And all this notwithstanding the lesson she received when her attorneys were forced to erase it from the office door in the Parrott building.

This is what worries the loungers in the corridors of the big hostelry. Most of them are monreyed men and they shiver whenever they consider the possibilities that may be in store for them when numerous ladies of their acquaintance get on to the way the Fair name is handed out. If this is done for a mere bagatelle of $10,000,000 what will happen to them with their hoard of wealth? It is too much. They protest. Their names, for the most part, are anything but fair, but that makes no difference. They are worried over the visions of future trouble that the signature on the register has conjured up before their fevered imaginations and they wish to have the matter sifted to the bottom.

AWAITING A DECISION IN THE FAIR WILL CASE.

Attorney Reuben H. Lloyd Not Willing to Fight Mrs. Craven-Fair Until the Trust Is Settled.

Attorney Reuben H. Lloyd surprised the lawyers interested in the James G. Fair estate litigation by announcing, in Judge Troutt's court yesterday, that if the California Supreme Court should decide the trust clause of the Fair will to be invalid, as contended by his heirs, that decision might lead to a speedy settlement of many points now disputed in the courts, and he therefore asked for a postponement of two weeks in the trial of Mrs. Nettie Craven-Fair's claim for a family allowance.

Mr. Lloyd is attorney for Mrs. Theresa Oelrichs and Mrs. Virginia Vanderbilt, daughters of Senator Fair, and explained that a decision in regard to the trust clause in the Fair will is expected soon. It would be unwise, he thought, to take up Mrs. Craven-Fair's case at this time, because, while the fight was in progress a decision might be handed down by the Supreme Court that might change the legal aspect of the situation, and possibly might make further proceedings in this direction unnecessary.

Attorney Lafe Pence, of the law firm of Pence & Pence, attorneys for Mrs. Craven-Fair, was not willing to have a continuance granted on the strength of what might, would or could happen. His client was ready for trial, and objected to further delay.

Judge Troutt explained that his time will be occupied for the next fortnight, and he therefore put over the trial until Monday, February 12th.

After the adjournment of court Mr. Lloyd explained that he and his associates, representing the two daughters, had argued to the Supreme Court that former Judge Slack's decision, declaring the trust clause invalid, ought to be sustained. If this view should prevail in the Supreme Court it would put the entire estate in the hands of the heirs, and would greatly simplify any steps they might see fit to take in the settlement of the litigation now pending.

Mr. Lloyd was asked if this was an intimation that the children of Senator Fair would be willing to compromise with Mrs. Craven-Fair, or would recognize her claim to the Lick House property under the so-called pencil deeds, or in regard to a family allowance as Senator Fair's widow.

To this Mr. Lloyd responded that he did not intend to intimate anything, as he did not know what his clients would do, even if the decision came their way, but that it would change the status of the litigation in many important particulars.

Mr. Pence said he didn't know what the attorneys for the children of Senator Fair expected to gain by delay, unless that, possibly, they hoped to obtain, by compromise, part of the Lick House property, to which his client holds a deed.

FAIR-CRAVEN CASE

Is Being Argued by Heavy-Weight Attorneys in the Supreme Court Today.

There was a large attendance in Department No. 1 of the Supreme Court this morning, Justices Harrison, Garoutte and Van Dyke sitting to hear the oral argument of a great array of heavy-weight legal talent in the Fair-Craven case.

The title of the action at bar is James S. Angus and others, executors of the will of the late James G. Fair, plaintiffs and respondents, against Nettie R. Craven et al., defendants and appellants; Virginia Fair, intervenor and respondent.

The appeal is the one prosecuted by Mrs. Nettie Craven, i. e. Mrs. Nettie Craven-Fair, against the judgment in the Superior Court, rendered by Judge Charles W. Slack in November, 1897.

Valuable real estate in this city is affected by the action, and the long wrangles between Mrs. Craven and the Fair estate give the proceedings an especial flavor of interest.

The appellant is represented by the following noted lawyers: H. M. Holmes, W. W. Foote, J. H. Dickinson, Dennell, Oatman & Delmas and A. Ruef. Counsel for respondents are Garret W. McEnerney, Bishop & Wheeler, Lloyd & Wood, Wilson & Wilson, Knight & Heggerty, Garber, Boalt & Bishop. Many of these attorneys were present when the case was called.

Mrs. Craven and her daughter and several friends were interested spectators during the session of the court.

In brief, the history of the action is as follows:

James G. Fair died in 1894 during the month of December, leaving an estate consisting of property, both real and personal, in various parts of the State. The executors claimed and took possession of the estate under the will. Mrs. Craven claimed an adverse interest in the estate in three particular parcels of real estate, situated respectively at the southwest corner of Pine and Sansome streets, on the south line of Pine street, west from the corner with Sansome, and the intersection of Mission and Eleventh streets.

The executors, under Section 738 of the Code of Civil Procedure, brought suit to determine said adverse claim. Mrs. Craven filed an answer, setting forth her claim, and also a cross-complaint in ejectment and restitution.

In her cross-complaint she set up that her interest accrued by reason of the execution to her by the deceased of certain deeds. The deeds were introduced, purporting to have been acknowledged before James J. Cooney, a notary.

Virginia Fair filed a complaint in intervention, claiming that as a child of James G. Fair she was the owner of a one-third interest in said property.

Judge Slack's findings were to the effect that the deeds offered and recorded by Mrs. Craven were false, and that Fair had not acknowledged them. He set aside her claim entirely in his decree.

Upon this judgment, as stated, the appeal is taken.

Attorney Delmas opened the argument for appellant this morning, and had not finished when the noon recess was taken. The court continued with the hearing at 2 P. M.

Attorney McEnerney and several other heavy-weights will take part in the argument.

FORGED EMPLOYER'S NAME.

Eric Erickson, a Wood Chopper, Was Skillful With a Pen.

SAN RAFAEL, January 21.—Carson canyon, a gulch that has furnished half a dozen murder mysteries within as many years, is again brought to public notice by a forger, who, in the guise of a woodchopper, worked himself into the good graces of John Enos, the proprietor of the camp. The man who gave his name as Eric Erickson, arrived at the woodchoppers' camp in the early part of November, working about a month, when he returned to San Francisco. On December 29th he turned up in San Rafael with an order on [illegible] for $40, signed by John Enos.

Salvador Pacheco, a partner in the firm, refused to cash the check until Erickson was identified. Erickson knew that Enos has a daughter living here, and it took him but a short time to learn of her whereabouts and by clever deception to induce her to make the necessary identification. Enos and Pacheco were apprised of the forgery for the first time yesterday when making their monthly settlement. Enos pronounced the order a forgery and refused to pay it. The order is written in Erickson's own hand, the signature alone being forged.

Sheriff Taylor was notified and immediately set to work to capture the offender. Since the crime was committed [illegible], another woodchopper at the camp, has received a letter from Erickson in which his address is given as [illegible] street. The San Francisco police authorities have been furnished with his description and requested to learn if he still lives there. Erickson, while at the camp, represented himself as a returned veteran of the Spanish war.

EXPERT'S REPORT ON THE DELANOY LETTERS

ALAMEDA, Jan. 28.—The report of a writing expert, who has been employed determining the authorship of the several anonymous communications received by F. N. Delanoy, will be given out for publication Monday. What the nature of its contents are none but interested parties know, but it is said that the direct accusations made against George W. Emmons by Delanoy are not sustained by the report.

The expert has been at work in the interest of Delanoy, E. K. Taylor, his attorney, and Emmons and Charles E. Naylor, his attorney. The work has been confined to the comparison of the handwriting in an anonymous letter received by Delanoy's wife ten years ago and the famous "Alameda Highbinder Society" postal card.

It was on the similarity between the writing on these two missives that Delanoy based his attack by innuendo on Emmons. He declared them to have been written by the same person and that they compared strikingly with Emmons' signature. He traced a connection between the several typewritten letters he received and Emmons by showing that the paper they are written on is the kind usually enwrapping newspaper blank, which is hauled by the drayage firm of which Emmons is a member.

Delanoy's first experience with anonymous letters was ten years ago. His wife received one attacking the character of her husband. Delanoy's next similar experience was January 1. A typewritten missive warned him to leave town under pain of death for disobedience. For a period after that he received a letter daily. The final missive came in the form of a postal card by "Tong No. 1, Alameda Highbinder Society," the members of which disavow it.

The expert, aside from clearing Emmons of any suspicion in the matter, does not seem to have done much toward clearing up the mystery.

FORGERY CHARGED.

John Lapique Must Answer to the Superior Court.

John Lapique was held to answer to the Superior Court yesterday by Police Judge Mogan on the charge of forgery.

Lapique is alleged to have forged the name of Phil Maysonnave to a note for $800, made payable to a Louise Lagarde. This note he afterward sold to a local bank for $400. A short time after the maturity of the note he entered suit in Judge Hebbard's court for the recovery of the amount. The case was thrown out of court by Judge Hebbard, who announced that in his opinion the note was a forgery, and suggested that Maysonnave have him arrested on that charge. Lapique forestalled matters by swearing out a warrant before Judge Treadwell for Maysonnave's arrest for perjury. The case was dismissed when it came up for trial. Maysonnave retaliated by causing Lapique's arrest on the forgery charge. Lapique claims to be a lawyer, and at a former trial on a similar charge defended himself.

The case was tried before Judge Belcher. Lapique was convicted and sentenced to twelve years in San Quentin. Through a technical flaw in the proceedings the decision of Judge Belcher was overruled and Lapique was set at liberty.

EXPERTS MAY DIFFER.

Prisoner Lapique Asks for a High-Priced Witness on His Behalf.

Attorney A. P. Van Duzer has announced to Judge Dunne of the Superior Court that he will insist on having the State pay the fee for an expert in handwriting called to testify on behalf of John Lapique, charged with forging the name of Philip Maysonnave to a note for $800 purporting to have been made in favor of Louise Lagarde.

Theodore Kytka was introduced as a witness for the prosecution and swore that he believed the signature of Maysonnave to be spurious. Lapique was holder of the note and sponsor for its genuineness. He sued to collect the amount and Judge Hebbard gave judgment against him. The woman, Lagarde, has disappeared. Maysonnave says she was without funds and denies that he had any business transactions with her.

When it was disclosed that Mr. Kytka was to testify against Lapique, his fee being paid by the State, a demand was made by Mr. Van Duzer for the summoning of expert Carl Eisenschimmel, who, Mr. Van Duzer said, would testify that the signature to the note is genuine. He continued:

"Your Honor, if the attorneys for the prosecution claim the right to call an expert in handwriting in an effort to prove that the defendant forged this note, we shall ask that the State employ an expert who may testify on behalf of the accused."

"Has this Court authority to grant such a request?" asked Judge Dunne, evidently surprised.

"I take it for granted that the State, which pays the salaries of the Judge and the officers of the court in order to try this man, and then pays the fee of an expert witness who testifies against the accused, ought to pay the fee of at least one other expert who will testify on behalf of the defendant and thus afford an equal opportunity for the prisoner, who is without funds, to present this phase of his defense," replied Mr. Van Duzer.

The Judge turned to Deputy District Attorney Greany, who said he never heard of such a proposition before.

Judge Dunne said he would hear argument on the point to-day. He did not understand that his authority extended that far, but his desire was to have the jury receive all possible light on the subject, and if Mr. Van Duzer could support his demand by legal precedents or decisions the expert for the defendant would be called.

Mar 7-1900

LAPIGNE CONVICTED.

Lawyers Van Duzer and Bergerot Engaged in an Altercation.

John Lapigne was convicted of forgery by a jury in Judge Dunne's department of the Superior Court yesterday. Just before the adjournment of court for the noon recess Attorney A. P. Van Duzer, counsel for the defendant, and P. A. Bergerot, special counsel for the prosecution, engaged in a wordy altercation. Mr. Van Duzer charged that Mr. Bergerot had gone outside the record and had stated untruths in his argument.

"I demand that he be required to come back this afternoon so that he may hear me when I denounce him as he deserves," said Mr. Van Duzer.

"If it were not for your gray hairs I'd knock your block off," said Mr. Bergerot.

George Van Duzer, a son of the defendant's attorney, stepped in and said: "I have no gray hairs, so you may try to—"

"Sit down," said Judge Dunne, and there was a sudden cessation of hostilities.

After adjournment the quarrel was resumed, during which Van Duzer said to Bergerot: "I will brand you as a coward if you do not return to hear me burn you up."

In his reply Van Duzer denounced Bergerot, but the latter did not return to hear the expounding of his unworth.

The passing of sentence on Lapigne is set for next Saturday.

Et

SANTA BARBARA COUNTY

MRS. BROOME AND HER FENCE AGAIN IN EVIDENCE.

End of the Trouble Scarcely in Sight—Sensation Sprung in the Storke Case—Charged With Passing Bad Coin.

SANTA BARBARA, June 8.—[Regular Correspondence.] Mrs. Frances Broome, who had so much trouble some weeks ago with the Marshal of this city, who tore down a hedge and fence at a point where the city claimed that her property projected in to the street, had another scene with the same officer at 11 o'clock this morning. At 10 o'clock some one notified the Marshal that Mrs. Broome had workmen putting back her fence on the same old line, and he at once consulted with the Mayor and City Attorney as to what course to pursue. It was finally decided that this fence, like the old hedge, constituted an obstruction to the street, and a gang of fifteen men was sent to tear it down. Upon reaching the spot the Marshal found Mrs. Broome overseeing the work on the fence, and when the first board was torn down she demanded of the Marshal under what authority he did the work. "You have no right here on my property," she said. "You are acting unlawfully and outrageously, and you know what you do is unlawful. The fence is upon my property and you have not shown me any authority for taking it down. It is on the proper line."

The Marshal showed his star as authority, and explained that he was working under orders from the Mayor and City Attorney.

"Well," she replied, "the Mayor and Council of this city are all conspiring together in acting in an unlawful way. They know they are wrong. I will put that fence up again as soon as you get it down, and I will put it up as often as you take it down. I know my rights. It is as unlawful for you to take my fence down as it was for them to enter Mrs. Storke's room while she was decoyed away from it by the Sheriff of this county. No matter how wicked she may be, she has her legal rights."

As the Marshal and his men went away she instructed her workmen to put the fence up again this afternoon. When asked what her course would be she said that the city was responsible for what had been done, and would be all the more responsible every time the fence was torn down. She said she had secured counsel in the suit for resisting an officer, now pending against her, and hinted that she would fight the case to the bitter end.

At 2 o'clock in the afternoon a warrant was served upon Mrs. Broome arresting her under a city ordinance on a charge of obstructing the streets. She went before the Police Court once more and pleaded not guilty. At her request the trial, jury waived, will take place on the 20th inst. The penalty fixed under the ordinance is a fine of from $5 to $15, or imprisonment for ten days, or both. She said in the courtroom that it seemed very easy for the officers to arrest a woman who was standing up for her rights. The former case will probably be dismissed, but it is now thought that Mrs. Broome will be prosecuted to the limit. She has threatened to bring the case to the attention of the British government. She struck the Marshal with a pickax, and her hired man drew a gun when the officer went to tear away the hedge.

YDA ADDIS STORKE CASE.

A sensation was sprung by the prosecution in the Yda Addis Storke case. Mrs. Mattie Gross, an old friend of the defendant, testified that Mrs. Storke asked her to copy anonymous letters, saying that she could not disguise her hand but an expert could detect it, also that the defendant declared to the witness that she intended giving several people a bad scare, and hoped to live long enough to accomplish the ruin of Dr. Winchester and drive him from town. The evidence was not shaken by the cross-examination. Expert Kytka is pointing out many characteristics in common in the disputed and admitted writing. He will finish his direct testimony to-morrow.

MRS. CRAVEN'S DEPOSITION.

Cannot Be Found in County Clerk's Office.

Pence & Pence, attorneys for Mrs. Nettie R. Craven in her litigation to secure part of the estate of James G. Fair, learned, on applying at the County Clerk's office for a deposition of Mrs. Craven, that it was missing. The deposition was taken in 1896 and was filed when County Clerk Curry was in charge of the office. In the box where the deposition should have been was a card on which was written "See Harry Piper." Piper was Curry's chief deputy. The deposition was made at the time that Mrs. Craven brought suit on the two deeds for city property which she said Fair had given her. County Clerk Deane conducted a thorough search for the document yesterday, but it could not be found. Piper, when questioned, stated that the deposition had been replaced in the box when he last saw it. Former Assistant District Attorney Hosmer had it during the prosecution of Notary Cooney for alleged perjury in connection with the deeds, but he said that he gave it back to Piper. The loss is not serious as the attorneys supplied to Mrs. Craven have a certified copy of the deposition. County Clerk Deane and his deputies are not to blame for the loss.

Could Not Read the Will.

OAKLAND, Feb 22.—Public Administrator Hawes has applied for letters of administration upon the will of Mrs. Jane A. Hadger, the widow of Captain Hadger, who died a few days ago. The will is a mere scrawl upon a sheet of notepaper, and is so badly written as to be undecipherable. The will seems to be an effort to leave her property to her nurse, while she has several nephews and nieces who will claim her estate.

NEWHOUSE DISCHARGED.

Judge Dunne Dismissed the Forgery Accusation.

Superior Judge Dunne yesterday discharged George Newhouse, who had been held to answer for forgery and who was brought into the Superior Court on a writ of habeas corpus. He was arrested on complaint of E. A. Willets, with whom Newhouse has had litigation over mining transactions. The charge against Newhouse was that in 1896, while acting for Willets, he made out a bill that showed he had paid to the Fulton Engineering and Shipbuilding Works $[illegible] for pipe, and that he drew that amount from Willets, while in fact the purchase and payment were fictitious. On the habeas corpus proceeding Daniel W. McTheeney, Newhouse's attorney, raised points against the complaint and against the sufficiency of the testimony. Judge Dunne sustained him on all the grounds that he advanced. The Judge said that the essential elements of forgery are a false making of some instrument, a fraudulent intent and the probability that the writing, if genuine, would injure another. There was nothing to demonstrate that Willets would be injured if the writing in question were genuine. Even without any legal objection to the complaint Judge Dunne said the testimony taken in the Police Court was not sufficient to warrant Newhouse's detention, as it was not shown that he was the forger. The Judge remarked that the correct charge would be obtaining money by false pretenses.

MAY COMPROMISE.

The Fair-Craven Litigation May Soon Come to a Peaceful Issue.

Jan 10

Both sides in the present Craven-Fair litigation over the estate of the late James Fair are anxiously awaiting the decision of the Supreme Court as to whether or not the trust clause in the Fair will may be considered invalid. Should the trust clause be broken, matters will be greatly simplified for all parties concerned, as the property may be distributed among the heirs, and, if desired, a compromise may be effected with Mrs. Nettie R. Craven.

Attorney Reuben H. Lloyd, who represents Charles L. Fair, Mrs. Hermann Oelrichs and Mrs. W. K. Vanderbilt, the Fair heirs, [illegible] to favor a compromise with Mrs. Craven. Such an arrangement, he [illegible] the matter been legally [illegible], would be the cheapest and most sensible solution of the problem. If, however, Mrs. Craven should demand an amount as great as the costs of further litigation would be, the chances are that the fight will be continued to the bitter end.

COURT NOTES.

Attorneys in the Fuller Case are Allowed Fees

OROVILLE, March 16.—In the matter of the estate of Alfred Fuller, an order has been entered allowing $3000 attorneys' fees—$1500 to Richard White and Carleton Gray and $1500 to Knight & Hagerty.

Estate Wm. Gerry—Mary Gerry has petitioned for letters of administration. The property consists of 1 share of paid up stock in the Pacific Coast Savings Society of San Francisco, which, with interest, amounts to $[illegible]. Set for hearing March 26.

Estate of W. W. and Garland W. Wright—Decree of settlement of final account of guardian entered.

DELGER HEIRS ALLEGE FORGERY

VALIDITY OF NOTE HELD BY LAMPING ATTACKED.

HANDWRITING EXPERTS ALSO DECLARE THE SIGNATURE IS NOT GENUINE.

Startling Developments in a Suit at Oakland Involving the Payment of Ten Thousand Dollars.

Oakland Branch Office of the "Chronicle," [illegible] Broadway, corner Ninth street.

OAKLAND, February 22.—It is now claimed that the purported signature of the late Frederick Delger attached to a promissory note for $10,000, made in favor of James J. Lamping, who for many years was the late multi-millionaire's confidential agent, is a forgery. Theodore Kytka, the handwriting expert, says the alleged signature bears no similarity in any respect to the genuine signature of Delger. Kytka was engaged two days in expertising the signature to the note, and declares that he had no trouble in discovering that it was a forgery. It is, he states, one of the plainest cases of forgery that has ever come under his observation. He has been directed by the Court to take a six-foot enlarged photograph of the note, which may be used as evidence in subsequent proceedings.

Delger's son, E. L. Delger, laughed when shown the Lamping note and the alleged signature of his father. He said the elder Delger could not have written the name as it appeared on the note. Expert Heurock also has declared the writing to be a forgery.

Those interested in the affair absolutely refuse to discuss it. H. H. Trowbridge, one of the heirs, declared tonight that he had nothing to say about the forgery charge, and referred the questioner to George D. Metcalf, attorney for the estate. Metcalf in turn declared that he would neither affirm nor deny the accusation. "Any information that is to be given out on that subject," said he, "will have to come from some one beside myself." When questioned as to who that person was he said he did not know.

James J. Lamping, the holder of the note, was not inclined to answer questions. "I [illegible] my case tried in the courts," said he, "and not in the newspapers. I am not surprised, however, that an attempt should be made to declare the signature to the note a forgery. The Delger heirs, of course, will never pay it if they can get out of it. No, I had not heard of the forgery charge until you mentioned it to me."

William [illegible] Davis, attorney for Lamping, said: "We stand on the facts and [illegible] [illegible], that Mr. Delger did sign the note and that Mr. Lamping [illegible] [illegible] to it. [illegible] that we will make our fight. I know nothing whatever [illegible] [illegible]."

Lamping [illegible] [illegible] expressed the belief that he would collect his note in spite of the attempt of the Delger [illegible] [illegible]. They, however, have [illegible] confident that they [illegible] [illegible] the note was not a just debt. Lamping's [illegible] was filed February [illegible], but since that time the [illegible] have been allowed the days' [illegible] [illegible] which to answer.

NEW CHARGES OF WRITING ANONYMOUS LETTERS ARE MADE BY MRS. YDA STORKE

Attorney Grant Jackson, Accused by Mrs. Storke.

SANTA BARBARA, June 13.—The defense in the Storke libel case is still carrying on the tedious cross-examination of Expert Kytka and seems to be going a long way around to get nowhere in particular. This morning things went so far that Judge Oster said he wished he could throw the Kytka blackboard out of the window.

This morning a sensation was sprung. A number of old record books from various offices in which Frank N. Gutierrez had been employed and along with them a small piece of paper, upon which appeared a few lines of writing, in another hand, were introduced in evidence.

The District Attorney at once objected but the defense stated that the paper was the work of one of the two men who would be accused by Mrs. Storke of having written the anonymous letter.

"Whose writing is this?" asked District Attorney Squiers.

"It is that of Grant Jackson," was the answer.

If a bombshell had exploded in the courtroom could not have been more surprised. Every one gasped, for Jackson is one of the best known attorneys in Santa Barbara county and has always borne an excellent reputation.

"You don't mean to say," said Judge Oster, "that Grant Jackson wrote the anonymous letters—the Martha Case letter?"

The attorney for the defense replied: "That is what we think, and we mean to produce testimony to prove what we say."

Expert Kytka was shown the paper and said he would give his reasons later for believing that the persons who wrote it was not the one who wrote the letters upon which Mrs. Storke is indicted. Expert Kytka, during the afternoon, made a thorough study of the handwriting of Attorney Jackson and visited Mr. Jackson's office, where the alleged conspirator wrote for the expert several specimens of his penmanship. Kytka watched his manner of writing very closely and had him write with both pen and pencil. The experiments seemed to satisfy Kytka that his first theory was the correct one.

Jackson takes the matter complacently. He says he knows no charge can be established against him; but on account of his family he dislikes very much having been connected with so disagreeable a case.

Grant Jackson was born in Petaluma, where Major Jackson, his father, was at one time a well-known politician. He has practiced law here for eight years and has been one of the youngest leaders in his party. He was once a prominent candidate for the office of District Attorney. In January, 1894, he met Mrs. Storke for the first time, and became, with S. E. Crow, her counsel in the divorce case of C. A. Storke vs. Yda Addis Storke. This was the hardest fought divorce case ever tried before the Superior Court of this county. As an outgrowth of their association during the trial Jackson and Mrs. Storke became friends and continued so until about a year ago, when Mrs. Storke suddenly, and with no apparent cause, cut off the friendship. At this time the fury of the city over the writing of the anonymous letters was at its height, and the name of Mrs. Storke was mentioned as their author.

Jackson, together with a number of others of Mrs. Storke's friends, persuaded her to leave for Mexico. She departed at their solicitation, but upon returning displayed great bitterness against those very persons who had induced her to leave town for her own protection, and had even gone so far in three instances as to put up $50 apiece to pay the expenses of the trip. She now claims that in getting her to leave Jackson and others betrayed her friendship and were playing in with those who were afraid of having her in Santa Barbara, getting her to leave in order to place her in a bad light before the public.

It is understood that the defense has a number of other sensations to be sprung later in the case.

BARBARENOS ON THE QUI VIVE

Are Eagerly Awaiting Mrs. Storke's Defense.

All the Town Looking for Sensations in the Remarkable Case.

(Special Dispatch to "The Examiner.")

SANTA BARBARA, June 11.—The prosecution in the Storke case was allowed to rest this afternoon when the defense got through with its cross-examination of Expert Kytka. The day was spent in going over things that have been repeated at least thirty times during the last week, and it was the opinion of many that the case would last for a month, but Senator Boyce broke off his questions at [illegible] o'clock and let Kytka go.

[illegible] [illegible] will now have his expert back to San Francisco. He has been telephoning him to return for the last week, as there are several cases upon which the expert's opinions are desired.

The prosecution at once rested its case, which has been running in since May 20th. Four witnesses have testified that the handwriting of the anonymous letters is that of Mrs. Storke, and, in those [illegible], the District Attorney produced two witnesses who testified that Mrs. Storke had spoken bitterly of Winchester, [illegible] [illegible] that she hoped to live to accomplish his downfall. Kytka has endeavored to prove by a minute analysis of the writing and inks of the [illegible] of letters that the accused wrote the whole series of anonymous writings.

The defense now stands to prove that Frank N. Gutierrez and Attorney Grant Jackson were the men who wrote the letters, and Gutierrez will [illegible] [illegible] the witness stand to-morrow [illegible].

The people here still continue [illegible] in the case, and now that the defense has opened [illegible] [illegible] standing room will be at a premium in the courtroom.

MUST SERVE ONE YEAR

On Wednesday afternoon the Supreme Court handed down a decision upon the appeal of Mrs. Yda Addis-Stork of Santa Barbara from the judgment of conviction against her for criminal libel and a sentence of one year in prison. The judgment was affirmed, and Mrs. Addis-Stork will have to serve her time. The woman has been much before the courts. The affair which finally resulted in her conviction on a libel charge was the writing of an anonymous letter to Mrs. Emilie Thomson of Santa Barbara, making serious charges against Dr. E. B. Winchester. Subsequently she was accused of attempting to murder Attorney Grant Jackson while the latter was asleep. Many Barbarenos believe that the woman's mind was unbalanced.

HINDMAN'S WILL IS CONTESTED.

HENRY MONSON SAYS CODICIL IS SPURIOUS.

AS A LEGATEE, HE WAS DISINHERITED UNDER LAST DOCUMENT.

Other Heirs Are Protesting, and a Long and Bitter Contest by Them All Is Anticipated.

Oakland Branch Office of the "Chronicle," [illegible] Broadway, corner Ninth street.

OAKLAND, January 27.—Henry Monson, who was a legatee under the original will of the late Edmund Hindman and was subsequently disinherited by a codicil, filed voluminous papers in a contest to-day and will oppose the probating of the will and its two alleged codicils.

Edmund Hindman was a capitalist who left an estate which has been appraised at $135,000. He never married and left no direct heirs. His death occurred in this city on the 10th day of last January. A will executed by him February 9, 1882, was presented for probate, together with a codicil dated April 20, 1885, and a second codicil dated June 16, 1893.

In the original will a large legacy was left to the mother of Henry Monson. By the terms of the second codicil this legacy was revoked and the entire estate was bequeathed to Mrs. Elizabeth Beach, Lucius Bierce Jr. and Miss Lottie Clark, all residing in Eastern States.

It is against the second codicil that Henry Monson's contest is directed. His contention is that it is bogus and that the capitalist was old, sick and infirm when it is pretended to have been executed.

Charles Camden, Isaac T. Milliken and Edward C. Williams were appointed executors of Hindman's will on January 30th last year. The executors have been cited to appear in court on April 9th and respond to Henry Monson's contest.

Other heirs who were similarly cut off from legacies by the codicil of June 16, 1893, have contests pending in court, and a long and bitter controversy between them and the three legatees named in that codicil is anticipated.

Included in Hindman's estate is a valuable three-story brick business block on Eighth street, near Washington, in this city. He also left stocks and bonds.

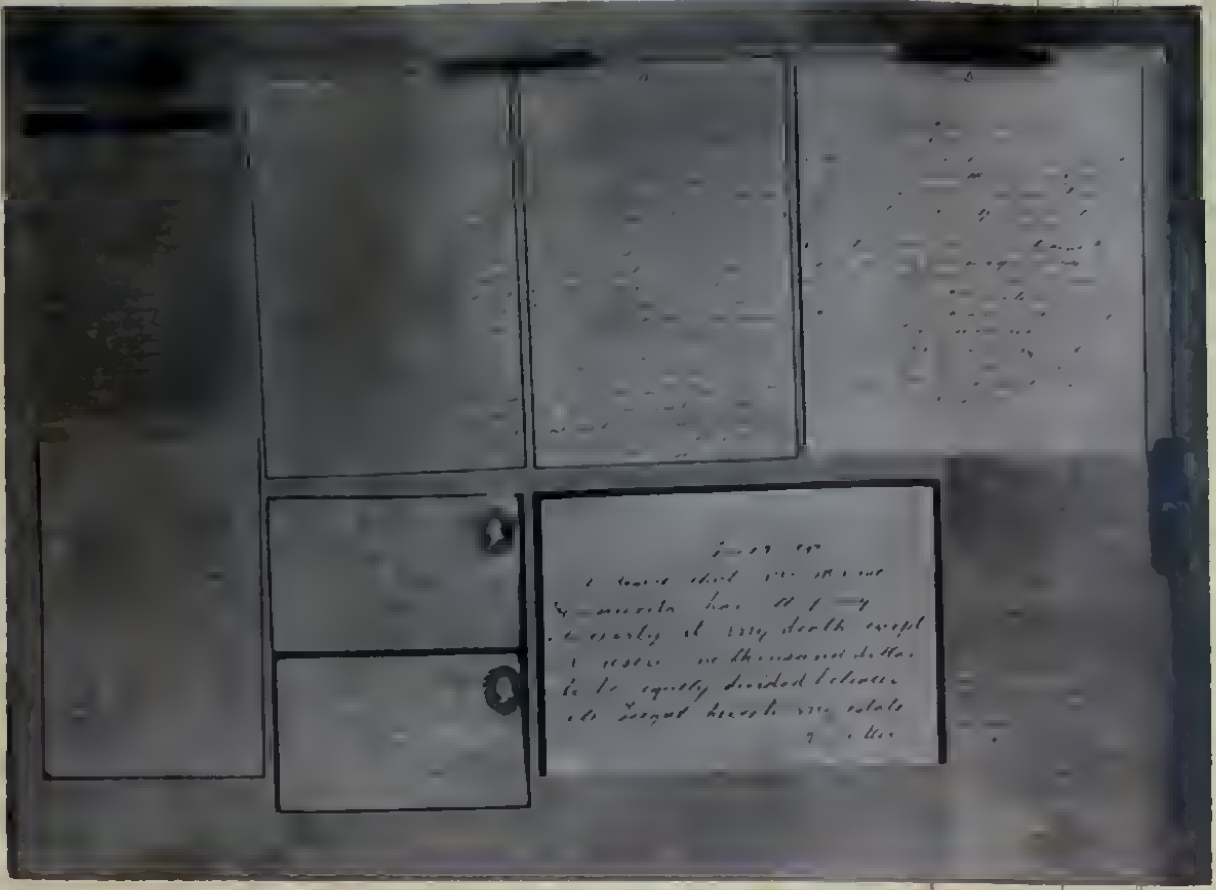
SAYS MRS. HOUSEWORTH WROTE FULLER WILL.

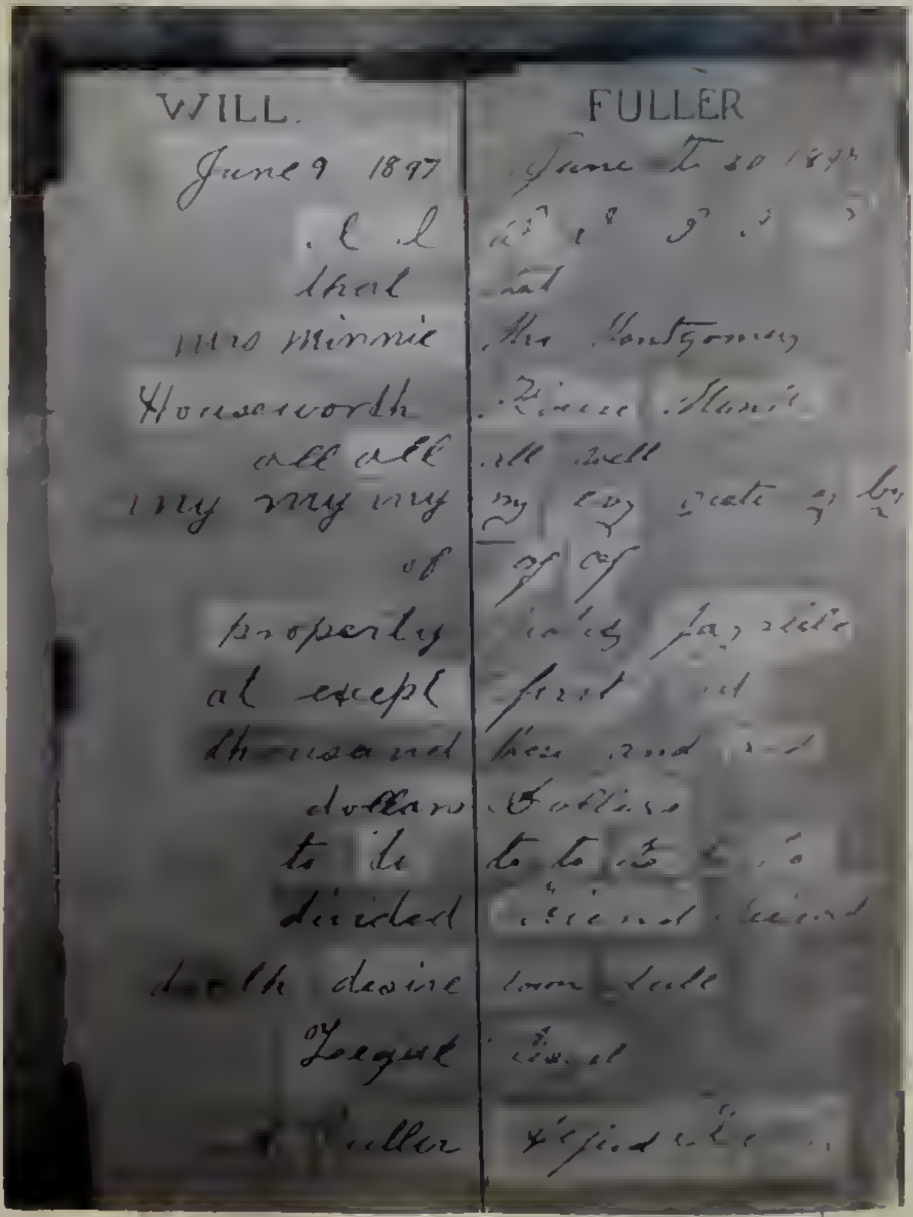
Expert Kytka Testifies in the Dudley Case—Other Strong Evidence Against the Woman.

OROVILLE, February 3.—The testimony in the Dudley case to-day was continued with Expert Kytka on the stand, who gave it as his opinion that Mrs. Houseworth wrote the Fuller will. J. B. Swearingen was a very strong witness for the prosecution. He stated that Mrs. Houseworth called him into the Hallam House in Chico and asked him to go up to her room. She told him Alfred Fuller left a will unsigned, but giving her his property. She said Dr. Dudley would sign the will as one witness if she could get some other man to sign for the second witness. He at first refused, but later told her he would see her again about it. She offered him $200 to sign, said she was to give Dr. Dudley that amount and she would not think of offering him less than she had offered the doctor.

Witness stated she met him or asked him to see her twice and then when he still refused she met him again and told him that it did not matter, now that she had got John Horner to sign the will. In one of these conversations she told him that she had the will in San Francisco, that she got an envelope, went into a corner grocery store in that city, had a man there direct it to Oroville and then she brought it to Chico. Watching the Postoffice she selected a time when no one would see her and then dropped it into the office. Then she went to Sacramento.

On his former testimony Swearingen had stated that he had at one time made Mrs. Houseworth improper proposals. He declared to-day that he did not understand the questions and stated most positively that he had done nothing of the kind. He had never been ordered from her room, had never asked her to leave her room unlocked that he might visit her, and that he had never promised her that he would sign the will under any circumstances.

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TWELVE YEARS IN PRISON IS DR. RODLEY'S SENTENCE.

OROVILLE, February 9.—Dr. J. Ellis Rodley was to-day sentenced to twelve years' imprisonment for perjury in connection with the will of the late Alfred Fuller. His counsel, George D. Collins, asked for a new trial, which was refused. He then gave notice of an appeal to the Supreme Court. He served notice of the arrest of judgment on the Sheriff, so the prisoner will not be taken to San Quentin.

Rodley asked a trial at once on the charge of forgery. The District Attorney asked that this charge against him be dismissed, which was done.

DR. RODLEY IS A PERJURER

Takes the Jury Only Fifteen Minutes to Reach the Verdict.

APPARENTLY EXPECTED IT

Counsel Waives Time for Passing Sentence and He Will Know His Fate This Morning.

[Special Dispatch to "The Examiner."]

OROVILLE, February 8.—The arguments of counsel in the case of the People vs. Rodley were concluded to-day, and the case went to the jury at 3:10 p. m. At 3:25 the bell rang and the jury filed in. They had chosen J. M. Nelson their foreman, and he read the verdict: "We, the jury, find the defendant, J. Ellis Rodley, guilty as charged."

The courtroom was filled and the hallway leading to it was packed with people anxious to hear the verdict, and stillness reigned within the room as Foreman Nelson read the words that branded Dr. J. Ellis Rodley a felon. Dr. and Mrs. Rodley sat together as the verdict was read, and neither showed signs of embarrassment nor excitement. The doctor scowled savagely at the jury, but there was evidently no hope in his breast that the verdict would be otherwise, and he accepted it stoically. Mrs. Rodley also sat unmoved.

Everybody here is glad of the verdict, and citizens are heard congratulating each other upon the fact that in Butte county justice can be administered to the wealthy and influential as well as to the lowly and unknown. After the verdict had been read and the jury polled, counsel for the defense created a surprise by waiving time for sentence, and to-morrow morning at 10 o'clock was set for passing sentence.

The trial of Rodley on the forgery charge is also set for 10 a. m. to-morrow.

TWELVE YEARS FOR DR. RODLEY

San Quentin Named as His Future Home.

THE FORGERY CASE IS DISMISSED

This Was Done on Motion of District Attorney Sproul—Mrs. Housworth's Trial to Be Set on Law Day in March—Confinement Telling on Her.

OROVILLE, February 9.—This morning in the Superior Court room Dr. J. Ellis Rodley, whom twelve men have without hesitation declared to be a perjurer, heard the sentence which, despite all of the credits which he could gain, would banish him to the State Prison at San Quentin for 7½ years.

Though the defense throughout the trial tried to cast a suspicion to the effect that Judge Gray was prejudiced, and was lending aid to the prosecution, his actions throughout the entire case have shown a feeling of leniency to the prisoner.

In passing sentence this morning it was noticeable that it was a sore trial to Judge Gray to pronounce the words which would banish this man, who but a few months ago enjoyed the confidence of all his acquaintances, to the State Prison for a term of years.

Like Col. Batchelder, Judge Gray had been a friend of Dr. Rodley, and it was with no feeling of pleasure, as the defense imagined it would be, that the Judge passed sentence. In fact the duty imposed upon him was so unpleasant that there was no dwelling upon enormity of crime, but Judge Gray merely passed the sentence of 12 years in the State Prison at San Quentin.

Before sentence was passed Attorney Collins presented, on the usual statutory grounds, a motion for a new trial, which was denied. Attorney Collins then interposed a motion in arrest of judgment which was also denied.

After sentence had been passed Attorney Collins filed a notice of appeal, and pending the decision on this appeal Dr. Rodley will continue to occupy his present quarters in the County Jail.

After disposing of the case District Attorney Sproul moved to dismiss the charge of forgery, and the attorney for defendant consenting, the motion was granted.

The trial of Mrs. Minnie Housworth, who is charged with being a co-conspirator with Dr. Rodley, will be set for trial at the March law day. The long incarceration which Mrs. Housworth has undergone is telling upon her and she will undoubtedly be glad of an opportunity of settling the matter either one way or the other.

Despite the fact that Mrs. Housworth has, to all outward appearances, been as cheerful as the two men who were arrested on the same charges which are placed against her, the continued close confinement and days of anxiety through which she has passed, have left their mark, and she is not the robust appearing woman that she was on the day of her arrest.

RODLEY'S TRIAL TO BE BEFORE JUDGE GRAY

Affidavits Presented In Reply to Sworn Statements Made By Defendant.

PANEL OF JURORS CHALLENGED

Attorneys for the Prisoner Fighting Upon Technicalities—Accused Has Endured Months of Imprisonment Well

Special to the RECORD.

OROVILLE, January 23.—After several weeks of lonely confinement in the tank at the county jail, Dr. Rodley was to-day ushered into the superior courtroom to pass through a trial, upon the result of which depends only the question of whether he shall go to State prison for a term of years or again be a free man. Imprisonment is the only question. Guilty or not guilty, his life is ruined and his property must be given up to his defense. It is a fight to avoid the prison.

Notwithstanding the rumors to the contrary, Dr. Rodley is enduring the confinement in the county jail magnificently. He is in excellent health, and has not lost one of that robust appearance which he has always possessed on account of good living. He seemed cheerful as he entered the courtroom, though quite naturally embarassed on being ushered forth as a prisoner in the presence of many of his old friends. Mrs. Rodley and Mrs. F. J. Hauck were with the Doctor in court. Attorneys Geo. D. Collins of San Francisco and Guy R. Kennedy of Chico were present to appear for the defendant, and District Attorney Sproul appeared for the People.

While Dr. Rodley was represented yesterday by only Attorneys Kennedy and Collins, he will have a trio as soon as the trial gets fairly under way, as Grove L. Johnson will appear immediately after the jury has been secured.

In response to the affidavit filed by Dr. Rodley yesterday to the effect that he believes Judge Gray to be prejudiced and biased against him, and unable to give him a fair trial on account of this prejudice, two affidavits were filed this morning—one by District Attorney Sproul and the other by Judge Gray.

The affidavit filed by Sproul set forth that he has been the District Attorney of Butte county during the year past and he was thoroughly conversant with all the testimony given by the various witnesses; he also had conversed frequently with Judge Gray, regarding the unfortunate affair, and the latter at no time made any intimation regarding what the testimony of any witness was or would be; that he never in all of the conversations had with him ever expressed himself in a manner indicating any prejudice. On the other hand, Judge Gray had stated to the affiant that he viewed the case with sorrow and regret, for Dr. Rodley had been a friend of his especially in politics, and at elections he had cared well for the interests of him, (Gray). He had also stated that if the evidence as he had heard it was, is true, the case for the prosecution appeared to be a strong one. Affiant declared that Judge Gray is not prejudiced nor biased, and that he has done nothing in the preliminary proceedings to indicate prejudice, and he believes that Judge Gray will give the defendant a fair trial.

Judge Gray's affidavit was a general denial of the allegations of Rodley. He sets forth that he entertains no prejudice against the defendant, has not talked with the witnesses in this case, and that he will give the defendant a fair trial.

The affidavits settle this matter for the present and Judge Gray will try the case, as he certainly has a right to do.

It was not long after the opening of court when it became apparent that the attorneys for the defense propose to fight every step of the way. The list of seventy-five jurors was read, and then came the line-up of those who believed they possessed legitimate excuses for being dismissed. Eighteen were excused.

Attorney Collins then challenged the remainder of the panel on several grounds. He objected to the order of the Court directing the Supervisors to make a selection of 300 jurors, claiming that it was not made in conformity with the Code. He criticised the returns made by the Sheriff in that they did not show whether service was made on the jurors in person or whether the subpoenas were left at their homes. He also claimed that the certificate of the Supervisors was defective, in that erasures of names had been made and

JUDGE JOHN C. GRAY,
Before whom Dr. J. Ellis Rodley will come up for trial.

DR. RODLEY IS ON TRIAL FOR FORGERY.

Chico Physician Before Butte County Jury—Accused of Committing to Secure Control of a Pioneer's Estate.

OROVILLE, January 25.—The trial of Dr. J. Ellis Rodley for forgery began in the Superior Court Tuesday, but nearly the entire day was spent in argument over the manner in which the jurymen had been selected. Attorney George Collins of San Francisco, who, with Guy Kennedy and Grove L. Johnson, are the attorneys for the defendant, objected to the order of the Court instructing the Supervisors to draw jurymen. He objected to the manner in which the Supervisors had selected the names, to the list of names as returned by the Supervisors to the Clerk and to the returns of the Clerk to the Sheriff. After much argument the Supervisors were summoned to appear in court and explain fully the manner in which the jurymen had been selected. Then Judge Gray overruled all of the objections of the defense and the selection of jurors began.

Yesterday afternoon and most of to-day was spent in getting a jury. Every peremptory challenge on the part of the defense was used. The first witness placed on the stand was Charles E. Belding, deputy county clerk. He was asked by the prosecution if he was deputy county clerk. To this Collins objected and said the records were the best evidence. He was informed that Belding had been appointed by H. [illegible] Lausen and the latter had been appointed by the Board of Supervisors. He then asked that the records be brought in to show the appointment of Lausen, his certificate of appointment, his oath of office and finally that Lausen be brought into court himself. This occasioned so much delay that court adjourned until to-morrow morning at 9:30 o'clock.

Dr. Rodley is accused of the crime of perjury in swearing that he signed the will of the late Alfred Fuller. The prosecution claims that Fuller had been dead for eight months when the defendant signed the will as a witness. The following are the names of the jurors to try the case: Joseph Gress, K. Wakinham, I. H. Moseley, F. B. Van Ness, A. F. Hatt, H. Chaplin, H. Bushmann, I. F. Crum, James Cotart, E. B. Shaw, J. M. Nelson and N. Woodward.

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SELECTION OF JURORS IS NOW PROGRESSING

Judge Gray Decides That the Panel Was Legally Drawn and Must Stand.

FOUR OF FIRST TWELVE TAKEN

Strong Indication That Rodley Will Make a Desperate Effort to Discredit Colonel Batchelder's Testimony

The continuation of the trial of Dr. J Ellis Rodley this morning in the Superior Court was marked by a dull monotone of legal quibbles that to the outsider seem entirely foreign to the matter at issue. That the case will be a long and hardly fought legal battle, the tactics of Attorney Collins, for the defense, leaves no reason to doubt. His objections to the validity of the drawing of the present jury panel are based upon purely technical grounds, but they serve to draw out the case and add at least one day's proceedings to the record. At convening of court this morning the attendance was large and the seating capacity of the room is already severely taxed, although it is difficult to see how the proceedings could have any public interest.

Judge Gray announced as preliminary to the proceedings that Mrs. McCallan of Glenn county would act as official reporter with Miss Gray as assistant. Mrs. F Hall of San Francisco was also present, acting as the reporter for the defense. The Court also announced and it was made a part of the record that he denied the application of the defense for a change of Judge, to which an exception was noted.

The five Supervisors from the various districts were placed upon the stand as well as Deputy Clerk Belding and Sheriff Wilson to testify regarding the manner in which the three hundred names from the body of the county were selected, how their fitness according to the assessment roll was determined, and why certain erasures and substitutions were made. The Supervisors agreed in their statements that the list was prepared in regular session, personally selected according to the population of the various districts, and that they received no suggestions as to the fitness of certain names. The deputy clerk told how he had written in certain names and erased others because they were found not to be on the assessment roll, and that the changes were made before the list was attested and filed. Attorney Collins is striving to show that the panel and the entire list of jurymen for the year were not drawn in a strict compliance with the statute. There was little doubt however that the objections would be overruled on the ground that even if it was not strictly complied with no material right of the defendant had been interfered with. The examination of these witnesses occupied all the time up to the noon recess.

On convening of Court for the afternoon session the hearing on the motion for disallowing the panel of jurymen was continued, and brief arguments were made by Attorney George D Collins in favor of the motion, and District Attorney Sproul against it.

Judge Gray decided the question at once by determining that the panel was legally drawn and that no material rights of the defendant would be materially injured by its acceptance. Hence, the motion was denied, to which ruling Attorney Collins interposed an exception.

The impanelment of jurymen was then commenced. The first twelve drawn from the box were: Joseph Goss, L W Wakeham, Thos Truxell, George Duensing, Charles Crane, H P Helms, J R Moseley, J N Cole, John Joeckel, E R Van Ness, F S Rowe and E J Brandt.

The prosecution had few questions to ask the jurymen, but the defense had a long series of inquiries to make regarding their qualifications. They wanted to know of the jurymen, whether they were acquainted with the principal actors, and particularly, whether, in case H. T. Batchelder went on the stand and made a statement of facts, and Dr. Rodley went on the stand and made statements directly contrary, they would believe Batchelder or Rodley. It is apparent from the nature of the questions asked the jurymen by the defense, that an effort will be made to discredit the testimony of H. T. Batchelder, and it is a matter of rumor that the basis of the attack on his testimony will be somewhat sensational.

John Garner, hale and hearty, was brought into the courtroom at the request of the defense in order that he might be identified when the jurymen were asked if they were acquainted with him. It was an embarrassing ordeal for Garner.

Out of the first twelve jurymen, Truxel, Duensing, Cole, Helms and Brandt were challenged by the defense for cause, they having formed a fixed opinion, and the challenges were allowed. Van Ness was also challenged, but the challenge was disallowed. Joeckel was peremptorily challenged by the prosecution, and Crane and Rowe were peremptorily challenged by the defense.

Of the twelve first called four passed the muster, they being as follows: Joseph Goss of Durham, L Wakeham of Bangor, J R Moseley of Berry Creek and E R Van Ness of Paradise. These four were ordered into the charge of Sheriff Wilson, and the Sheriff was given instructions to keep all local papers from them and if they are allowed to read the San Francisco or any other papers, all reference to the case must be cut out before the papers are delivered to them.

An adjournment was then taken until tomorrow morning at 9:30 o'clock.

Dr. J. Ellis Rodley.
Now on trial for perjury in conection with the Alfred Fuller Will.

All Pages Noway.

In order to secure more space for local and general news all the pages of the RECORD will be printed at night, thus making it possible to use the second and third pages for local as well as the outside pages. In order to accomplish this it is necessary to abandon the old custom of printing the inside during the afternoon of the day previous to the day of publication, and to print it in the future about 11 o'clock at night. This change will be a benefit to the readers, as local news can be handled with more detail. Read the second page for additional local news.

TASK OF SECURING A JURY IS COMPLETED

Attorney Collins Causes Hours of Delay on the First Inquiry For Testimony

SEARCHING FOR MISLAID PAPERS

Prosecution Must Prove That Belding Was the Legally Appointed Deputy Clerk—Mrs Houseworth Appears

Special to The Record

OROVILLE, Jan. 26.—When court convened this morning at half-past nine o'clock the attendance was not as large as on previous days, but before noon the room had filled up, and although nothing but the examination of jurors was the order, public interest seems to be unabated. The four jurymen who were chosen yesterday appeared freshly shaven and with the appearance of having passed a restful night in the custody of the Sheriff. They have comfortable quarters in the jury room where beds are provided them and their meals are brought in to them from a restaurant.

Four jurymen having been selected yesterday, the trial proceeded with the drawing of eight more names. The series of questions was almost identical with those asked yesterday, except occasionally the defense asked if the talesman were acquainted with G. W. Mowrey, the foreman of the Grand Jury which indicted Rodley.

Of the first eight Geo. Hable was challenged by the defense for having a fixed opinion and the challenge was allowed. A. Greenwood was excused because he was not on the assessment roll. R. J. Hampton was challenged by the defense, but the challenge was not allowed and he was afterward peremptorily challenged and excused. E. Finnegan was excused for having an opinion and Frank Cross on account of defective hearing. Of the number Jas. Cozort of Hurleton, J. E. Crum of Bidwell Bar and A. J. Batt of Forbestown were acceptable to both sides and were sworn to try the cause.

Five more were then drawn, Jacob Scherr of Chico was excused on account of defective hearing and R M Coon, J S Hamilton and W R Stevenson were challenged by the defense, the three latter peremptorily. H Bushmann of Paradise was sworn to try the case. Of the next lot H Chaplin of Palermo was the only one satisfactory to the defense, A W Morse, M Ditzler and D Beckman being challenged. This left three to be selected. J I Gellick and Emmons White were peremptorily challenged by the defense and J H Messinger excused for not being on the assessment roll. The next three met with the same fate, A F Chase being excused because he was not on the assessment roll and A M Honeful and S A McCoy were challenged by the defense. At this point the defense announced that it had exhausted its peremptory challenges, the prosecution having used but one. At the hour of the noon recess F R Welsh, E B Shaw and Joseph Copeland were awaiting examination touching their qualifications to serve.

When Court reconvened for the afternoon session, the examination of jurors was resumed. F R Welch of Oroville was first called, and was excused on challenge by the defense, as it was apparent that he entertained a very fixed opinion. William Copeland was peremptorily challenged by the defense.

E B Shaw was acceptable to both sides, and was sworn in.

J M Nelson of Durham and N Woodward of Chico answered all questions satisfactorily to the prosecution and defense, and were sworn in. The defense had exhausted its allowance of peremptory challenges and had to accept both.

These two completed the jury, which is composed as follows: Joseph Goss of Durham, L. Wakeman of Bangor, J. R. Moseley at Berry Creek, E. R. Van Ness of Paradise, James Cozort of Hurleton, J. F Crum of Bidwell Bar,

Attorney Guy R. Kennedy.

A. J. Batt of Forbestown, H. Bushmann of Paradise, H. Chaplin of Palermo, E B. Shaw of Biggs, J. M. Nelson of Durham and N Chapman of Chico.

The general opinion is that the jury is an exceptionally intelligent and capable one, and that their judgment will be accepted by the public as final.

Judge Gray announced that all of the jurymen of this panel who were not taken, are dismissed until next Tuesday morning, and that those from Chico will look into the Chico RECORD to ascertain if they are needed on that day.

At this point Attorney Collins interposed an objection to the reading of the indictment charging Dr. Rodley with perjury. His objection was based on the ground that it was not an indictment under the law.

The objection was overruled and an exception was taken.

Deputy Clerk Belding then read the indictment.

District Attorney Sproul followed with his opening statement for the People. He set forth the many facts which he expected to prove. He told of the life and death of the old miner, of how the will was brought before the court, the appearance of the will, of the testimony of Dr. Rodley that he had with John Garner attested the will in Fuller's presence. He would prove that Dr. Rodley had obtained the signature of John Garner as an attesting witness by promising to pay him $3000. In fact, he declared in detail that he would prove all those facts showing a conspiracy to rob the estate of Alfred Fuller which were brought out at the trial of the contest of the will bequeathing to Mrs. Houseworth nearly the entire estate.

District Attorney Sproul having announced that he would not attack the previous good character of Dr. Rodley, Judge Gray informed the attorneys for the defendant that they would be limited to eight witnesses with whom to establish the good character of their client.

Attorney Collins took an exception to this ruling.

The taking of testimony was then begun, Deputy Clerk C. F. Belding being called to the stand. The first question asked brought out an objection from Attorney Collins which caused a delay of several hours, thus making it still more apparent that the defense will fight on technicalities from start to finish.

The initial question asked by Sproul which caused the trouble was whether witness was the Deputy County Clerk in 1898. Collins objected on the ground that the documents were the best evidence. Belding was dispatched to get the documents, and in the meantime the attorneys entered into a lengthy argument, in which new questions were raised which seemed to tangle things up still further. It was urged by Attorney Collins that it was necessary to prove that C. F. Belding was in fact the legally appointed deputy when he was administering oaths.

The discussion led up to the creation of a great desire on the part of the prosecution to find the certificates of appointment of Belding as Deputy Clerk, not only by Batchelder, but by ex-Clerk Lawson and ex-Clerk Harkness. A subpoena was issued for Lawson. It was nearly 6 o'clock when court adjourned, and up to that hour the desired papers had not been found.

Tonight it is understood that the searchers are on track of the missing documents.

In the trial of a case of so much importance as the one at hand, it is essential that an attorney be employed who is thoroughly conversant with local conditions which may have bearing upon the case. Of the attorneys in Butte county, Dr. Rodley selected Guy R Kennedy of Chico. While Mr. Kennedy is acting in a secondary capacity in Court, he is not to receive less credit for the able manner in which the interests of the defense are being cared for. The technicalities to be relied upon will be studied by both Mr. Kennedy and Mr. Collins, but the important work of securing evidence and digging up all data for the defense has been and is being done by Mr. Kennedy. Collins and Kennedy are certainly a strong team, and Rodley, if found guilty, can never say that his case was not ably handled.

Attorney Grove L. Johnson, who was heralded shortly after Rodley's arrest as being the defendant's leading attorney, has not as yet appeared on the scene, and it is rumored today that he will not appear, the reason given being that he cannot afford to be away from his place in the State Legislature during the extra session. It is possible, however, that Dr. Rodley is not exceedingly anxious that he should appear, as it has been stated on quite excellent authority that Grove L's charges are rather high; that his proposition to Rodley called for $100 per day, and for the payment of the money each morning for each day's service.

Mrs. Houseworth, the beneficiary under the will, was brought from her cell in the jail to the courtroom this morning for the purpose of identification by the jurymen. Mrs. Houseworth had the appearance of having passed through a long, severe illness, and her manner in the courtroom was not such as to indicate any bravado.

DAMAGING TESTIMONY BY H. T. BATCHELDER

Story Told of Rodley's Efforts to Get Him to Attest the Will

WAS CALLED BY LETTER TO CHICO

Witness Thought He Had Destroyed the Writing—Had Kept all a Secret—Cross-Examination

Special to THE RECORD

OROVILLE, January 26. — The efforts to prove that C F Belding is the legally appointed deputy county clerk of Butte county, and therefore was qualified to administer oath to Dr. Rodley has been the cause of the much carrying back and forth between the clerk's office and the courtroom of books and documents and the officers of the court have resolved themselves into a seemingly endless procession of messengers laden with dusty documents from the forgotten archives of the county, in order that Mr. Collins of the defense may be fully satisfied that clear back till 1884 the county clerk's office has been legally filled. At the convening of court this morning relley after volley was fired at the attorneys for the defense from the documentary evidence cannon which had been brought into action during the night by the prosecution, and from the time when Ed Harkness was duly declared elected to the time when he resigned, the asking by petition for the appointment of H D Lauren, his election and his appointment of Belding as deputy were all proven to the entire satisfaction of everybody and the real taking of testimony was begun. To prove that Belding is the legal Deputy County Clerk had occupied about four hours of time yesterday and to-day.

Belding was again called to the stand to testify that he was in court on the 23d day of November 1893, but the defense objected that the documents were the best evidence, and there was consequently more official trailing back and forth from the courtroom bearing books and papers. Finally it was shown that he was in court and his minutes were read showing that Rodley was duly sworn and testified.

Mrs. Minnie James was sworn and read the minutes of the court taken during the time of the probate of the alleged will of Fuller, and the testimony of Rodley as given, of which the indictment is a summary.

Belding also identified the will of Fuller as the one which was identified by Rodley on the day the alleged crime of perjury was committed.

The first real witness whose testimony is of interest to the public at large and whose high position in the county gives it much weight was County Clerk H T Batchelder. Colonel Batchelder was sworn and in a calm and dignified manner gave the evidence which may mean so much to the man who was at one time his warmest friend. During the giving of this testimony absolute stillness reigned in the courtroom and from all the circumstances and the present relative position of the defendant and the witness, the dramatic interest of the situation could not escape the most disinterested spectator. Dr. Rodley heard the evidence of Batchelder with absolute calmness, only occasionally smiling at some particular statement and again commenting to his wife in whisper upon it. To the close observer it was evident that Col. Batchelder was under a severe mental strain, but he made an excellent witness and his statements certainly carried the impression of truthfulness.

He stated that he was 60 years of age and for more than 34 years had resided in Butte county; he knew Alfred Fuller in his lifetime, and also knew Rodley, with whom his friendship was of the warmest character. In February, 1898, he resided in Biggs, where he was engaged in teaching school. At this point the defense objected to the witness testifying on the ground that it was of a purely corroborative character. The objection was overruled and exception noted. Continuing, he said that on the 13th day of February, 1898, he resided at the Hamilton Hotel in Biggs, and that on the afternoon of that day Rodley came into the hotel office. He said he wished

Alfred Fuller.

If all the things of earth are known in Heaven and hell, what must be the pleasure of Alfred Fuller as he realizes the trouble into which all those have fallen who have endeavored to feather their nests with the wealth he so regretted to leave behind him.

As far as can be learned, this queer old fellow submitted himself but once to the camera, and that was over twenty years ago when he was residing near Sonora, where the photograph was taken. A reproduction of that photograph is herewith presented.

to see Batchelder on private business and the latter asked him to his rooms up stairs. He closed the door behind him, and Rodley said, "Batch, would you know Alfred Fuller's signature?" "I think so," was the reply. "Would you know it if you saw it?" Rodley asked. "I think I would," was the reply of witness. "If satisfied that this was Fuller's signature would you sign your name as a witness. It would be to your interest to the extent of $3000."

Rodley showed him no paper at that time but used the word "will" in connection with the asking of the witness to certify. Batchelder replied, "Doctor, he has never asked me to sign, and I never sign without being invited."

They remained but a few minutes longer in the room and nothing further was said concerning the proposition at this time.

Witness was shown a typewritten letter signed by Rodley under date of February 17, 1898, in which he urged upon him the importance of coming to Chico on the following Friday evening. He particularly urged him not to fail,

(Continued on 4th Page.)

DAMAGING TESTIMONY BY H. T. BATCHELDER

(Concluded from first page.)

and offered to pay all his expenses. The letter was identified by the witness as one he had received from Rodley.

An unusual gathering of ladies occupied one side of the courtroom at the afternoon session and the scene was quite reminded of a female seminary.

The direct examination of Col. H. T. Batchelder was resumed. He retold the story of his having received a letter from Dr. Rodley on the morning of February 18, 1898, urging him to come to Chico. He went to Chico that evening. He was not certain whether he went immediately to Dr. Rodley's office or not, but he reached the office about 8 o'clock and found Dr. Rodley alone.

"Hello, Batch!" was Rodley's greeting, and "Hello, Doctor!" was the reply by witness. As witness took his seat near the desk, Rodley, without saying a word, went to his safe, opened it and took out a piece of paper which he laid on the desk before witness. Witness said he read the writing on the paper twice while it was on the table, and taking it in his hand, read it again. It was the alleged will of Alfred Fuller, without the attestation. He identified the will by the misspelled words. Witness testified as to the conversation held with Rodley immediately after his reading the document the third time.

"Batch, is that Alfred Fuller's signature?" asked Rodley, and witness replied, "I do not think so." "Then you would not sign that as a witness?" said Rodley, and witness replied: "I would not sign it except on being asked to do so by Fuller. I never sign wills unless I am invited to do so." Rodley then put the will back into the safe, and from that time to this date he and Rodley had never mentioned the subject to each other.

Witness was then turned over to the attorneys for the defense for cross-examination. Attorney Collins took the witness in hand and was a most rigid questioner. The first hour of the cross-questioning was as to the facts liable to have occurred in connection with Rodley's visit to Biggs and witness' visit to Chico, the object being to test the witness' memory. Collins referred frequently to the testimony given by Batchelder before the Grand Jury, the former having a copy before him, that he might detect any variance in the witness' testimony. In all the material points Batchelder's testimony was as it was given before the Grand Jury. He gave his evidence clearly and was a good witness. While the examination conducted by Mr. Collins was close and most searching, he at no time resorted to tactics which could be construed as bullying or browbeating—he was a gentleman in court as well as out. When he touched upon the previous close friendship existing between witness and Dr. Rodley, the manner in which the Grand Jury secured the knowledge possessed by witness, and the finding of the letter, the proceedings approached the dramatic stage. With his eyes moist with tears and his voice trembling under the internal strain, Col. Batchelder stated that he never, before being summoned before the Grand Jury, told a living soul regarding the letter or his interview with Dr. Rodley, not even his wife, and until the time that the will was offered for probate, he thought that he had destroyed the letter. He then said to himself "some one has taken my place," and then it was that he looked over his private papers and found the letter.

"Why had you not destroyed the letter?" was asked.

"I do not know. It seems sometimes as if those whom the Lord would use, they first make mad", was the reply.

Toward the end of the session a question of the defense revealed in a manner one of the points relied upon by Rodley to explain the writing of the letter and why he wished Batchelder to come to Chico. The question was, "Will you say that Dr. Rodley did not ask you on February 18th, to serve as orator on the occasion of the Maine Memorial exercises in Chico?"

An adjournment being taken the question was left unanswered.

To-morrow at noon an adjournment will be taken for the week.

ALFRED FULLER DID NOT WRITE THE WILL

Such Was the Bold Admission Made By Attorney Collins For Dr. Rodley

THEODORE KYTKA TELLS WHO DID

Noted Handwriting Expert Declares His Opinion that Mrs. Houseworth Was Its Author

Special to THE RECORD.

OROVILLE, January 30.—The Rodley trial was resumed at half-past nine this morning. The argument of Mr. Collins having been completed yesterday, the examination of witnesses was proceeded with: C. F. Belding was again called to the stand, and certain papers connected with the probate of the will of Fuller were identified and offered in evidence. These consisted of the petition for probate of will, the proof of mailing notices to the heirs, the proof of publication of the order setting a day for the hearing and the proof of posting the necessary notices. To the introduction of all these documents Mr Collins interposed an objection on the ground that the proper foundation had not been laid and that the matter contained therein or which was sought to be proved thereby, was immaterial and incompetent, for the reason that the defense did not contend at this time that the will was in the handwriting of Alfred Fuller. The object of course for getting the papers in was to strengthen the theory of conspiracy.

Mrs. Minnie James, the reporter who took the testimony at the time the will was offered for probate, read the whole of Mrs. Houseworth's testimony given at the time. This was to aid the plan of the prosecution in showing that notwithstanding the claim made by the defense that they did not claim the will to be in the handwriting of Fuller, that it would be shown that it was not only not in his handwriting, but was in the hand of Mrs Houseworth In that testimony she said that before the will was delivered to her by Carmack she had never seen it

Mrs. Mattie Roxford of Chico was sworn and testified. She identified a certain letter offered in evidence as being from Mrs Houseworth, and she had no reason to doubt that it was in her handwriting She had known Mrs Houseworth for twenty-five years and had received many letters from her, and was consequently familiar with her penmanship. To the introduction of all testimony tending to establish the standard of handwriting of Mrs. Houseworth and Fuller, the defense objected and upon being overruled noted an exception.

John Shannon, E. B. Collins, W. M. Marvin and A. F. Jones were placed on the stand to identify certain handwriting of both Mrs. Houseworth and Fuller, which they did so identify and declare to be theirs. The taking of this evidence consumed the time up to the noon recess

A certain document on which was written the name of Alfred Fuller was handed to E. B. Collins, who was recalled at the opening of court for the afternoon session, and he was asked to say whether in his opinion it was the signature of Alfred Fuller To this the defense objected, and Judge Gray sustained the objection

Mrs. C. D. Montgomery of Redding was next called. Witness had known Alfred Fuller well during his lifetime, and for a number of years had resided in Chico in a house belonging to him. She was shown several letters which were supposed to have been written by Fuller to her, and she was asked if in her opinion the letters were written by

torney Collins had objected and was sustained in his objection. Judge Gray stated that after he had reviewed the authorities quoted, he had reconsidered his ruling and would allow the witness to answer.

H. D. Lawson was next called to the stand and testified that in December, 1898, while he was County Clerk, he took the alleged Fuller will to San Francisco and had it photographed by Theodore Kytka.

Theodore Kytka was next sworn. He testified that he was a document photographer and expert in handwriting, and that he had made photographs of the handwriting of Mrs. Minnie Houseworth and of Alfred Fuller. Witness had an elaborate exhibit of photographs taken of the handwritings and these were before the jury. Several of the exhibits were enlargements to from twenty to thirty times the original size of the writing. One of the photographs showed the disputed signature with a number of signatures known to have been written by Alfred Fuller. This photograph

THEODORE KYTKA.

The noted hand-writing expert now testifying for the prosecution in the Rodley case.

was exhibited for the purpose of comparison of the slant of the letters. By the use of a ruler the witness showed that the slant of the letters of the disputed signature was from seventeen to twenty and one half degrees less than the slant of the letters of the genuine signatures. He said that he had made a close study of the writing of the will.

A question put by District Attorney Sproul to the witness calling for his opinion regarding whether or no the will was written by Fuller, brought an important admission from the defense. Attorney Collins in presenting his objection said that Kytka's opinion would be entirely immaterial for the reason that in this action the defense would admit the will is not in the handwriting of Alfred Fuller

Kytka was then asked if he believed the will and the introduced handwriting of Mrs. Minnie Houseworth were by one and the same, and he gave that as his opinion. At this point to make his testimony more convincing, witness took from his pocket a slip of paper cut from the city prison register of San Francisco which was written the

only direct evidence of anyone who has seen Mrs. Houseworth write her name.

At this point Mr. Collins interposed an objection to a question asking the witness to state the basis for his opinion that the alleged will was written by Mrs. Houseworth. Mr. Collins urged that while the opinion of the expert was admissible, the reason for that opinion is not proper testimony. This objection furnished another delay, for the prosecution was undoubtedly taken by surprise and was not prepared to give off hand authorities in support of allowing the question to be answered. Judge Gray was unwilling to rule upon the point without authorities being quoted, and rather than to make an error on which the Supreme Court might reverse him, he preferred to delay the case, and an adjournment was taken until tomorrow morning In the meantime District Attorney Sproul will dig up authorities in support of allowing witness Kytka to tell why he is of the opinion that Mrs. Houseworth wrote the will, signature and all.

Mrs. Housworth Was
Its Author

Special to THE RECORD.

OROVILLE, January 31.—The Hadley trial was resumed at half-past nine this morning. The argument of Mr. Collins having been completed yesterday, the examination of witnesses was proceeded with: C. F. Belding was again called to the stand, and certain papers connected with the probate of the will of Fuller were identified and offered in evidence. These consisted of the petition for probate of will, the proof of mailing notices to the heirs, the proof of publication of the order setting a day for the hearing and the proof of posting the necessary notices. To the introduction of all these documents Mr. Collins interposed an objection on the ground that the proper foundation had not been laid and that the matter contained therein or which was sought to be proved thereby, was immaterial and incompetent, for the reason that the defense did not contend at this time that the will was in the handwriting of Alfred Fuller. The object of course for getting the papers in was to strengthen the theory of conspiracy.

Mrs. Minnie James, the reporter who took the testimony at the time the will was offered for probate, read the whole of Mrs. Housworth's testimony given at the time. This was to aid the plan of the prosecution in showing that notwithstanding the claim made by the defense that they did not claim the will to be in the handwriting of Fuller, that it would be shown that it was not only not in his handwriting, but was in the hand of Mrs. Housworth. In that testimony she said that before the will was delivered to her by Carmack she had never seen it.

Mrs. Mattie Rexford of Chico was sworn and testified. She identified a certain letter offered in evidence as being from Mrs. Housworth, and she had no reason to doubt that it was in her handwriting. She had known Mrs. Housworth for twenty-five years and had received many letters from her, and was consequently familiar with her penmanship. To the introduction of all testimony tending to establish the standard of handwriting of Mrs. Housworth and Fuller, the defense objected and upon being overruled noted an exception.

John Shannon, E. B. Collins, W. M. Marvin and A. F. Jones were placed on the stand to identify certain handwriting of both Mrs. Housworth and Fuller, which they did so identify and declare to be theirs. The taking of this evidence consumed the time up to the noon recess.

A certain document on which was written the name of Alfred Fuller was handed to E. B. Collins, who was recalled at the opening of court for the afternoon session, and he was asked to say whether in his opinion it was the signature of Alfred Fuller. To this the defense objected, and Judge Gray sustained the objection.

Mrs. E. D. Montgomery of Redding was next called. Witness had known Alfred Fuller well during his lifetime, and for a number of years had resided in Chico in a house belonging to him. She was shown several letters which were supposed to have been written by Fuller to her, and she was asked if in her opinion the letters were written to her by Alfred Fuller.

Attorney Collins strenuously objected to the witness giving an opinion. This testimony was of the same class as that of E. B. Collins, to which At-

writing, and that he had made photographs of the handwriting of Mrs. Minnie Housworth and of Alfred Fuller. Witness had an elaborate exhibit of photographs taken of the handwritings and these were before the jury. Several of the exhibits were enlargements to from twenty to thirty times the original size of the writing. One of the photographs showed the disputed signature with a number of signatures known to have been written by Alfred Fuller. This photograph

THEODORE KYTKA.

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A question put by District Attorney Sproul to the witness calling for his opinion regarding whether or not the will was written by Fuller, brought an important admission from the defense. Attorney Collins in presenting his objection said that Kytka's opinion would be entirely immaterial for the reason that in this action the defense would admit the will is not in the handwriting of Alfred Fuller.

Kytka was then asked if he believed the will and the introduced handwriting of Mrs. Minnie Housworth were by one and the same, and he gave that as his opinion. At this point to make his testimony more convincing, witness took from his pocket a slip of paper cut from the city prison register of San Francisco on which was written the name, Mrs. Minnie Housworth, she having written it at the time of her arrest. It happened, he stated, that he was standing by the desk in the city prison when Mrs. Housworth wrote that signature. This is t[illegible]

[illegible] was unwilling to rule upon the point without authorities being quoted, and rather than to make an error on which the Supreme Court might reverse him, he preferred to delay the case, and an adjournment was taken until tomorrow morning. In the meantime District Attorney Sproul will dig up authorities in support of allowing witness Kytka to tell why he is of the opinion that Mrs. Housworth wrote the will, signature and all.

PROVING THE WILL A FORGERY

Prosecution Endeavoring to Prove It Was Written by Mrs. Housewerth

KYTKA ON THE STAND.

The Handwriting Expert Now Showing His Photographs to the Jury.

The lengthy argument of Attorney Collins against the admission of certain testimony was replied to briefly by District Attorney Sproul, and Judge Gray announced that he would rule on the points as they arose in the course of the trial.

The first step of the prosecution today was toward proving the will a forgery, and was taken, of course, in the face of objection and exception by the attorneys for plaintiff. The court records of proceedings in connection with the alleged will of Alfred Fuller were introduced in evidence, Deputy Clerk Behting and ex-court reporter Mrs. Minnie James testifying. Mrs. James read from her notes the testimony given by Mrs. Minnie Housworth on offering the will for probate. On that occasion Mrs. Housworth testified that the will was given to her on October 17th 1898, and that up to that date she had never seen it, though she had been told by Fuller of its existence. This evidence was introduced by the prosecution to show that the will was not written by Mrs. Housworth at Fuller's request. They expect to show that it was written by Mrs. Housworth, and is a forgery. Following the reading of Mrs. Housworth's statement regarding the circumstances accompanying the finding of the will, witnesses were introduced to identify her handwriting.

Mrs. Mattie Rexford was the first witness in this line. She identified a letter received by her supposed to be from Mrs. Housworth and presumably signed by her. She could not swear that the letter was written by Mrs. Housworth, but had every reason to believe it was, as she afterwards conversed with her regarding a matter mentioned in the letter. The letter was admitted, Collins taking an exception.

John Shannon followed and testified that the signature of A. Fuller on a document handed him, was written by Mr. Fuller in his presence. He saw Fuller write his name and then affixed his own signature.

E. B. Collins of Chico testified that he knew Fuller's writing very well, having been a clerk in the office of Attorney Park Henshaw, who was attorney for A. Fuller when he was administrator of the estate of his brother, E. Fuller, deceased. Several documents connected with the administration of that estate were shown Mr. Collins who testified that to the best of his knowledge the signature was that of Alfred Fuller.

W. M. Marvin, bookkeeper for Miller & Co., grocers of Chico, was sworn and identified a letter received by that firm from Mrs. Housworth, which was admitted in evidence.

A. F. Jones testified to the signature of Mrs. Housworth on her petition for probate of will. He did not see her sign it, but prepared the paper for her, handed it to her, and when she handed it back it bore the signature. The document was admitted.

In the afternoon E. B. Collins was recalled to the stand and asked his opinion regarding a letter purporting to have been written by Fuller, but the objection to this was sustained.

Mrs. E. Montgomery was then called to the stand and testified to writings of Fuller. She had known him two years, rented a house from him, received letters and receipts from him, several of which were admitted in evidence.

The next witness was expert Kytka. The spectators have been anxiously awaiting the appearance of the handwriting expert, and Kytka has been still more anxious to give his testimony. He has been here since the trial began, and in his haste to get away has worked himself into a high pitch of nervous excitement. His time came at last this afternoon, and Mr. Kytka was glad. So was the crowd. In response to questions by District Attorney Sproul, Mr. Kytka stated that he had been a resident of San Francisco for the past seven years, his business is document photographer and handwriting expert. On December 12, 1898, at the request of and in the presence of H. D. Lansen, he made a negative of the alleged will of Alfred Fuller. The negative was produced and admitted in evidence, the objection of Mr. Collins being overruled. Mr. Kytka also testified to having made negatives of hand writing of Mrs. Minnie Housworth and of Alfred Fuller, already admitted in evidence, and negatives of the same were shown and admitted. From these negatives, Mr. Kytka testified, he made "contact prints" and these were placed in evidence and displayed to the jury. Mr. Kytka's testimony is being continued as we go to press.

All this testimony was admitted in the face of objections by Attorney Collins and exception was noted in each case.

Ex-County Clerk Lansen was called to the stand and testified that in Dec. 1898 he took the will of A. Fuller, then on file in the Clerk's office, to San Francisco to have it photographed and was present when it was photographed. He identified Mr. Kytka as the man who made the photograph and testified that the will was not out of his possession during the time he was away with it.

LATER—Attorney Collins admits that the Fuller will is not in Fuller's handwriting. Expert Kytka's testimony will be directed towards showing that it is in the handwriting of Mrs. Housworth.

SAYS MRS. HOUSEWORTH WROTE FULLER WILL.

Expert Kytka Testifies in the Rodley Case—Other Strong Evidence Against the Woman.

OROVILLE, February 1.—The testimony in the Rodley case to-day was continued with Expert Kytka on the stand, who gave it as his opinion that Mrs. Housworth wrote the Fuller will. J. H. Swearingen was a very strong witness for the prosecution. He stated that Mrs. Housworth called him into the Hallam House in Chico and asked him to go up to her room. She told him Alfred Fuller left a will unsigned, but giving her his property. She said Dr. Rodley would sign the will as one witness if she could get some other man to sign for the second witness. He at first refused, but later told her he would see her again about it. She offered him $100 to sign, and she was to give Dr. Rodley that sum and she would not think of offering him less than she had offered the doctor.

Witness stated she met him and asked him to see her twice and then when he still refused she met him again and told him that it did not matter, now that she had got John Farner to sign the will. In one of these conversations she told him that she had the will in San Francisco, that she got an envelope, went into a corner grocery store in that city, had a man there direct it to Fuller and then she brought it to Chico. Watching the post-office she selected a time when no one would see her and then dropped it into the office. Then she went to Sacramento.

On his former testimony Swearingen had stated that he had at one time made Mrs. Housworth improper proposals. He declared today that he did not understand the questions and stated most positively that he had done nothing of the kind. He had never been ordered from her room, had never asked her to leave her room unlocked that he might visit her, and that he had never promised her that he would sign the will under any circumstances.

RODLEY TRIAL GOES VERY SLOW

Expert Kytka Occupies the Stand.

MRS. HOUSEWORTH WROTE THE WILL

At Least the Expert On Handwriting So Testifies, and He Submits His Reasons For So Thinking—Makes Comparison of Her Handwriting.

Special to the Enterprise

OROVILLE, Jan. 31.—The Rodley case is progressing very slowly again to-day, and the people who have persistently followed this case from day to day are hearing more about the peculiarities of handwriting than they every heard of before, and perhaps more than they will ever hear again.

When an adjournment was taken last evening, it was for the purpose of giving the attorneys an opportunity to look up authorities as to the relevancy of certain testimony which the prosecution expected from Expert Theodore Kytka.

This desired testimony was for the purpose of showing that the will, from which sprung all of the present wrangle, was in the handwriting of Mrs. Minnie Housworth. To this testimony Attorney Collins offered a strong objection, asking for a continuance sufficient to allow the search for citations on this point.

The continuance was granted until 9:30 o'clock this morning, at which time Attorney Collins stated that he did not care to argue the question. District Attorney Sproul then briefly cited authorities to show that an expert witness was entitled to give his reasons upon which his opinion is founded, either in a civil or criminal action.

Attorney Collins then read citations for his side of the case, but the Court overruled the objection, Collins noting an exception.

Expert Kytka was then called to the stand and up to the noon adjournment was, by use of enlarged photographs, charts, etc., demonstrating the similarity of the handwriting of Mrs. Housworth with that of the writing in the will.

Kytka had a sample of Mrs. Housworth's writing which was made at the time she was arrested in San Francisco. With this, and other letters written by her, the expert is demonstrating many peculiarities of Mrs. Housworth's writing, which are not found in the writing of any one else. One of these peculiarities noticed in particular is the "o" in the name "Housworth." The expert claims that in all of Mrs. Housworth's writing all the letters of the name except the "o" come down squarely to the line, but that this letter of the name is invariably above the line. This peculiarity of the "o" he says, is only found in cases where she has written her name, and it appears in the name Housworth in the will.

He gave many other demonstrations of peculiarities in the writing of Mrs. Housworth, which were to be found in the writing of the will, and also showed that the writing of Alfred Fuller was not in the least like that of the will.

There were many objections by the defense to certain parts of the testimony, and in each case where the objection was overruled, an exception was noted.

At 11:45 court adjourned to 1:30.

At the re-assembling of Court Expert Kytka was recalled to the stand and his examination was continued until 5 o'clock when Court adjourned. He will be recalled to-morrow morning.

KIYTKA ON THE STAND.

The Day Devoted to Handwriting of Will.

After our report closed yesterday, the testimony of Theodore Kytka was continued. As stated, Attorney Collins admitted that the will is not in the handwriting of Fuller, and Mr. Kytka proceeded to show that it is in the handwriting of Mrs. Housworth. He gave it as his opinion that the will was wholly written and signed by her. District Attorney Sproul asked the reasons upon which his testimony was based, and this brought forth an objection by Collins. Judge Gray asked that the authorities be quoted in support of the objection, but this Mr. Collins was not prepared to do off-hand and court was adjourned for the day.

This morning Mr. Sproul quoted authorities to show that the question is a proper one, Mr. Collins replying briefly and citing one or two cases. The objection was overruled and exception noted. Mr. Kitka, his right to do so having been passed upon, proceeded to show why he believed the will to be in the handwriting of Mrs. Minnie Housworth.

The average citizen has little faith in expert testimony. He looks upon the hand writing expert as an individual to be watched with care and believed with caution. One must see his demonstration to realize the value of his testimony, a value recognized by the highest judicial tribunal in our State. The citizen who views the first part of the experts testimony with distrust, soon becomes interested, and if the expert have a good case he is pretty certain to remove the prejudice before he gets through. It is impossible in the short space at command to follow the demonstration of Mr. Kitka very far. He began with the letter "m" comparing that of the will with others appearing in the admitted handwriting of Mrs. Housworth. The untrained eye could easily see a resemblance, but not until the "points" had been explained would the average man see the signs, which to Kytka's mind so plainly show the writing to have been done by the same hand. He showed that in both, and in all the letters "m" produced, the first stroke was made in exactly the same way, that in each the first downward stroke was partly retraced by the upward stroke which followed, while the second downward stroke was curved to the right and was not touched by the upward stroke, the third downward was retraced by the upward flourish with which the letter was completed. The capitol letter "H" was considered and it was shown that both in the admitted handwriting and in the will, the two straight strokes passed a trifle below the ruled line, while the following letters were upon it.

The letters "u s e" written together both in the will and in the admitted writing were shown. In each the downward strokes of the letter "u" were far from parallel, the slant of the first stroke being much greater than that of the second, and in each the "s" was made smaller than the other letter, but of equal height, so it did not touch the line, as did the letter preceding and following. The word "heirs" as written by Mrs. Housworth and as written in the will was shown, and a peculiarity noted, which would hardly be noticed without close study—the letters were spaced in a peculiar way and in both writings exactly alike. The space between the first two letters was very short, between the next two considerably longer and between the next two larger still. A striking peculiarity, occurring as it did in both writings. There are but a few of the comparisons made and are given here for the purpose of giving our readers an idea of the writing of the will and the methods by which it is sought to prove that it is the writing of Mrs. Minnie Housworth. The testimony of Mr. Kytka was interesting and was interspersed with more or less enlivening detail. At one point Mr. Kiytka referred to a stroke as "unnatural," a term to which Collins objected and had striken from the record. Upon using the term at a subsequent time, Mr. Kiytka announced that he would write the word on his blackboard in order to remember that it was tabooed. A juror suggested that he try a string around

his finger. At another point Mr. Kiytka in explaining his testimony to the jury remarked that he only showed the small points and not the large ones. To this Mr. Collins replies that the defense would admit that no very large points had yet been made, a sally which caused a laugh at the expert's expense and was promptly stricken from the record.

Mr. Kytka was still giving direct testimony as our report closes at 4:15 p. m. His cross examination is looked forward to with interest as it is believed that Mr. Collins will give him a severe one. Kytka has been under fire of some of the big guns before and a grilling will be no new experience should Mr. Collins adopt that course.

RODLEY CASE PROGRESSING

Technicalities Overcome for the Time.

Jan. 26—1900.

H. T. BATCHELDER UNDER FIRE

Defense Will Attempt to Show That Rodley's Letter to Col. Batchelder Was An Invitation to Deliver an Address at Maine Memorial Service.

Special to the Enterprise

OROVILLE, Jan. 26.—The first proceeding in the Rodley trial this morning was the introduction of records from the county clerk's office regarding the appointment of C. F. Belding as deputy county clerk. County Clerk Batchelder brought the records to the court room and after the entire matter of the appointment of C. F. Belding had been gone over, the defense acknowledged its legality.

C. F. Belding was then called and testified that on November 23, 1898, he was the regularly appointed deputy clerk and on that day during the hearing of the application of Mrs. Minnie Houseworth for probate of the alleged will of Alfred Fuller, administered the oath to J. Ellis Rodley, John M. Garner and Mrs. Minnie Houseworth. The witness also recited the form of oath administered to them, and testified that Mrs. Minnie James was the official court reporter at that time. Witness also identified the will presented today as the will introduced at the time of hearing on Nov. 23, 1898, and as the will which was admitted to probate at that time.

Miss Minnie James was next called and testified that she was the official court reporter during the hearing on probate of will; that she had taken shorthand notes of the testimony and had transcribed the same in long hand. She was requested to read the short hand notes of Dr. Rodley's testimony at the time of the hearing on the will which she did, and testified that Rodley gave that testimony.

For a time, at least, the defense were through with technicalities, and Col. H. T. Batchelder was called to the stand.

The testimony of Col. Batchelder was the same as that given on December 7th last, when giving testimony in the trial of the will case.

The witness recited the various conversations he had had with Dr. Rodley regarding the will, and in no detail did his testimony differ from that given at the time of the will case.

He stated that the first time he was approached by Dr. Rodley on the subject of the will was at Biggs, early in February, 1898. He was in Rodley's room at the Hamilton Hotel, when Rodley first mentioned the proposition to him. Rodley asked him if he would know Fuller's signature, and was told by Col. Batchelder that he thought he could.

About February 17th witness received a letter from Dr. Rodley, requesting him to come to Chico, and stating that all expenses of the trip would be paid by Rodley. Witness came to Chico as requested by Rodley and met the accused in his (Rodley's) office. At that time Rodley produced a paper which he stated was the will of Alfred Fuller, and asked witness if the signature of Fuller written thereon was genuine. Batchelder scrutinized the signature and told Rodley that he doubted its genuineness. Rodley then said: "Batch, if you will sign that will as a witness there is $3000 in it for you."

Witness refused to sign the document, stating that Fuller had never requested him to sign his will, and adding, "I never sign unless I am invited to do so."

The direct examination of Col. Batchelder occupied the time up to 2 o'clock, after which Attorney Collins began a most severe cross-examination.

In cross examination the witness stated that he fixed the dates of his conversation with Rodley by the letter he had received from the latter, and in reading this letter he took it as an invitation to come to Chico on an errand in response to the will.

On receiving the letter he locked it up in a tin box and did not reveal its contents to anyone until called before the Grand Jury.

The questioning of Attorney Collins tends to the belief that the defense will attempt to show that the letter in fact was an invitation to Col. Batchelder to come to Chico and deliver an address at the Maine memorial service held there on February 21st.

Court adjourned at 4:45 to-morrow morning at 9 o'clock, when the cross-examination of Col. Batchelder will be continued. Court will adjourn at noon to-morrow until Monday morning.

WEDNESDAY, Mar. 28, 1900.

THEODORE KYTKA, sworn—Am a document photographer and expert on hand-writing, and have been engaged in that profession for the past 15 years. I have testified in several hundred cases of disputed handwriting during my 15 years' experience, and am the expert for the San Francisco Police Department and the United States Bank Examiners, also am called in quite often by the Federal government, as an expert. Here the witness gave a partial list of the many noted cases in which he had been called in as an expert. All the various exhibits in the case were shown to witness, and in reply to the query of the District Attorney answered that the known exemplars of defendant's handwriting and the anonymous letters were all in the same handwriting that of defendant's.

At this point the jury was allowed to inspect and compare disputed letters and exemplars of defendant's handwriting, and the matter was continued for the noon recess.

At two p. m. Mr. Kytka's testimony was resumed: It is impossible for a person in attempting to disguise his handwriting, to not leave some of his natural characteristics. (Witness commenced to make his demonstrations upon the black-board and continued so doing up to the hour of adjournment, 5 p. m. The dreariness of the afternoon was enlivened up somewhat by occasional spats between lawyer Cumming and the expert, in which the latter, generally, more than held his own.)

PROGRESS OF THE RODLEY TRIAL

H. T. Batchelder Concludes His Testimony.

THE COLONEL WAS A GOOD WITNESS

Arguments of the Attorneys on the Admission of Testimony as to the Handwriting of Alfred Fuller. A Brief Summary of Attorney Collins' Argument.

Special to the Enterprise

OROVILLE, Jan. 29.—The Rodley case was called this morning at 10 o'clock and the re-direct examination of H. T. Batchelder continued.

District Attorney Sproul asked the witness particularly in regard to the word "privately" as used in his cross-examination, as to his meeting with Dr. Rodley at Biggs, and if he did not use the same word in his examination before the Grand Jury. The witness said that he was positive that he used the word "privately" four times. Witness was then asked why he did not state in his examination before the Grand Jury that he recognized the will there introduced, as the paper to which Dr. Rodley requested his signature at his (Rodley's) office, on or about the 18th day of February, 1898.

Batchelder entered into a lengthy explanation of this question, and in a forcible and eloquent manner told that at the examination before the Grand Jury he was so taken by surprise that his memory was muddled and not as good as it otherwise would have been, and that after thinking the matter over since that time he could remember much better, being under less excitement, and that now he recognized the paper purporting to be the will of Alfred Fuller to be the same paper to which Rodley offered him $3000 to attest with his signature. The Colonel's explanation was full and explicit and the manner in which it was given convinced all who heard him that he was telling nothing but the truth.

The explanation of the two foregoing apparent discrepancies concluded the re-direct examination. Attorney Collins then moved that the explanation of Col. Batchelder [illegible] at first recognize the will [illegible] out. The motion was [illegible].

Collins then recalled the witness on re-cross examination and asked him if his testimony before the Grand Jury was the truth, to which the witness replied, "Yes, sir, but it seems I did not tell the whole truth." Collins then called the witness' attention to the fact that in his testimony before the grand jury, he did not say that Rodley had offered him any fixed sum for his signature to the will, and that in his direct testimony he fixed the sum at $3000. Col. Batchelder explained by saying that Rodley told him that it would be to his (Batchelder's) interest to the extent of $3000 to sign the Fuller will, and from this statement he fixed the amount at that figure.

Files of the ENTERPRISE, dated Feb. 19th, were then introduced to show that Col. Batchelder was on the program for the memorial services in honor of the "Maine's" dead, held in Chico on the 21st of February, 1898. The witness was asked if he had read the notice in the ENTERPRISE and replied that he had. Collins then asked him if something had not been said to him by Rodley about the memorial services, on the night he came to Chico in response to the letter from Rodley. Witness did not remember that anything had been said. In reply to a question as to what he knew about the circumstances of the signing of the Fuller will, the Colonel replied that he knew nothing about them, he was out of the State at the time.

This closed the examination of Col. Batchelder, and his evidence stands the same in all material points as it was given before the grand jury. He made an excellent witness and his testimony will have great weight in the final consideration of the case.

The prosecution then called John Shannon to the stand, the District Attorney having stated that he would call John Shannon, Mrs. E. I. Montgomery and E. H. Collins to prove that the handwriting of the will was not the handwriting of Alfred Fuller. Before Mr. Shannon was sworn, Attorney Collins made an objection to admitting any testimony of the handwriting of Alfred Fuller.

He argued that it made no difference whether the will was or was not in the handwriting of Alfred Fuller.

At 3:30 o'clock Attorney Collins completed his opening argument on the relevancy of testimony of the handwriting of Alfred Fuller, and a recess taken.

District Attorney Sproul will commence his argument on the convening of Court, and probably consume the balance of the day.

The following is a brief and general summary of Collins' argument:

First—He objected to the introduction of any testimony showing that the will was not in the handwriting of Alfred Fuller, on the ground that such testimony was incompetent, irrelevant, and immaterial. If the will should be proved a forgery he claims it would not be competent testimony in this case.

Second—Assuming that they do prove that the handwriting of the will is not Alfred Fuller's, they would have to show that it was not written at Fuller's request, or by his authority.

Third—That such testimony is inadmissible to connect the defendant with another person.

Fourth—That it is improper to admit evidence on the theory that a conspiracy had existed between defendant and others.

Fifth—The credibility of Garner as a witness is a question for the court to decide, not for the jury. Collins holding that Garner being a self-confessed perjurer, was not a competent witness in the case, he therefore attacked his credibility.

Sixth—That Rodley's testimony, given at the probate of the will, was not material to the issues of the case, and quoted authorities to show that the evidence must be material as to the crime of perjury.

Court Notes.

Special to the Enterprise

OROVILLE, Jan. 29.—All jurors were excused until next Friday morning, except those in the (Rodley) case.

In the case of the People vs. Boyd—Attorney Gardner appeared for Boyd in the Superior Court this morning and asked that the order fixing the trial for Thursday next be vacated and that the trial be set for Thursday, Feb. 10, at 11 a. m.

FORGERY TRIAL STILL CONTINUES

Introduction of Evidence Renewed This Morning.

EXPERT KYTKA ON THE STAND

Judge Gray Overrules the Objections of Attorney Collins to the Introduction of Testimony to Prove the Signature of Alfred Fuller and Mrs. Minnie Housworth.

Special to the ENTERPRISE

OROVILLE, Jan. 30.—At the conclusion of the argument yesterday afternoon on the question of the admissibility of evidence tending to prove the will of Alfred Fuller a forgery, and other points of evidence, as briefly outlined in last evening's ENTERPRISE, Judge Gray announced that he would rule upon the questions argued as they should come up in the progress of the trial. Court then adjourned until this morning.

The trial opened this morning by the introduction of testimony, on the part of the prosecution to show that the will of Alfred Fuller was a forgery. Attorney Collins, for the defense, raised his objection to the introduction of such testimony on the grounds set forth in his argument of yesterday. The objection was overruled and exception taken.

Deputy Clerk Belding was the first witness called by the State and produced the records of the Clerk's office showing the proceedings had upon the probate of the alleged Fuller will, a number of documents were introduced and admitted in evidence under objection and exception by Attorney Collins.

Mrs. Minnie James was the next witness. She was the Official Court Reporter at the time of the probate of the will, November 23, 1898. She was called to read from her court notes taken on that occasion all the testimony of Mrs. Minnie Housworth relating to the probate of the will, which she did under objection from Attorney Collins. Objection overruled and evidence admitted. Exception taken.

Attorney Sproul next introduced testimony to prove the handwriting of Mrs. Minnie Housworth.

Mrs. Mattie Rexford of Chico was first called for this purpose and upon being shown a framed letter, and asked if she could identify it, testified that she could, and that it was a letter received by her from Mrs. Housworth, and so identified it. The letter was introduced in evidence.

John Shannon was then called to the stand and testified that he saw Alfred Fuller write his (Fuller's) name to the document (Attorney Sproul showing the document) and that he (Shannon) afterwards signed the same document as a witness. The document was admitted in evidence.

E. B. Collins was next sworn. He identified the signature of A. Fuller to documents relating to the estate of E. Fuller.

Collins was a clerk in the office of Park Henshaw at the time A. Fuller was administering upon the estate of E. Fuller, and in such capacity became acquainted with the handwriting of Alfred Fuller. He knew the signature of A. Fuller and identified the signatures shown him as those of A. Fuller.

The documents were admitted in evidence.

W. M. Marvin, book-keeper for F. W. Miller Co., was the next witness called. He was shown a letter purported to be signed by Minnie Housworth, dated January 29th, 1898. He testified that the letter contained an order for groceries, and was accompanied by $10.00, but that the $10.00 did not cover the amount of the bill of groceries, and that the balance due was charged to Mrs. Housworth, who afterwards called at the store and paid the difference. This letter was also admitted.

Assistant District Attorney A. F. Jones was then called. Attorney Collins objected to one of the prosecuting attorneys giving testimony in the case. The objection was overruled, and exception noted by Attorney Collins, the witness being then sworn. He was shown the petition of Mrs. Minnie Housworth for the probate of the Fuller will signed by Mrs. Housworth. On being asked if he could identify the signature thereto as that of Mrs. Minnie Housworth's, he said that he could, but did not see her sign her name—he gave her the petition to sign and she afterward returned it to him signed.

AFTERNOON SESSION.

E. B. Collins was recalled and asked his opinion in regard to certain writings purporting to be A. Fuller's. Attorney Collins objected to such opinion as not being competent evidence, and the objection was sustained. The witness was excused.

Mrs. E. I. Montgomery was then called, and identified various letters she had received from A. Fuller. She received the letters from Fuller while a tenant of Fuller, together with receipts for rent. The letters and receipts were admitted in evidence under objection.

H. D. Lusson, former County Clerk, was next called. He testified that he as County Clerk took the alleged Fuller will to San Francisco on Dec. 12, 1898, and there had it photographed by Theodore Kytka.

Kytka was the next witness. The prosecution expect to prove by him that the Fuller will is a forgery. After answering the preliminary questions as to residence, occupation, etc., he testified that he had taken negatives of the Fuller will, and from the negatives had made what he called "compact prints." These negatives and prints were then introduced in evidence under strong objections from Attorney Collins. He also produced enlarged negatives of letters written by Fuller and Mrs. Housworth. The letters having been introduced, the negatives and "compact prints" were submitted to the jury.

The witness was giving his reasons for his conclusions as to certain matters when Collins objected, and the attorneys are arguing the question.

All the evidence introduced to-day was objected to by Attorney Collins and his objections overruled by the Court, to which Collins took exception.

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HANDWRITING STUDY BY THEODORE KYTKA

Permitted to Tell Why He Believes Mrs. Houseworth Wrote the Will

COMPARISONS OF WRITING MADE

Attorney Geo. D. Collins to Take the Expert in Hand This Morning for Cross-examination

OROVILLE, Jan. 31.—The attendance at the Rodley trial at halfpast nine this morning, was rather small although the number of ladies who rush through their early household duties in order to secure good seats shows no sign of diminishing. Assistant District Attorney Jones was not present to-day having been called to San Francisco on other business, neither was Mrs Rodley, the wife of the defendant.

The question which was being debated at the close of yesterday's session while Expert Kytka was on the stand, was, "State your reasons upon which your opinion is based." The reason called for was why he believed Mrs. Houseworth wrote the will, and to this the defense objected. Mr. Sproul was prepared this morning to quote authorities showing the propriety of such question, and he cited numerous authorities. The court considered them sufficient and ruled that the question was proper. Expert Kytka then continued his testimony.

He exhibited to the jury his photographic copies and the original documents, both the will and the letters admitted as having been written by Mrs. Houseworth. No reference was made nor was the will compared with any writing of Fuller's for the reason that the admission made yesterday by the defense that the will was not in the handwriting of Fuller rendered this unnecessary.

Mr. Kytka took up the analysis of the writing in a close and careful manner comparing certain words and the way in which they were formed in the will and the admitted writing. For instance, the letter "M" as it appears in the will "Mrs. Minnie" was shown to be identical with other "M's" in her handwriting. All her letters "r" are made with a loop, so are the ones in the will. (Incidently it may be said that Fuller never made an "r" in this way.)

Her letter "e" appears in admitted standards as stronger and more heavy than other letters; this characteristic also appears in the will as in "Minnie", "estate," etc.

The capital "H" in the will and the accepted standards were shown to have the same two heavy straight lines extending below the base line. The letters "use" as appeared in the word Houseworth in the will was pointed out as being of peculiar likeness to the standard writing, the "s" being looped. In the Fuller writings no looped "s" appears. To print all the comparisons made by witness would be tiresome and of little interest unless the reader had the exhibits before him. The jurors made a most careful examination of the similarities pointed out to them and apparently take deep interest in the testimony of the expert. Mr. Kytka occasionally dropped into argument to sustain his contentions with the result that he and Collins had several humorous passages at arms.

Expert Kytka took up the entire afternoon with his analysis of the handwritings submitted in the case, and it must be admitted that he made a strong witness for the prosecution, providing that proof of the will being written entirely by another person shall count for anything. He compared the word "Minnie" as written in the will with the "Minnie" as written by Mrs. Houseworth in signing her name

MRS. MINNIE HOUSEWORTH

at the time she signed the petition to A F Jones officer asking for the probate of the famous will. The similarity of the signatures was very pronounced.

The expert's comparison of the figures, "1893" as they appear in the will and as they appear in the standards of handwriting showed radical differences.

This morning Theodore Kytka will be turned over to Attorney Collins for cross examination.

ABANDONS THE WILL

Time for Mrs. Houseworth to File Statement Expires

Special to the Enterprise

OROVILLE, January 31.—There is but one chance remaining for Mrs. Minnie Houseworth to secure the estate of Alfred Fuller, deceased, and that is to appeal from the judgment of the Superior Court wherein the contest of the famous will which has been the cause of herself being held at the county jail and also of the confinement of Dr J. Ellis Rodley and John Garner, was sustained. The time for Mrs. Houseworth to file her statement of the case on appeal expired today and she has not been heard from in this regard, hence her only recourse is to appeal from the judgment.

It is not surprising that Mrs. Houseworth, who is a unique figure in connection with the sensational developments surrounding the famous will, has allowed the will case to go by default. Her hands will be well occupied for sometime to come in defending herself against vigorous prosecution on charges of perjury and forgery. Her failure to further defend the will, however, cannot be taken as an admission of its being a forgery, for it is well known that at the time of hearing on the contest she had great difficulty in securing counsel. She had attorneys employed, one of whom was F. C. Lusk, and when the case began to warm up, he deserted her, and, being without an abundance of ready cash, she was able only at the last moment to secure the assistance of counsel. She has therefore at this time good reasons for abandoning her fight for the estate.

In view of the two serious charges against her, Mrs. Houseworth is absolutely silent at this time regarding the entire proposition. As the trial of Dr Rodley progresses, the defense is doing all in its power to secure her as a witness, but Mrs Houseworth has not manifested any desire to become one. Since her arrest no one has been able to secure a word from her regarding the case, and although she is the beneficiary under the will and the writing expert in the case has given it as his opinion that she wrote the will, signature and body, the general opinion is that her chances of getting out of the trouble are better than those of Rodley and Garner. Why this opinion, can not be stated.

ATTORNEY COLLINS REGISTERS HIS KICKS

Objects to Most Important Evidence To be Offered by the Prosecution

[illegible] 0, 1900

WRITING OF THE WILL NOT IN IT

Claims it Matters Not Who Wrote the Will—Attacks the Competency of John Garner

Chico [illegible] Record

Special to the Record.

OROVILLE, Jan. 29.—The proceedings on the trial of Dr. Rodley this morning in the Superior Court were almost devoid of interest save in so far as a lengthy argument by Mr. Collins, which was unfinished at noon, served to keep at tension the mind which is acute enough to comprehend all the technical points he advanced.

At the opening of court the Judge made an order that all jurors not sworn in the Rodley trial, should be dismissed until Friday morning.

Thos Boyd, who is charged with an assault upon the person of his daughter, was brought into court, a commission in lunacy having passed upon his sanity and declared that he is responsible for his actions. An order was set down continuing his trial until February 19th at 11 a m.

Colonel Batchelder was recalled to the stand and his statements which seemed at variance now and at the grand jury examination were pointed out to him, particularly that portion in which he said before the grand jury that Rodley made no specified offer as a remuneration if he consented to sign the will, whereas at the present time he fixes the amount at $2000. Col. Batchelder made the same explanation of this as he did other discrepancies—that now his mind is clear and calm and at the first time he was so troubled in mind that the only wonder is that he was able to make any connected statement at all.

Mr. Collins read from a file of the Chico Enterprise matter similar in import to that read from the Chico Record on Saturday, relative to the special meeting of the City Trustees at which an invitation was extended to Batchelder to deliver the oration. He had no recollection of having read the same. All this was to impeach the witness' evidence and to bring before the jury the allegation of the defense that the letter written to Batchelder by Rodley was written for the purpose of getting the witness to Chico to extend to him an invitation to deliver the oration. Col. Batchelder was dismissed from the stand about half an hour after the convening of court.

When District Attorney Sproul called John Shannon to the stand for the purpose of securing evidence regarding the handwriting of Alfred Fuller, Attorney Collins objected to the offering of any evidence to show that the will was not in the handwriting of Alfred Fuller, claiming that the handwriting of Fuller was in no way material to the issue at hand. By agreement, the jury was excluded from the courtroom, that argument might be had. It was apparent that the prosecution will before the close of the trial endeavor to introduce testimony along several general lines to which the attorney's will object, and to save time, Mr. Collins made argument against allowing testimony to establish several different propositions. As the questions arise in the course of the trial, Mr. Collins will object, and the court, having heard the arguments, will pass upon them immediately.

First, Mr. Collins contended that there is a material difference between the language of the indictment and the language which the transcript shows Rodley uttered when on the stand at the time of the hearing on probate of the will; therefore, that the indictment is not drawn according to law. He then stated that he would object to John Garner giving any testimony, and he would ask the Court, not the jury, to pass upon the credibility of Garner. Counsel claimed that Garner, being a self confessed perjurer, cannot be a competent witness. He further urged that any testimony tending to show that the will is not in the handwriting of Alfred Fuller is irrelevant and immaterial; that as the indictment does not charge that Rodley swore that the will was in Alfred Fuller's handwriting, to prove that it was not in Fuller's handwriting is not permissible in the present case; that even if it is proven that the will was forged, that evidence would be immaterial.

Assuming the will to not be in Fuller's handwriting, it would then be necessary to prove that it was not written at Fuller's request or by his authority before a forgery would be proven.

Collins next laid down the proposition that the introduction of testimony for the purpose of connecting defendant with another person to show a conspiracy is also inadmissable. He further contended that the materiality of the evidence charged to be perjury must be established, and that in this case the materiality has not been shown.

Collins' argument was a deep treatise of the questions at hand, and he cited numerous authorities.

District Attorney Sproul replied briefly and also cited numerous authorities.

An adjournment was then taken until tomorrow morning, when John Shannon, Mrs. Montgomery and E. B. Collins will be called to testify regarding the handwriting of Alfred Fuller, providing Judge Gray holds that such testimony is admissible.

Writing Expert Kytka will probably follow with his analysis of the writing.

When the Grand Jury of Butte county found true bills charging Dr. J Ellis Rodley, John M Garner and Mrs. Minnie Housworth with perjury and forgery, they believed they had scored the first point in putting a stop to the wholesale robbery of dead men's estates which has been going on in this county for many years past. It was a serious matter to charge three persons so widely known and possessing so many friends with crimes of so grave a nature, and the prosecution of the defendants became, therefore, of great importance, not only to the grand jurors, but to the citizens of Butte who perchance may be fortunate enough to leave neat estates for the benefit of their dependents now. Vigorous prosecution is also essential to the defendants, if they be innocent. If they should be acquitted of the charges because of luke-warm prosecution they never could live down the stain, and the majority of the people would believe them guilty. District Attorney Sproul who has had the cases in hand since the Grand Jury returned its findings, has been giving them almost his entire time, and the

DISTRICT ATTORNEY SPROUL
Who is directing the prosecution of Dr. J. Ellis Rodley.
[From a photograph taken a few years ago.]

unanimous opinion prevailing among those who are watching the trial as it progresses, is that Sproul is leaving no stone unturned, the turning of which might reveal facts tending to show that Rodley did attest the will after the death of Alfred Fuller. The public is resting content.

RODLEY TRIAL PROGRESSING

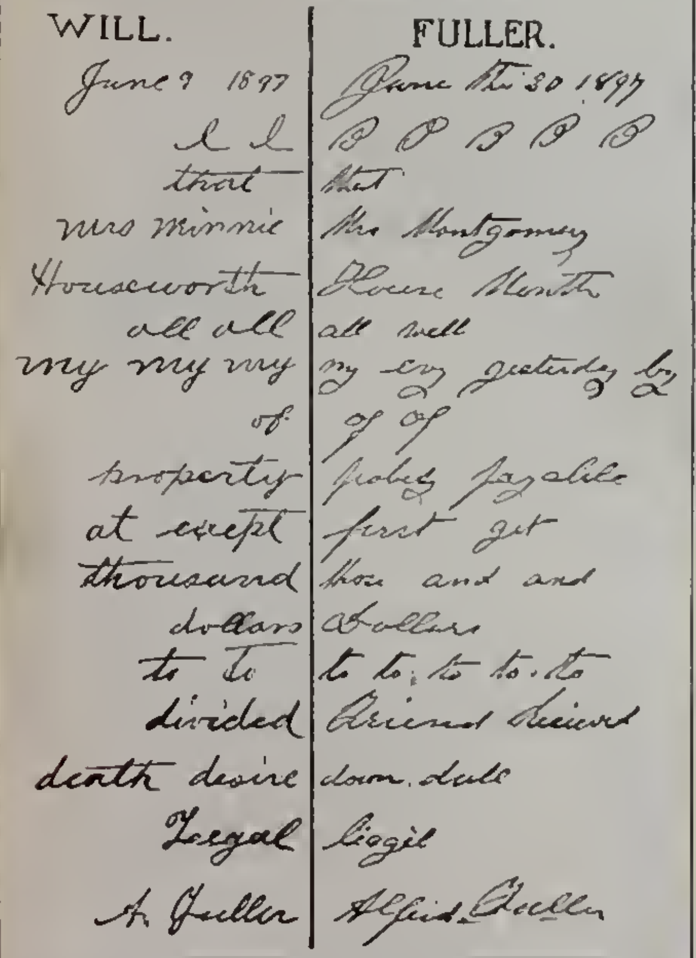
Expert Kytka Under Fire From the Defense.

SWEARINGEN REPEATS HIS STORY

But Denies Intimate Relations With Mrs. Housworth—Says That He Did Not Understand the Question At the Time of Trial of the Will Case.

Special to the ENTERPRISE

OROVILLE, Feb. 1.—The Rodley trial to-day proved very interesting, not only to the counsel on both sides



COMPARISON OF HANDWRITING BY EXPERT KYTKA.

The above is a fac-simile of a chart prepared and used in the trial for the purpose of a comparison between the handwriting of the will and the genuine handwriting of Alfred Fuller. The left hand column, marked "will," contains fac-simile copies of words from the will, and the right hand, marked "Fuller," are from letters of Alfred Fuller. The comparison of the letters "I," "J," "M," "H," "F," "y" and "r," and the words "legal," "dollar," "of" and "that;" also the general slope of the writing, the angle of curvature of final "l," "d" and "t;" also the crossing of the "t's" are some of the principal points of comparison used by the expert, and will serve to illustrate the expert investigation of the writing of the will now being made before the jury.

and the defendant, but to the spectators as well. The cause of the particular interest was the cross-examination of Expert Theo. Kytka by Attorney Geo. D. Collins, and the quick exchanges of the attorney and the expert at times caused much amusement.

At one time Attorney Collins asked the witness if he could tell the speed of a writer, to which Kytka replied that he could.

At one time the counsel for defense started to ask some questions which were quite lengthy, but Kytka frequently anticipated the question and answered before the question was finished. At one of these times the witness remarked that he "had been on the stand too often to be caught asleep."

In answer to a question as to what books witness had studied on the subject of handwriting, Kytka replied that he had studied under Prof. Frazier, Prof. Hagan, and the son of Spencer, inventor of the Spencerian system, with whom he was personally acquainted.

By means of a chart the expert demonstrated the dissimilarity in handwriting whereby any particular handwriting could be identified.

The cross-examination continued up to the noon recess, at which time an adjournment was taken to 1:30.

After the noon recess John Swearingen was called to the stand and gave testimony substantially the same as that given at the hearing in the will case, December 8th, with the exception of that part where he had previously stated that he had been intimate with Mrs. Housworth. In explanation of this difference he stated that he did not understand the question and did not mean to convey the impression which his words would indicate.

After stating that he had known Mrs. Housworth for the past twenty years, witness went on to say that

Collins then asked the witness if he could tell, by examining the handwriting of a person, man or woman, how many words they had written per second, to which Kytka replied, "No, I am not as speedy as that."

During the forenoon there were many sharp sallies between the attorney and witness, which the jurymen and spectators seemed to enjoy. Even Juror Crum's badly swollen face was frequently seen to light up with a smile.

Kytka was asked if he could recognize the handwriting of a sick person or opium fiend, to which he replied that he could. He gave, as an illustration, the case of a woman, who had, while in health, written her will, and who afterwards, while on the operating table, and just before death, added a codicil to that will. In this case the characteristics of the woman's writing were perfectly plain. While the writing in the codicil showed a highly excited frame of mind and nervousness in the extreme, it still bore the characteristics which were peculiar to this particular woman's writing, which characteristics no one could successfully imitate.

The expert stated emphatically that no person living would write just the same twice, but in the writing of each person there was a peculiarity which no amount of practice could perfectly imitate.

Attorney Collins plied the witness with a long series of questions as to the difference between the handwriting of a man and a woman, as to the characters and rules by which the expert could identify handwriting; he discussed the dissimilarity existing in the will which the expert said were assimilations of Fuller's writing and were attempts to disguise the individuality of the writer, and tried to test the memory of the expert as to the letters used as exemplars. In fact the expert was subjected to a most searching and exhaustive cross-examination, but his answers were always ready, and all efforts to "mix" him were futile.

RODLEY TRIAL PROGRESSING

Concluded from Third Page.

about May, 1898, he had a conversation with her at the Hallam House in Chico; that Mrs. Housworth told him at that time that somebody had told her that Fuller had been seen to give a letter to R. R. Fimple (now deceased), and that the letter referred to was Alfred Fuller's will; that all that was necessary to make the will valid was to get two witnesses to sign it, and that as Dr. Rodley had agreed to sign it, she wanted him (Swearingen) to sign as the other witness. She offered to give him $5000 as a compensation for his signature. Witness told Mrs. Housworth that he could not sign the will and left her. Some two weeks after this conversation witness met Mrs. Housworth and she told him that she did not require him as a witness as she had gotten John Garner to sign the will with Dr. Rodley. During this last conversation she told witness that she had sent the will to H. Carmack; that while she was in San Francisco she stepped into a grocery store and procured an envelope and got the clerk to address it for her. The envelope was addressed to Mr. Carmack.

After returning to Chico, she put the will into this envelope and dropped it into the postoffice when no one was around.

She begged witness not to say anything about the matter, and told him that if he gave evidence against her before the Grand Jury, she would kill herself.

Swearingen stated that it was after Fuller's death that he held these conversations with Mrs. Housworth.

LATER.

Special to the Enterprise

OROVILLE, Feb. 1, 5 p. m.—At the conclusion of Swearingen's testimony, John Garner was called and in every particular his testimony was the same as heretofore published. He told in detail of the meeting with Rodley and of his having signed the will after Fuller's death.

After the direct examination Garner was turned over to the defense, and was subjected to a severe cross-examination, which was not concluded up to the time that court adjourned

STICKS TO HIS ORIGINAL STORY

Garner's Testimony Remains the Same.

RODLEY IS ASKED HARD QUESTIONS

Flatly Contradicts Col. Batchelder's Testimony; But District Attorney Sproul Forces Him Into a Very Uncomfortable Position—Adjourned To Monday.

Special to the ENTERPRISE.

OROVILLE, February 2.—John Garner, the old farmer who, according to his own story, gave way to temptation and signed what he confesses to have known to be a forged will, has again told in court the story of his crime. With eyes moistened with tears, he repeated the story of how he was approached by Dr. Rodley some time after the death of Alfred Fuller, and offered $5000 to sign a document which he knew to be fraudulent; how he at first spurned the offer of gold for his self-respect, but how, after repeated attempts to resist the temptation, he yielded. How he signed the document and how the knowledge of his guilt had weighted him down. This man, who had for the past 30 years resided in the county of Butte, and who had been recognized as an honest man by all his acquaintances, again tells the story of his downfall, knowing full well that to tell the truth he was convicting himself of a crime which would send him to the State prison.

John Garner knows and feels keenly the disgrace which he has brought upon himself, but he repeats the statement made in the office of District Attorney Sproul: "I have stood the ordeal of silence long enough, and come what will, I will tell the whole truth."

Yesterday afternoon he did as he had promised, and despite the most rigid cross-examination, he held to the story previously told. But he went further and told of the advice given him by Constable M. H. Gee, while the latter was conducting him (Garner) to Oroville the day after the arrest. At that time Constable Gee told the prisoner that if he was guilty of the crime the best thing he could do would be to tell the truth to the District Attorney. After arriving in Oroville he had received the same advice from Sheriff Wilson, and upon being released on bonds, he returned to Chico, called at the office of District Attorney Sproul and told the whole story. This story is well known to all residents of Butte county.

At the conclusion of the cross-examination District Attorney Sproul asked a few more questions in re-direct examination, during which witness stated that his confession was not made with any view of leniency, as District Attorney Sproul warned him of the probable consequences of making confession to so serious a crime. On the evening that Garner arrived at Chico, after securing bonds, he went immediately to the office of District Attorney Sproul, where he made a statement, but at the suggestion of Mr. Sproul, waited until the next day before signing it.

Col. H. T. Batchelder was recalled and questioned as to his manner of entering and leaving Dr. Rodley's office in Chico, at the time he was shown the will. Witness stated positively that he entered the private consultation room and left the same way, not entering the reception room at all. He was asked by Attorney Collins: "Did you know that Mrs. Lark Dunn was in the reception room," to which he replied that he did not.

Attorney Collins then moved that all the testimony relating to the handwriting of Mrs. Housworth, the handwriting of the will, and the testimony of John Swearingen, be stricken out. The motion was passed to this afternoon for argument.

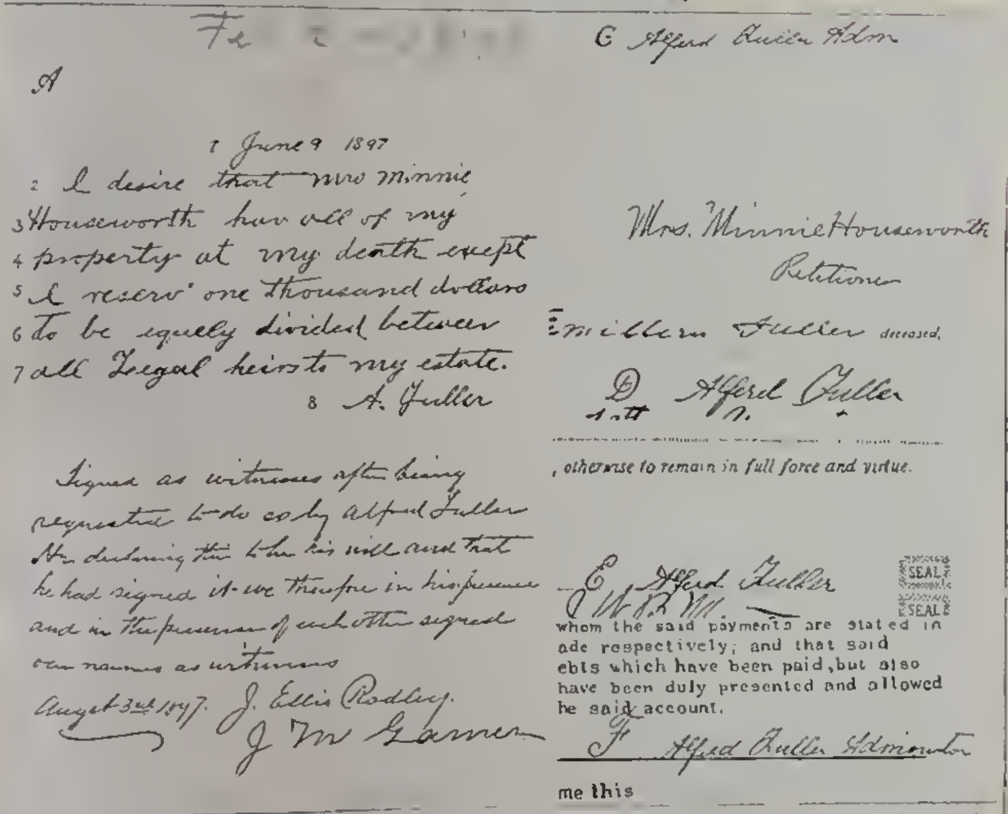
At 10:55 Dr. Rodley was called to the stand to testify in his own behalf, and he recited at great length his side of the case, during which he flatly contradicted the statements of Col. Batchelder.

He said that he had resided in Chico since 1888, and had a wife and two children.

Witness was shown the letter which Col. Batchelder had received at Biggs and asked if he (Rodley) had written it, witness replying that he did. Upon being asked to recite the circumstances under which he wrote the letter, Rodley said: "It was about 11 a. m. on Friday, Feb. 17, 1898, that Mr. Sproul telephoned to me and asked me if I had heard that the Maine was blown up, at the same time telling me that the Governor had set apart February 21st as a day of mourning. Mr. Sproul suggested that a meeting be called to arrange for suitable exercises on the day of mourning in Chico and said that he (Sproul) would speak, also naming others who would deliver an address. I said that it would be a good idea to invite Batchelder to speak on that occasion.

"Later I met Trustee Canfield and spoke to him about getting Batchelder to speak at the exercises, and Canfield asked me to write to Batchelder to come to Chico, but not to tell him (Batchelder) what was wanted, as some other arrangements might be made. On this suggestion of Canfield, I did write to Batchelder, requesting him to come to Chico, and told him that his expenses would be paid.

"Batchelder came to Chico as requested, and with his wife came to my office. I was busy with a patient in the consultation room, and Batchelder and his wife waited in the reception room. After dismissing my patient I opened the folding doors between the reception room and consultation room and invited Batchelder and his wife to


Fe

G Alfred Fuller Adm

A

1 June 9 1897
2 I desire that Mrs Minnie
3 Housewarth have all of my
4 property at my death except
5 I reserv' one thousand dollars
6 to be equally divided between
7 all legal heirs to my estate.
8 A. Fuller

Mrs. Minnie Housewarth
Petitioner

Signed as witnesses after being requested to do so by Alfred Fuller He declaring this to be his will and that he had signed it we therefore in his presence and in the presence of each other signed our names as witnesses

August 3rd 1897. J. Ellis Rodley.
J M Garner

Alfred Fuller deceased.

D Alfred Fuller

, otherwise to remain in full force and virtue.

E Alfred Fuller
W R W

SEAL
SEAL

whom the said payments are stated in ade respectively; and that said ebts which have been paid, but also have been duly presented and allowed he said account.

F Alfred Fuller Administrator

me this

The above is a fac-simile of the exhibit prepared by Expert Kytka, whereby he shows the will and attestation clause, also the signature of Mrs. Housworth, which was signed to the petition for the probate of will, and signatures of Alfred Fuller made at different times.

STICKS TO HIS ORIGINAL STORY

Concluded from Third Page.

come in. At that time there were several other people in the room, among them being Mrs. Lark Dunn. Batchelder and his wife came into the consultation room, and, after a few words, I invited him to speak at the "Maine" memorial services. He told me that there would probably be a request for him to speak at Biggs on that day, but if he did not speak there he would come to Chico."

Rodley was then questioned about his trip to Biggs previous to meeting Batchelder in Chico, and he stated that on February 15th he was called to Biggs to see Mrs. Cal Hogan. After visiting Mrs. Hogan he left his team at the livery stable and went to the Hamilton Hotel where he met Col. Batchelder. Batchelder told witness that he (Batchelder) and wife were just going to dinner and invited Rodley to accompany them, which he did. After dinner witness accompanied Mr. and Mrs. Batchelder on a visit to Geo. Ditzler and wife. About 9 o'clock, and while at Ditzler's house, the stable man came for Rodley, telling him that one of witness' horses was sick. Rodley, Batchelder and Ditzler went to the stable where Rodley proceeded to administer medicine to the sick horse. Batchelder and Ditzler remained with him for some time when they left, Rodley remaining with the sick horse until late at night, and leaving for home very early the next morning.

On the road home from Biggs he met Col. Eddy who told him about the blowing up of the Maine.

Witness was shown the will and identified it as the document he had signed at the request of Alfred Fuller. Continuing he stated that he had not seen the will from the time he signed as a witness until the document was presented for probate.

After the noon recess the attorneys argued on the motion of Collins to strike out testimony, which motion was denied by the court.

Dr. Rodley was then called for cross-examination, and District Attorney Sproul subjected him to a rapid fire of questions.

The following question by Sproul staggered the witness: "Doctor, did you not make a statement to Sheriff Wilson, on the day of your arrest, to the effect that Fuller had made his will, but that it had been lost, and that you had made a copy of it; and that you took the copy to Biggs and asked Batchelder if he would sign it; that Batchelder refused to have anything to do with it, and that on the road home you tore it up and threw it away?" Rodley at first said he thought this was correct, but later "hedged" and refused to say yes or no.

Sproul then asked witness if it was true that at one time he and Mrs. Housworth had not been on friendly terms. Witness said yes, that they had not spoken for some time, until she approached him while sitting in his buggy in front of the drug store and asked him if he had not witnessed the will of Alfred Fuller. He told her that he could not talk about it until the proper time. She asked if Fuller had not left his estate to her, to which h replied no.

In regard to Col. Batchelder and wife coming to the office together, Rodley sticks to that point persistently.

District Attorney Sproul then asked "In regard to that letter—did you not say to Sheriff Wilson that there was nothing in it?" This question Rodley evaded, and would give no definite answer.

There were several witnesses for the defense who had been subpoenaed to testify to certain statements Rodley is alleged to have made regarding the will, but on motion of District Attorney Sproul, all of this testimony was shut out.

This left the defense short of witnesses, and as it would be impossible to get others before to-morrow at noon, an adjournment was taken until Monday morning at 10:30 o'clock.

SWEARINGEN RELATES HIS STARTLING STORY

Mrs. Houseworth Proposed to Give Him Five Thousand For His Signature

GARNER REPEATS HIS CONFESSION

Old Farmer Who Admits Yielding to Rodley's Persuasion Wavered Not Under Cross-examination

Special to THE RECORD

OROVILLE, Feb 1.—The trial of Dr. Rodley proceeded this morning with Expert Kytka on the iron and Mr Collins for the defense conducting the testing. The prosecution asked him no more direct questions and the cross-examination began at once. As was anticipated, the situation was at times truly enjoyable to the audience, and the technical tendency of the testimony was swallowed up in continual sparring between the attorney and the expert. Mr. Kytka at times was somewhat bothered to answer the questions in explicit English as he is a native of Vienna, but on the whole he came out very well and the defense did not in any material particular "rattle" him. He was bright enough and has been on the witness stand so many times in his experience, that he could occasionally give the attorney as good as he sent. In no way was the questioning and sparring otherwise than two bright men would indulge in, each seeking to place himself in the most favorable position before the twelve men who compose the jury.

In answer to Mr. Collins, Kytka said that he considered the individuality of the handwriting the only safe test. He was asked if he did not consider the "complexion" of the document—that is its appearance as one looked at it as a whole. To get it clearly before him Mr. Collins drew the comparison of the impression made upon a person by another's complexion. In that regard the witness said that in some cases the person's complexion was powdered, and so it was with handwriting—it has a false complexion, and as a result the complexion of handwriting was no guidance to him in forming his opinion. He had to descend into details to establish the identity of the hand. He placed no force upon handwriting that looked similar. He was asked if in his opinion the disputed will was in the natural handwriting of the person who wrote it, or was a tracing or a drawing. He answered that it was in some particulars the natural handwriting of the person who wrote it with an attempt to disguise, and was in other points an attempted drawing from the handwriting of the person whose characteristics it was desired to simulate. He was asked

"Is the disputed document a tracing?"

"No, it is not a tracing; it is too 'Irish' a job."

The reply caused even His Honor to smile and the bailiff to seize his gavel, and the court ordered the latter part of the answer stricken out.

Kytka declared that another point in causing him to come to his opinion that the will was in some respects an attempted drawing was owing to the uneven flow of ink in the formation of many of the letters. He declared that the writer had both attempted to imitate and disguise. In answer to questions propounded by the defense to test the extent of his claim to expertness, Kytka said that he could tell from handwriting the sex of the writer, ... [illegible]

that caused by the fear in attempted fraud was apparent, the latter being designated as the tremor of fear. To substantiate his position he quoted numerous authorities. He could tell in some instances whether the writer was sane or insane, and whether in good or bad health, but he could not tell whether suffering from grief or transported with joy. No man he declared ever writes twice alike, but in every man's writing there always appear certain characteristics one of which is the manner of spacing.

Soon after court convened for the afternoon session, Expert Kytka was dismissed as a witness, and "Uncle" John Swearingen was called to the stand. That Swearingen and Garner would testify yesterday during the afternoon had been well noised about town and there was a crowded courtroom, many of the spectators being ladies. As "Uncle" John stepped up to the witness stand, every neck in the room would have been longer had they been of rubber, for it was expected that the old farmer might be called upon to give some testimony of a rather sensational nature. After the witness had seated himself comfortably in his chair, one leg swung over his cane, Attorney Collins arose and stated that during the examination of the witness some rather indecent matters might be touched upon and some of the ladies might desire to make their escape. Expecting to witness a rush for the door by the feminine members of the audience, the Court, attorneys and jurymen took what they thought would be a parting glance at the assembled millinery. A few of the ladies left, but the majority manifested no signs of a desire to go.

"Well," said District Attorney Sproul, "if they do not care to go, we may as well proceed."

Swearingen told of his having met Mrs. Houseworth in Chico in May, 1898, and went with her to her room in the Hallam House. She there told him that Alfred Fuller had left a will, bequeathing to her his property. The will, she said, was genuine, but was not witnessed. She also informed him that her lawyer had told her that all needed to make the will valid was the signatures of two witnesses. She told him that Rodley had agreed to sign as one of the witnesses, and he wanted another who was not a tramp. She then proposed that Swearingen be the second witness and she would pay him $5,000. She said that someone had told her that Fuller had given the will to R R Faught.

A few weeks after his first conversation with Mrs. Houseworth, she store there address the envelope in which she mailed the will to H. Carmack.

Witness and Mrs. Houseworth had a later conversation in the F W Miller Co. store. She asked him if he had said anything about what she had told him, and he replied that he had not. She declared that if he did she would kill herself.

From the witness Attorney Collins on cross-examination tried to draw out testimony to the effect that witness had made indecent proposals to Mrs. Houseworth, and to make it appear that because Mrs. Houseworth would not submit to his desires he sought revenge; also to establish that he was jealous of Alfred Fuller. Attention was called to his former testimony at the time of hearing on probate of will, that he had made indecent proposals to Mrs Houseworth. Witness said that when he thus testified he did not understand the question and was very much rattled.

Swearingen was asked regarding his having made the remark "If these people knew what I know, it would be worth $1000 to them," Collins making it appear that the remark indicated that he was inclined to accept a share of the estate. Swearingen replied that it was one of those fool remarks which people make sometimes unthinkingly.

He was asked if Richard White offered him $1000 to testify, and he replied that he did not. Swearingen withstood the searching cross-examination without swerving from his original story.

John Garner, the old farmer and stock raiser, who confessed his guilt a short time after his arrest and made a clean breast of his connection with the Fuller will, was next called. Since he went to the office of District Attorney Sproul and told the story of his own volition, he has been in the county jail awaiting sentence which will mean his going to the State prison. He feels the disgrace, but declares his satisfaction with his course in telling of the proposed steal. He testified that he was 57 years of age and has a wife and three children; that he has resided near Chico since 1861, where he was engaged in farming and stockraising. He rehearsed the story of Rodley having hailed him at the corner of Second and Broadway in May, 1898, and together they walked to the stairway in the Woods building. After going up two or three steps they sat down. Rodley told him that Fuller had made a will and left it unwitnessed; that there would be $500 in it for him if he would sign it with him. Garner refused. Rodley sought him several times after that to sign it, and in August, Rodley took him up to his office and urged him to sign. Rodley signed first and then Garner wrote his name. Rodley then wrote the attestation above the signatures. Garner identified the will, and declared that he did not sign the will in Fuller's presence; that Fuller was dead when he did sign it, and that his testimony at the hearing on probate of the will was false. He admitted that he had pleaded guilty to a charge of perjury, that he expected to go to State prison, and that he made the confession without promise of reward. Garner was a pitiful sight as he told of his guilt.

On cross-examination Collins went at the witness rough shod. He read to him the entire testimony given by the witness at the hearing on probate of the will, and attempted to entangle him but was not able to defeat his confession. He did draw out the testimony that during a trip of the witness and Constable Gee between Oroville and Chico, Gee gave to him details of the evidence against him, and told him that the best thing he could do would be to tell the truth, or they would cinch him; also, that Sheriff Wilson practically told him the same thing. This, Collins endeavored to make appear as being an offer of reward for a confession.

Throughout the examination the witness' testimony was unshaken.

Garner will be further cross-examined today.

JOHN M. GARNER

Cross examination

Special to The Record

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JOHN M. GARNER

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A few weeks after his first conversation with Mrs. Housworth, she again asked witness to go to her room and he went. She there informed him that she did not need him as a witness as Rodley had gotten John Garner to sign.

At a later time she told Swearingen how she had taken the will to San Francisco and had a clerk in a grocery

not submit to his desires he sought revenge; also to establish that he was jealous of Alfred Fuller. Attention was called to his former testimony at the time of hearing on probate of will, that he had made indecent proposals to Mrs. Housworth. Witness said that when he thus testified he did not understand the question and was very much rattled.

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SAYS SHERIFF WILSON MADE LOVE TO HER

Mrs. Rodley Takes the Stand for Her Husband.

THE DOCTOR EXPLAINS

He Endeavors to Clear Himself of Damaging Contradictions.

[Special Dispatch to "The Examiner."]

OROVILLE, February 6.—The defense to the Rodley case undertook to-day to shake the force of the testimony given against the doctor by Sheriff Wilson of Butte county, and the result was not pleasant for the Sheriff. He was held up to public scorn as a man who had used his official position in an endeavor to corrupt a suffering woman, the wife of his prisoner. More than that, he is charged by inference with perjury, in that he denied on the stand that he had done this thing.

Mrs. Rodley was the medium of these charges.

When Sheriff Wilson was on the stand Monday he was asked if he had made improper advances to Mrs. Rodley while her husband was in his custody, and he emphatically denied that he had. It was surmised at the time that the defense would put Mrs. Rodley on the stand, and there was not much surprise when the lady was called to the witness chair to-day. There was a momentary stir in the courtroom, however, and then absolute quiet while she told her story. It was a story such as no woman would care to repeat, especially in a crowded assemblage, but Mrs. Rodley wore a sprightly air and seemed little abashed by the nature of the tale she was there to unfold.

Mrs. Rodley began by testifying that she never asked Wilson to pursuade her husband to confess, but that he had often asked her to do so. She detailed two conversations on this subject, one at her attorney's office, the other at her home, where Mr. Wilson called by appointment next morning. Asked by her attorney regarding Mr. Wilson's actions toward her, she said she would have to go back farther, and then she stated that on an occasion when she had visited her husband at the County Jail, and after she had an unpleasantness with him, Mr. Wilson advised her in his private office to drop Rodley. The Sheriff, she said, bent over her and kissed her on the forehead and made advances that could bear only one construction. She said she protested at this.

On the subsequent meeting in Chico, she said, the Sheriff embraced her and kissed her, saying he would look out for her and would take care of her.

The story created a decidedly bad impression and injured the doctor's case. He is blamed for permitting his wife to sacrifice herself.

Sheriff Wilson declares the whole story is false. He says he was told on Friday that if he testified against Rodley this would be his punishment.

The defense also offered the testimony of Mrs. McLennan of Chico, who declared she saw Colonel Batchelder at Rodley's office at the time Batchelder swore he visited it alone in connection with the will matter, and that he was accompanied by a woman, supposedly his wife.

The final move of the prosecution in rebuttal was a shot from a big gun concealed until to-day in the shape of a certified copy of the proclamation of Governor Budd setting apart February 21, 1898, as a day of mourning for the victims of the Maine disaster. The proclamation was dated February 18th, one day later than the letter to Batchelder, which Rodley claims was written in connection with the memorial exercises to be held in Chico in accordance with the proclamation.

Following the introduction of this important testimony, which was admitted over strenuous objections on the part of Rodley's attorney, Mrs. E. H. Fowler of Mulberry, San Benito county, was placed upon the stand. Mrs. Fowler was formerly Mrs. Cal Hogan, and she it was whom Dr. Rodley claimed to have visited in Biggs on the date when Colonel Batchelder says Rodley first approached him in reference to the alteration of Fuller's will. Mrs. Fowler testified that she had not been in Biggs since November, 1897, and that on December 16, 1898, she was in Mulberry at the home of her mother. She said Dr. Rodley had been her physician while she lived in Biggs, but had never called at the house where she lived.

The last witness was Rodley himself, called in sur-rebuttal to explain about that Biggs visit. He explained that it might have been some patient other than Mrs. Cal Hogan whom he visited on February 16, 1898. He was sure the trip was on professional business. On cross-examination he was asked to name one patient whom he had in Biggs at that time and could not do it. The witness he had named had proved a boomerang and the doctor did not name any more.

COL. BATCHELDER STILL UNDER FIRE

Chico Enterprise

But Gives His Testimony In a Straightforward Way.

Jan 27, 1900

THERE ARE SLIGHT DISCREPANCIES

But Witness Explained Them In a Convincing Manner—Mental Strain Under Which He Had Suffered Was Responsible for Oversight.

Special to the ENTERPRISE.

OROVILLE, Jan. 27.—Col. H. T. Batchelder was again called to the stand this morning in the Rodley trial, and was from the time of opening court to the time of adjournment under a severe cross-fire of questions from Attorney Collins. While it is true that there are some slight discrepancies in the testimony given before the Grand Jury and that given in the present case, the witness explained those differences in a manner which carried conviction of the truth of his statements, to all who heard him.

The absolute confidence which the people of Butte county repose in H. T. Batchelder is not shaken in the least by the fact that at the time he appeared before the Grand Jury he made some statements which vary slightly from those made yesterday. That the witness on both occasions told the truth as he knew it, no one will question, and the appearance of the man while giving his testimony is in keeping with the general character of the man—straightforward and honest.

During the cross-examination this morning Attorney Collins again referred to the tin box in which the Rodley letter had been kept, and asked if it was not a box for the safe keeping of valuable papers. The box, which was an ordinary tin affair, was produced in court. Collins asked witness if he did not think there might be another letter from Rodley in the box, and upon an examination being made another letter was found which had been written by Rodley to Col. Batchelder in 1898.

For a time a wave of excitement swept over the court room, the crowd evidently expecting a sensation, but the letter only proved to be one relating to Col. Batchelder's illness.

Witness was then asked why he believed the letter of Rodley inviting witness to come to Chico, had connection with the will, to which Batchelder replied that when he arrived at Dr. Rodley's office in response to the letter, the will was shown him the first thing. "Mr. Batchelder, what was your motive," was asked, to which the witness replied: "My motive, sir, was the exact truth."

"Did you consider the construction you put upon the letter was unfavorable to the defendant?" was asked.

"I am sorry to say, sir, that it seems to be so," was the reply.

Attorney Collins then turned his attention to the identification of the will, and asked witness what peculiarity of the will attracted his attention, whereby he could identify it. Witness stated that the misspelled words were what attracted his attention to the document. Witness stated that, although the will was on file in the Clerk's office, and he had access to it at any time, he had not seen it since it was filed.

Witness was asked as to whether he had asked Rodley for his (Rodley's) reason for offering witness a bribe, to which he replied, that he had never asked such a question.

One discrepancy in the testimony given before the Grand Jury and that given at present, was that when before the Grand Jury, Col. Batchelder stated that Rodley had never offered him any fixed sum as a compensation for signing the will, while he now testifies that Rodley offered him $3000.

The witness, with much feeling stated that when testifying before the Grand Jury, he was called upon to give testimony that might send one of his dearest friends to the State prison, and in his state of mental distress at that time it was a wonder that he testified at all.

Attorney Collins then took a new line of questioning and asked witness if there had been anything transpired between his (Batchelder's) and Rodley's families which had alienated the previous friendly feeling existing between them, to which witness replied that there had not.

District Attorney Sproul then recalled Col. Batchelder on re-cross-examination in order that he might more fully explain the seeming differences in some of his testimony, but before many questions could be asked court adjourned until 10 o'clock on Monday morning, at which time Col. Batchelder will be recalled.

RODLEY TRIAL IS EXPENSIVE

Probable Cost to the County Over Two Thousand Dollars

Armory Opera House Sold to Mrs. A. A. Morehead—Binney Wants Bail

Special to the RECORD.

OROVILLE, February 3.—Theodore Kytka, the handwriting expert in the Rodley trial, drew down the neat sum of $311.50, on Friday from the county treasury as compensation for his services in experting the handwriting which figured in the trial. Conservative estimates of the cost of the trial are being made about the courthouse. Most agree that the cost of the present trial will exceed $2000, and the trials to follow will add to this sum from $4000 to $5000 more. A. Fuller has turned out to be about as expensive a citizen as the county ever possessed, and he has cost more dead than alive.

The property known as the Armory Opera House in Chico was sold at public auction to-day in front of the Court House door by Julius Rosenburg, Commissioner, appointed by the court to sell. The property was bid in by Mrs. A. A. Morehead, who held the mortgage, for the sum of $4,397.50, the amount of judgment and costs.

Geo E. Gardner, attorney for Schuyler Binney, the Bangor man charged with the murder of Devol, has served notice on the District Attorney, that he will on Tuesday, February 6th, at 10 o'clock, a. m., make application to the Superior Court for the admission to bail of the defendant.

Three suits have been filed in the Superior Court entitled C S Wright vs J J Clark, F W Wright vs G V Myrick, and W C Wright vs C E T Reanor. The suits are brought to have the Superior Court take evidence in the matter and adjudge that the plaintiffs are entitled to purchase certain government lien land described in the complaints. The plaintiffs allege that the defendants named made application to purchase the lands and that such application was not made in good faith as they did not seek to purchase for their own use. A contest followed and the matter is now before the Surveyor General. The suit is brought for the purpose of determining who are the entitled to purchase.

RODLEY'S STORY FLATLY DENIED

Strong Testimony Given Against Chico's Former Mayor.

[Special Dispatch to "The Examiner."]

OROVILLE, February 5.—The Rodley trial is practically ended, so far as the introduction of evidence is concerned. But two witnesses remain to be examined and what their testimony will be is known.

The day has not been without its surprises, the principal one of which was the introduction of rebuttal testimony to show that the person to whom Dr. Rodley claimed to have made a professional visit at Biggs on February 16, 1898, was not there at that time. That is the date when Colonel Batchelder says the offer of [illegible] for his signature to the will was made at Biggs. Dr. Rodley did not deny being in Biggs on that date, but claimed he was called there to see a patient, a Mrs. Hogan. His story seemed to be plausible enough, but it had some of the plausibility knocked out of it to-day when Mrs. Thomas McDonald of Chico was placed on the stand by the prosecution and testified that Mrs. Hogan, who is her sister, was not in Biggs at that time. Mrs. Hogan has since remarried and is now Mrs. E. H. Fowler of Mulberry, San Benito county. She will reach Oroville to-night and in court to-morrow will testify that she was not in Biggs on February 16, 1898, nor for months before or after the date on which Dr. Rodley says he visited her.

As had been expected, Sheriff Wilson was placed upon the stand by the prosecution and [illegible] the statement made to him by Rodley on the evening of the arrest. This statement was to the effect that Rodley had signed a will, which was lost; that the original he made a copy of it and took it to Biggs, where he showed it to Batchelder, who would have nothing to do with it; that upon this he destroyed the copy while returning to Chico.

Attorney [illegible] tried to convey the impression that Sheriff Wilson had made improper advances toward Mrs. Rodley. He asked the Sheriff if he (Wilson) had requested Mrs. Rodley to get her husband to confess, saying he would take care of her, if he had embraced and kissed her on a certain stated occasion, and made [illegible] for the same purpose. To all these questions Mr. Wilson made emphatic denial. When they began, Mrs. Rodley left her husband's side and the room. As the defense have stated that they have but one more witness, and that is not Mrs. Rodley, it is plain that these questions are asked [illegible] to show improper conduct on the part of the Sheriff and were merely by play.

On redirect examination, the Sheriff testified that Mrs. Rodley asked him to advise her husband to confess. He said he promised to do so, but, finding the doctor had engaged attorneys, he wrote her that it would be useless and did not approach Rodley. He declared he had not used his office in [illegible].

Mrs. [illegible] of Chico testified that she was in Rodley's office when Batchelder [illegible] the letter and that Mrs. Batchelder [illegible] him. The remaining witness for the [illegible] is Mrs. McLennan of Chico, who will [illegible] the story of Mrs. [illegible] testified that he was [illegible].

Mrs. Batchelder, called in rebuttal to-day, did not know on what date she went to Chico with her husband, but was positive that she had never heard the conversation which Dr. Rodley testified took place before her.

RODLEY RETELLS THE FULLER WILL STORY

His Word is Placed in the Balance as Against Garner's and Batchelder's

HE DENIED HIS OWN ADMISSIONS

Told Sheriff Wilson Soon After Arrest Another Story Regarding the Mysterious Trip to Biggs

Special to the RECORD

OROVILLE, Feb. 30.—The defense in the trial of Dr. Rodley has fired its first gun and the theory of the defense is apparent. It is, plainly speaking, that Dr. Rodley tells the truth and that the other direct witnesses against him, Batchelder and Garner, are perjurers. He has told his story, that is the direct part of it, and his personal contradiction of the charge against him is with the jury. Whatever effect it made upon the body which is to judge him, no man knows, but it was not necessary to go far from the court room to learn its effect on the audience which has followed closely the course of the trial. Suffice it to say that Dr. Rodley has not yet established to the minds of those who have heard all the evidence so far adduced, his innocence.

The trial was resumed with Garner on the stand under cross-examination. He reiterated the fact that the consideration for his becoming a witness was for the promise of payment to him of $5000, to be paid when the estate had been distributed to Mrs. Housworth. He never had a conversation with her about it, and she never promised him anything. He said he was a relative of Batchelder, Mrs. Batchelder being a cousin of his. In no way was his testimony broken down, and he retired from the stand.

Mr. Sproul then announced that the people rested and for the present had no more witnesses.

Before calling his first witness Mr. Collins moved to strike out all of Swearingen's testimony and all the expert's testimony relative to either Fuller's or Mrs. Housworth's handwriting. The court took the matter under advisement.

Dr. Rodley took the stand and he was duly sworn. He was seemingly suffering from a cold and his voice was at times rather husk, but he gave his testimony in a positive and direct manner. He stated that his name was J. Ellis Rodley; that he had lived in Chico since 1885, and that he had a wife and two children. He was first shown the letter from him to Batchelder dated Feb. 17, 1898. He admitted its authorship, and that he wrote and mailed it on the date named. What occasioned him to write it was the fact that Jo D. Sproul on the day before had called him up on the telephone and told him that he had heard from Sacramento that the Governor had set aside Monday, the 21st as a day of mourning in commemoration of the disaster to the Maine, and he suggested that it was the duty of the defendant as Mayor of the city to call a meeting for the purpose of arranging for the proper exercises. The name of Batchelder was suggested as orator. Afterward defendant spoke to C. E. Canfield, a Trustee, about it and he agreed also that it was the proper thing to do. Canfield told him that it would be well to get Batchelder up there without his knowing anything about it, for if he was to know beforehand he might decline. Rodley agreed and wrote the letter. Batchelder and his wife came to Chico that night and to the people of Biggs. He offered to pay his expenses for coming up but Batchelder refused to take anything. At this time nor at any other time did he show Batchelder the will or ask him to become a signer thereon. He also told of the visit to Biggs. He was called there he said to see a patient, Mrs. O'Hagan. After seeing her he put up his team and went to the hotel. He met Batchelder in the office and accompanied him and Mrs. Batchelder to supper. After supper at Batchelder's suggestion, they went over and called on Geo. Ditzler at his place of residence. While there a man came from the stable and told him one of his horses was sick. The three men went to the stable where Rodley spent several hours working with the horse. Batchelder then went to bed, as did the witness later. In the morning he arose early and started back to Chico without seeing Batchelder again. This was on February 16th, for he was able to fix the date by the blowing up of the Maine. He said that neither at this time was the matter of signing the will, or anything regarding the Fuller will, ever mentioned. He denied absolutely the testimony of Batchelder in every particular.

Dr. Rodley was shown the will by his attorney and identified it as the one he had signed at Fuller's request and in the manner he testified to on the probate proceedings. He repeated the story of Fuller coming to his office and asking him to become a witness, and of the circumstances of Garner's appearance and his also signing. The testimony which he gave and which is made a part of the indictment was read to him and he stated that it was true, and that he told the truth at that time. He never had the will in his possession and that it was attested exactly in the manner in which he first said it was.

The direct examination of Rodley was resumed at the afternoon session. He was asked by Collins if he had not a few days after the death of Fuller stated to several parties in Chico that he and Garner had witnessed a will signed by Alfred Fuller. To this question the prosecution objected, holding that under the rule any statements which Rodley might have made are inadmissible as he might have made them in pursuance of the scheme of fraud. District Attorney Sproul quoted numerous authorities in support of his objection, and his objection was sustained.

Rodley stated that he had had but one conversation with Mrs. Housworth concerning the will; that for more than a year previous to the time when the will appeared he had not been on friendly terms with her, in fact, not on speaking terms. Sometime after Fuller's death she met him as he was seated in his buggy in front of the drug store. She asked him if he had witnessed a will of Alfred Fuller in which she was the devisee. He replied that he had, and she asked him to state the contents. He refused, saying that when the proper time should come he would tell all he knew. He never conversed thereafter with Mrs. Housworth.

The witness was then turned over to District Attorney Sproul for cross-examination. In response to questions he said that he had doctored Fuller for three or four months during the winter before he died. He prescribed no medicine, but gave him electrical treatment. He never loaned to or borrowed money from Fuller, nor had he any business or social relations with him.

The object of this line of questioning was to show that there was nothing in the relations of Fuller and Rodley that would impel Fuller to have that degree of confidence in Rodley which would lead him to confide in him such an important

Rodley was considerably embarrassed when District Attorney Sproul asked him if, on the day he was arrested, he did not tell Sheriff Wilson that the story of his visit to Biggs was true; that he went with a copy of the will in his pocket; that Fuller had made a will and the will was lost, that he (Rodley) had made a copy of the will and asked Batchelder if the signature was that of Alfred Fuller and Batchelder said he thought it was not; that on his way home he (Rodley) tore the will into pieces and threw it away. Rodley acknowledged that he had told such a story to the Sheriff.

He admitted that he had a telephone in his office by which he might have talked to Batchelder regarding the invitation to attend the Maine memorial services.

Witness was closely questioned regarding his being on the Maine Memorial Committee and upon the committee appointed to arrange the program, but he could not say whether he had anything to do with the arranging of that program. This questioning was to show that Rodley's position on the committee did not warrant the writing of the letter to Batchelder urging him to come to Chico.

Asked if he was positive that Mrs. Batchelder was in his office with Mr. Batchelder when the interview was had, and he said he was. (Batchelder's testimony was to the effect that Mrs. Batchelder was not there.)

At this point Sproul reverted to the statement which Rodley had admitted making to Sheriff Wilson. Rodley had changed his mind regarding that statement and declared that he did not remember having made any such statement. Rodley was ill at ease and his feeling was clearly depicted in his face.

He said that he had heard John Garner's story and declared that it was not true.

The Court having held that the testimony of witnesses concerning what Rodley may have said to them shortly after the death of Fuller is inadmissible, five or six witnesses for the defense are shut out. The Court also held that the testimony of Thos. Hindman regarding the statements made by Alfred Fuller concerning his deep gratitude to Mrs. Housworth is inadmissible.

Attorney Collins having lost several witnesses, stated that he would not be able to get other witnesses desired before Monday morning.

An adjournment was therefore taken until that time.

It is thought that the case will go to the jury about Wednesday evening.

MANY DENIALS FROM RODLEY.

THE ACCUSED ON THE STAND AT OROVILLE.

SAYS FULLER CAME TO HIS OFFICE AND ASKED HIM TO WITNESS HIS WILL

After That, He Declares, He Never Saw the Document, but He Makes Damaging Admission Under Fire.

Special Dispatch to the "Chronicle."

OROVILLE, February 2.—John Garner occupied the stand in the Rodley forgery trial this morning. His testimony was a repetition of that given before. He stated that he was urged to sign the will by Dr. Rodley, and that after two or three interviews he did sign it under promise of getting $5000 from Mrs. Housworth, a woman he did not know until some months later, when the will was probated. He made a confession, but it was when he was out on bail, and not while in charge of the Sheriff.

Curiosity to hear the defendant himself testify brought out a large crowd. Dr. Rodley stated that Jo D. Sproul, the present District Attorney, called him on the telephone in Chico on February 17, 1898, and said word had been received that the Maine had been blown up, and urged that some steps be taken to show the feelings of the people. At the suggestion of Mr. Canfield, a City Trustee, he had written to Colonel Batchelder on the night of the 17th, urging him to come to Chico and deliver an address. It was this letter that had been made so much of in the courts. He stated that he went to Biggs on February 15th to see a patient, and visited Colonel Batchelder, but saw him only in the presence of others, and that they spent the evening at the home of George Ditzler of that place. He denied that he ever said a word to Mr. Batchelder about a will, or mentioned the name of Fuller in any manner. When Colonel Batchelder came to Chico on the 18th, witness swore that Mrs. Batchelder was with him, and that Mrs. L. M. Dunn was in the outer office or reception room when they came in together. He denied positively that he then or at any other time said a word to Mr. Batchelder about the will. He swore positively that Alfred Fuller came to his office and asked him to sign the will and further asked J. M. Garner to do so. He said that he had never had the will in his possession, and had never seen it from the day he signed it till he saw it in court when being probated.

On cross-examination Dr. Rodley made a damaging admission. He was unwilling to deny that he told Sheriff Wilson the night he was arrested that he had taken a copy of the will to Biggs, but said he had destroyed it coming home. First he did not remember making any such statement, then he thought he had. After the substance of the matter had been stated to him he admitted that he had said this to the Sheriff.

The court adjourned till Monday next.

Arrest Another Story Regarding the Mysterious Trip to Biggs

Special to the Record.

OROVILLE, Feb. 30.—The defense in the trial of Dr. Rodley has fired its first gun and the theory of the defense is apparent. It is, plainly speaking, that Dr. Rodley tells the truth and that the other direct witnesses against him, Batchelder and Garner, are perjurers. He has told his story, that is the direct part of it, and his personal contradiction of the charge against him is with the jury. Whatever effect it made upon the body which is to judge him, no man knows, but it was not necessary to go far from the court room to learn its effect on the audience which has followed closely the course of the trial. Suffice it to say that Dr. Rodley has not yet established in the minds of those who have heard all the evidence so far adduced, his innocence.

The trial was resumed with Garner on the stand under cross-examination. He reiterated the fact that the consideration for his becoming a witness was for the promise of payment to him of $5,000, to be paid when the estate had been distributed to Mrs. Housworth. He never had a conversation with her about it, and she never promised him anything. He said he was a relative of Batchelder, Mrs. Batchelder being a cousin of his. In no way was his testimony broken down, and he retired from the stand.

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The witness was then turned over to District Attorney Sproul for cross-examination. In response to questions he said that he had doctored Fuller for three or four months during the winter before he died. He prescribed no medicine, but gave him electrical treatment. He never loaned to or borrowed money from Fuller, nor had he any business or social relations with him.

The object of this line of questioning was to show that there was nothing in the relations of Fuller and Rodley that would impel Fuller to have that degree of confidence in Rodley which would lead him to confide in him such an important matter as the will, which, according to Rodley's story, Fuller wanted to keep an absolute secret.

Rodley was asked about the woman, Mrs. Hogan, whom he claimed he went to Biggs to visit on professional business. He knew but little about her, and stated that he believed she had left the State.

He admitted that he had a telephone in his office by which he might have talked to Batchelder regarding the invitation to attend the Maine memorial services.

Witness was closely questioned regarding his being on the Maine Memorial Committee and upon the committee appointed to arrange the program, but he could not say whether he had anything to do with the arranging of that program. This questioning was to show that Rodley's position on the committee did not warrant the writing of the letter to Batchelder urging him to come to Chico.

Asked if he was positive that Mrs. Batchelder was in his office with Mr. Batchelder when the interview was had, and he said he was. (Batchelder's testimony was to the effect that Mrs. Batchelder was not there.)

At this point Sproul reverted to the statement which Rodley had admitted making to Sheriff Wilson. Rodley had changed his mind regarding that statement and declared that he did not remember having made any such statement. Rodley was ill at ease and his feeling was clearly depicted in his face.

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The Court having held that the testimony of witnesses concerning what Rodley may have said to them shortly after the death of Fuller is inadmissible, five or six witnesses for the defense are shut out. The Court also held that the testimony of Thos Hindman regarding the statements made by Alfred Fuller concerning his deep gratitude to Mrs. Housworth is inadmissible.

Attorney Collins having lost several witnesses, stated that he would not be able to get other witnesses desired before Monday morning.

An adjournment was therefore taken until that time.

It is thought that the case will go to the jury about Wednesday evening.

DR. RODLEY IS CONTRADICTED

District Attorney Sproul Springs a Surprise.

A HARD BLOW TO THE DEFENSE

Mrs. Col. Hogan Was Not In Butte County On the Day Dr. Rodley Claims to Have Visited Her. Sheriff Wilson Subjected to Insinuations.

Special to the ENTERPRISE

OROVILLE, February 5.—This has been one of the most interesting days during the trial of Dr. Rodley, and the "audience" has been kept thoroughly awake throughout the day. It now seems that District Attorney Sproul has sprung a surprise on the defense which has weakened their case to a great extent, particularly regarding the statements of Rodley while on the stand.

E. E. Canfield of Chico was the first witness called to-day and his testimony was to the effect that he and Rodley had talked of inviting Col. Batchelder to deliver an address at the Maine memorial service at Chico. It was agreed that Rodley should write to Col. Batchelder, but he could not remember telling Rodley not to notify Col. Batchelder why he was invited to Chico. He was shown the letter and said that such a letter might have been written in connection with the matter, but witness knew nothing about what Rodley did.

On cross-examination District Attorney Sproul brought out the fact that witness was not sure of having a talk with Rodley about the Maine memorial service until Saturday, the day of Batchelder's trip to Chico. He knew he talked with him that day, but could not tell whether or not he did before that day. Witness did not know whether or not Batchelder came to Chico in response to a letter and remembered no subsequent conversation regarding it.

R. A. Anderson, W. Stevens, H. W. Heath, A. G. Eames, H. W. Crew, T. B. Hart, L. Sherman and Dr. G. W. Burk were called to testify to the previous good character of Rodley. Each was asked questions about as follows:

"How long have you known Dr. Rodley?"

"What is his reputation for truth, honesty and integrity?"

"Would you believe him under oath?"

"Do you consider him a man likely to commit perjury?"

District Attorney Sproul cross-examined each of the character witnesses severely. He asked Mr. Anderson if, on Saturday last, in discussing the case with A. G. Simpson at Chico, he did not say that a certain statement made by Rodley to him was a queer statement for a man to make. The witness replied that he did, but was later recalled and stated that he did not understand the question. He denied having made such a statement to Mr. Simpson.

The cross-examination of the other witnesses was to show that their replies to questions were founded on personal opinion and not what had been said by other parties, and that they were biased in favor of the defendant.

Mrs. Houseworth was brought into the court-room, but refused to testify, on the ground that she might incriminate herself.

Mrs. Lark Dunn was next called and testified that one evening, two or three days before the Maine memorial service, she was in Rodley's office when Col. Batchelder and a lady whom he addressed as "mother" came into the waiting room, and from there passed into the consultation room. Witness testified that Mrs C. McLennan was also present.

During a rigid cross-examination District Attorney Sproul asked the witness to whom she had talked about ... [illegible]

and questioned regarding the remark Dr. Rodley had made to him on the evening of his (Rodley's) arrest. Wilson said that Rodley made the following remark to him: "Dutch, that don't amount to anything. I did go to Biggs; I had signed a will, but it was lost and I made a copy of it and put it into my pocket and took it to Batchelder and asked him to sign it. He would not have anything to do with it and told me not to have anything to do with it, as it was a dangerous business. On the road home I tore it up and threw it away. That is all there is to it, and it don't amount to anything."

Mr. Wilson was cross-questioned at great length, and asked if he ever advised Rodley to confess. He replied that he had not, but at the request of Garner's bondsmen had told him (Garner) that the bondsmen believed him to be guilty.

Here the line of questioning took a rather sensational turn. Witness was asked if he had told Mrs. Rodley that the Doctor ought to plead guilty and witness would take care of her; if witness had ever embraced Mrs. Rodley and kissed her and if he did not at one time tell her to lock the door on the inside and rest on the lounge. To all of these questions Sheriff Wilson answered with a vehement "No."

Continuing the cross-examination, Attorney Collins asked witness if he had not been assisting the prosecution, to which he replied that he had to the extent of serving subpoenaes, &c. He was asked as to whom he had talked about Rodley's statement regarding the will, and he mentioned several.

Witness was then asked on re-direct examination if he had ever made or attempted to make improper proposals to Mrs. Rodley, to which he replied that he had not.

Asked if he had ever asked Mrs. Rodley to use her influence to induce the defendant to plead guilty, witness stated that he had not, but that Mrs. Rodley had asked him to use his influence to get the accused to plead guilty.

"What did you say to her?" was asked.

"I told her that I would talk to her husband and would drop her a note, but that I would not ask him to plead guilty. I did write to her and told her that Rodley was in the hands of his attorneys."

It was here that District Attorney Sproul sprung his surprise and it was a staggering one for the defense.

Mrs. T. McDaniel of Chico was called and stated that she was a sister of Mrs. Col. Hogan. She testified that Mrs. Hogan had lived in Mulberry, San Benito county, California, since Nov. 10, 1897, and she had not been to Biggs in February, 1898. She was sure of that, for her sister was married in San Benito county in February, 1898.

This is a direct denial to the statement of Rodley that he visited Mrs. Hogan at Biggs in February, 1898.

Mrs. Wm. Rowe, an intimate friend of Mrs. Hogan, was next called and gave testimony substantially the same as Mrs. McDaniels.

Mrs. Batchelder was called and the conversation which Rodley says passed between himself and Col. Batchelder, in her presence, was read to her. She stated that she had frequently been in Dr. Rodley's office with her husband, but positively denied that the conversation read to her had ever been held in her presence, either in Dr. Rodley's office or anywhere else.

Col. Batchelder was recalled and in answer to questions stated that no Maine memorial services were held in Biggs on Feb. 21, 1898, and that he did not speak there on that date.

MRS. RODLEY ON THE STAND

Contradicts the Testimony of Sheriff Wilson.

HER TESTIMONY WAS VERY SPICY

She Says Wilson Did Say That He Would Take Care of Her and Keep Her Boy in School.—The Evidence All In—The Case is Now Being Argued

Special to the ENTERPRISE

OROVILLE, Feb. 6.—Court was called at 9:30 this morning and the few witnesses whose testimony was to close the evidence in the long and tedious trial of Dr. J. Ellis Rodley, on the charge of forgery, were soon examined and cross-examined, and at 10:45 the attorneys announced that all evidence was in. The evidence given the last few days of the trial has been of a character to convince all who heard it that Dr. Rodley was fighting a hopeless case and that in his endeavor to free himself he went so far as to sacrifice his wife's honor, the character of Sheriff Wilson and to "fix" evidence that he might gain his freedom.

If Dr. Rodley has had any sympathy in and around Oroville it has been replaced by a feeling of universal disgust and loathing since the defense opened their case.

The evidence given this morning by Mrs. Rodley in regard to her relations with Sheriff Wilson—given with pouts, smiles and semi-dramatic actions—did not produce the effect which was sought for. It appeared to be a part of the defense's scheme, in line with other evidence given, to sacrifice everything—truth, honor, character and integrity, to clear Rodley. Rodley himself was again put upon the stand and again succeeded in convincing those who could hear and see him that he was so badly "mixed" he didn't know "where he was at."

Mrs. McLennan was the first witness called this morning, and her testimony was corroborative of that given by Mrs. Lark Dunn yesterday. She testified that she was in Dr. Rodley's office a short time before the holding of the memorial exercises, on the 21st of February, 1898; that she saw Col. Batchelder enter the reception room of Dr. Rodley, with some one he called "Mother," but heard no conversation between Rodley and Batchelder. On cross-examination she was asked if she was a married woman, to which she replied yes; if she was living with her husband, to which she replied no. Here Attorney Collins made an objection to the character of the questions asked and Sproul dismissed the witness.

The defense announced that their case was in.

Attorney Sproul then re-opened the case for the People, by introducing evidence in rebuttal.

He offered in evidence the proclamation issued by Governor Budd, dated February 18th, 1898, setting apart the 21st day of February, 1898, as a day of mourning in honor of the Maine's dead; and in doing so called attention to the date of the letter Rodley wrote to Batchelder, which was dated Feb 17, 1898, and that the letter could not have been written in regard to the memorial exercises, as the proclamation therefor was not issued until the day following Rodley's letter to Batchelder.

Mrs. Fowle, formerly Mrs. Hogan, was then placed upon the stand for the purpose of contradicting the evidence of Dr. Rodley in regard to his visit to see her on Feb. 15, 1898.

Mrs. Fowle testified that she lived in Mulberry, San Benito county; that she had lived there since 1897; that she had not been in Biggs since November 10th, 1897, and that she was in Mulberry, San Benito county, on the 15th day of February, 1898, the day on which Rodley says he visited her at Biggs.

On cross-examination she testified that Rodley had been her physician, but that he had never visited her at ... [illegible]

he would see the Doctor about the matter but he was afraid the Doctor would get mad about it, but afterwards said that he would see him anyway, and have him confess, remarking: "It is a damn shame for you to spend your money."

She further testified that there was no unpleasantness existing between her and Sheriff Wilson, that the matter did not go that far. Here her attorney pressed her to tell the whole story of her relations with Mr. Wilson. In response to this question her evidence was in direct contradiction to that given yesterday by Sheriff Wilson. The spectators held their breath for some spicy testimony, and it was not long in coming.

She was in Sheriff Wilson's private office soon after Rodley had been put in jail. She had some unpleasantness with her husband, and was crying. Wilson was with her and told her not to mind it. He pulled the curtain down and asked her to lie down on the couch and then he locked the door on the inside. She told him it would not look well to have the door locked and being there together. He replied it was his private office and that they would not be disturbed. She insisted that the door be opened. The door was finally opened.

"Did Mr. Wilson ever kiss or caress you?"

"Yes, sir; he came up behind me while I was in his office, took hold of my hand and kissed me on the forehead." Afterwards, at her home in Chico, he put his arms around her and kissed her. He said he would take care of her, and see that her boy was kept in school. The first time he kissed her was in the cell occupied by Dr. Rodley.

This was about all of her testimony and the prosecution dismissed her without asking a question.

Dr. Rodley was then recalled by the defense to explain his testimony given about his trip to Biggs to see Mrs. Hogan. He testified that he was a pension examiner for the Government and in such capacity often went to Biggs, being instructed by the Government to do so; that he had other patients there besides Mrs. Hogan, and that he might have been mistaken when he said that it was Mrs. Hogan whom he visited on the 15th of February, 1898. The witness was then turned over to District Attorney Sproul and that gentleman gave him a cross-examination that was a rattler, and Rodley came out of it very much confused and rattled. Sproul asked the witness to name one patient upon whom he had called in Biggs. The witness failed. "Name one man you went to Biggs to see on pension business." Another failure to respond—memory not good.

Sproul then called for witness' books, a subpoena having been issued to Mrs. Rodley, directing her to bring the books into court. Mrs. Rodley did not bring them, acting on the advice of her counsel, and the witness could not tell anything the books contained.

This concluded the evidence on both sides and Assistant District Attorney A. F. Jones opened the argument for the State. He referred to all the testimony given, compared the character of the witnesses, and their manner of testifying, particularly did he dwell upon the manner in which Mrs. Dunn and Mrs. McLennan gave their testimony and compared their manner while on the stand with that of Mrs. H. T. Batchelder, referring to Mrs. Batchelder he said: "You, gentlemen of the jury, observed the manner of that noble woman while upon the witness stand. God bless her, a woman whom we all know and whom we all respect."

He then spoke of the "cut and dried" testimony of Mrs. Dunn and Mrs. McLennan, their evasive manner, and stereotyped answers. Shielding themselves behind "I did not."

Mr. Collins followed with his argument for the defendant, but owing to being taken suddenly sick was compelled to stop and the Court adjourned until to-morrow morning at 9:30, when the arguments will be concluded and the case will perhaps go to the jury to-morrow night.

OROVILLE, February 6.—This has been one of the most interesting days during the trial of Dr. Rodley, and the "audience" has been kept thoroughly awake throughout the day. It now seems that District Attorney Sproul has sprung a surprise on the defense which has weakened their case to a great extent, particularly regarding the statements of Rodley while on the stand.

E. E. Canfield of Chico was the first witness called to-day and his testimony was to the effect that he and Rodley had talked of inviting Col. Batchelder to deliver an address at the Maine memorial service at Chico. It was agreed that Rodley should write to Col. Batchelder, but he could not remember telling Rodley not to notify Col. Batchelder why he was invited to Chico. He was shown the letter and said that such a letter might have been written in connection with the matter, but witness knew nothing about what Rodley did.

On cross-examination District Attorney Sproul brought out the fact that witness was not sure of having a talk with Rodley about the Maine memorial service until Saturday, the day of Batchelder's trip to Chico. He knew he talked with him that day, but could not tell whether or not he did before that day. Witness did not know whether or not Batchelder came to Chico in response to a letter and remembered no subsequent conversation regarding it.

R. A. Anderson, W. Stevens, H. W. Heath, A. G. Eames, H. W. Crew, T. B. Bart, L. Sherman and Dr. G. W. Burk were called to testify to the previous good character of Rodley. Each was asked questions about as follows:

"How long have you known Dr. Rodley?"

"What is his reputation for truth, honesty and integrity?"

"Would you believe him under oath?"

"Do you consider him a man likely to commit perjury?"

District Attorney Sproul cross-examined each of the character witnesses severely. He asked Mr. Anderson if, on Saturday last, in discussing the case with A. G. Simpson at Chico, he did not say that a certain statement made by Rodley to him was a queer statement for a man to make. The witness replied that he did, but was later recalled and stated that he did not understand the question. He denied having made such a statement to Mr. Simpson.

The cross-examination of the other witnesses was to show that their replies to questions were founded on personal opinion and not what had been said by other parties, and that they were biased in favor of the defendant.

Mrs. Houseworth was brought into the court-room, but refused to testify, on the ground that she might incriminate herself.

Mrs. Lark Dunn was next called and testified that one evening, two or three days before the Maine memorial service, she was in Rodley's office when Col. Batchelder and a lady whom he addressed as "mother" came into the waiting room, and from there passed into the consultation room. Witness testified that Mrs C. McLennan was also present.

During a rigid cross-examination District Attorney Sproul asked the witness to whom she had talked about this visit to Rodley's office, and she replied that she had never told it to anyone from the day of its occurrence to the present time. She admitted that Attorney Kennedy had been to her house and told her that she would probably be subpoenaed, but she did not tell him of the visit to Dr. Rodley's office. Mr. Sproul also questioned Mrs. Dunn very closely regarding her movements since arriving at Oroville. She said that on arriving at the Union Hotel she went to Mrs. Rodley's room, and not finding Mrs. Rodley there had returned to her own room.

Col. Batchelder was recalled to emphasize his previous testimony regarding his visit to Rodley's office, and he stated emphatically that he went there alone.

Dr. Rodley was recalled and cross-examined regarding the conversation with Mr. Sproul, for the purpose of showing that at the time of day that Rodley says Sproul telephoned to him the Governor had not issued his proclamation setting apart a day for the memorial service.

He was also asked why Fuller came to him, and what was the matter with him. Rodley refused to answer this on the ground that it was unprofessional to divulge such secrets, but stated that Fuller did not want his regular physician to know anything about his trouble.

Sheriff Wilson was called in rebuttal ... rather sensational turn. Witness was asked if he had told Mrs. Rodley that the Doctor ought to plead guilty and witness would take care of her; if witness had ever embraced Mrs. Rodley and kissed her and if he did not at one time tell her to lock the door on the inside and rest on the lounge. To all of these questions Sheriff Wilson answered with a vehement "No."

Continuing the cross-examination, Attorney Collins asked witness if he had not been assisting the prosecution, to which he replied that he had to the extent of serving subpoenas, &c. He was asked as to whom he had talked about Rodley's statement regarding the will, and he mentioned several.

Witness was then asked on redirect examination if he had ever made or attempted to make improper proposals to Mrs. Rodley, to which he replied that he had not.

Asked if he had ever asked Mrs. Rodley to use her influence to induce the defendant to plead guilty, witness stated that he had not, but that Mrs. Rodley had asked him to use his influence to get the accused to plead guilty.

"What did you say to her?" was asked.

"I told her that I would talk to her husband and would drop her a note, but that I would not ask him to plead guilty. I did write to her and told her that Rodley was in the hands of his attorneys."

It was here that District Attorney Sproul sprung his surprise and it was a staggering one for the defense.

Mrs. T. McDaniel of Chico was called and stated that she was a sister of Mrs. Cat. Hogan. She testified that Mrs. Hogan had lived in Mulberry, San Benito county, California, since Nov. 10, 1897, and she had not been in Biggs in February, 1898. She was sure of that, for her sister was married in San Benito county in February, 1893.

This is a direct denial to the statement of Rodley that he visited Mrs. Hogan at Biggs in February, 1898.

Mrs. Wm. Rowe, an intimate friend of Mrs. Hogan, was next called and gave testimony substantially the same as Mrs. McDaniels.

Mrs. Batchelder was called and the conversation which Rodley says passed between himself and Col. Batchelder, in her presence, was read to her. She stated that she had frequently been in Dr. Rodley's office with her husband, but positively denied that the conversation read to her had ever been held in her presence, either in Dr. Rodley's office or anywhere else.

Col. Batchelder was recalled and in answer to questions stated that no Maine memorial services were held at Biggs on Feb. 21, 1898, and that he did not speak there on that date.

... special to the Enterprise

OROVILLE, Feb. 8.—Court was called at 9:30 this morning and the few witnesses whose testimony was to close the evidence in the long and tedious trial of Dr. J. Ellis Rodley, on the charge of forgery, were soon examined and cross-examined, and at 10:45 the attorneys announced that all evidence was in. The evidence given the last few days of the trial has been of a character to convince all who heard it that Dr. Rodley was fighting a hopeless case and that in his endeavor to free himself he went so far as to sacrifice his wife's honor, the character of Sheriff Wilson and to "fix" evidence that he might gain his freedom.

If Dr. Rodley has had any sympathy in and around Oroville it has been replaced by a feeling of universal disgust and loathing since the defense opened their case.

The evidence given this morning by Mrs. Rodley in regard to her relations with Sheriff Wilson—given with pouts, smiles and semi-dramatic actions—did not produce the effect which was sought for. It appeared to be a part of the defense's scheme, in line with other evidence given, to sacrifice everything—truth, honor, character and integrity, to clear Rodley. Rodley himself was again put upon the stand and again succeeded in convincing those who could hear and see him that he was so badly "mixed" he didn't know "where he was at."

Mrs. McLennan was the first witness called this morning, and her testimony was corroborative of that given by Mrs. Lark Dunn yesterday. She testified that she was in Dr. Rodley's office a short time before the holding of the memorial exercises, on the 21st of February, 1898; that she saw Col. Batchelder enter the reception room of Dr. Rodley, with some one he called "Mother," but heard no conversation between Rodley and Batchelder. On cross-examination she was asked if she was a married woman, to which she replied yes; if she was living with her husband, to which she replied no. Here Attorney Collins made an objection to the character of the questions asked and Sproul dismissed the witness.

The defense announced that their case was in.

Attorney Sproul then re-opened the case for the People, by introducing evidence in rebuttal.

He offered in evidence the proclamation issued by Governor Budd, dated February 18th, 1898, setting apart the 21st day of February, 1898, as a day of mourning in honor of the Maine's dead; and in doing so called attention to the date of the letter Rodley wrote to Batchelder, which was dated Feb 17, 1898, and that the letter could not have been written in regard to the memorial exercises, as the proclamation therefor was not issued until the day following Rodley's letter to Batchelder.

Mrs. Fowls, formerly Mrs. Hogan, was then placed upon the stand for the purpose of contradicting the evidence of Dr. Rodley in regard to his visit to see her on Feb. 15, 1898.

Mrs. Fowls testified that she lived in Mulberry, San Benito county; that she had lived there since 1897; that she had not been in Biggs since November 10th, 1897, and that she was in Mulberry, San Benito county, on the 15th day of February, 1898, the day on which Rodley says he visited her at Biggs.

On cross-examination she testified that Rodley had been her physician, but that he had never visited her at her home at Biggs.

Here the prosecution closed their case, and the prosecution called Mrs. Rodley in sur-rebuttal.

Mrs. Rodley testified that she had never asked Sheriff Wilson to see the doctor about confessing, further that Wilson advised her not to spend any money on the case. She said that she had two conversations with Wilson, the first one being at Attorney Kennedy's office in Chico. Wilson asked her what she intended to do about the case. She said she knew the doctor was innocent and proposed to stand by him. Wilson told her it would be useless and money thrown away to fight the case, and advised her to have the doctor confess. He told her to think the matter over and he would call at her residence the next morning and see her about it. He did call the next morning and urged upon her the advisability of having the Doctor confess and told her that Judge Gray would try the case and that her husband would not be afforded a chance of properly presenting his side of the case. She said that Judge Gray would not try the case. Wilson replied that he knew what he was talking about and that he knew Judge Gray would try the case, and again asked her to have the Doctor confess. Wilson said the ...

... into it. He pulled the curtain down and asked her to lie down on the couch and then he locked the door on the inside. She told him it would not look well to have the door locked and being there together. He replied it was his private office and that they would not be disturbed. She insisted that the door be opened. The door was finally opened.

"Did Mr. Wilson ever kiss or caress you?"

"Yes, sir; he came up behind me while I was in his office, took hold of my hand and kissed me on the forehead." Afterwards, at her home in Chico, he put his arms around her and kissed her. He said he would take care of her, and see that her boy was kept in school. The first time he kissed her was in the cell occupied by Dr. Rodley.

This was about all of her testimony and the prosecution dismissed her without asking a question.

Dr. Rodley was then recalled by the defense to explain his testimony given about his trip to Biggs to see Mrs. Hogan. He testified that he was a pensioner examiner for the Government and in such capacity often went to Biggs, being instructed by the Government to do so; that he had other patients there besides Mrs. Hogan, and that he might have been mistaken when he said that it was Mrs. Hogan whom he visited on the 15th of February, 1898. The witness was then turned over to District Attorney Sproul and that gentleman gave him a cross-examination that was a rattler, and Rodley came out of it very much confused and rattled. Sproul asked the witness to name one patient upon whom he had called in Biggs. The witness failed. "Name one man you went to Biggs to see on pension business." Another failure to respond—memory not good.

Sproul then called for witness' books, a subpoena having been issued to Mrs. Rodley, directing her to bring the books into court. Mrs. Rodley did not bring them, acting on the advice of her counsel, and the witness could not tell anything the books contained.

This concluded the evidence on both sides and Assistant District Attorney A. F. Jones opened the argument for the State. He referred to all the testimony given, compared the character of the witnesses, and their manner of testifying, particularly did he dwell upon the manner in which Mrs. Dunn and Mrs. McLennan gave their testimony and compared their manner while on the stand with that of Mrs. H. T. Batchelder, referring to Mrs. Batchelder he said: "You, gentlemen of the jury, observed the manner of that noble woman while upon the witness stand. God bless her. A woman whom we all know and whom we all respect."

He then spoke of the "cut and dried" testimony of Mrs. Dunn and Mrs. McLennan, their evasive manner, and stereotyped answers. Shielding themselves behind "I did not."

Mr. Collins followed with his argument for the defendant, but owing to being taken suddenly sick was compelled to stop and the Court adjourned until to-morrow morning at 9:30, when the arguments will be concluded and the case will perhaps go to the jury to-morrow night.

CLIMAX REACHED IN THE RODLEY CASE

The Wife Sacrificed for the Purpose of Discrediting Sheriff Wilson

CAN DEFENDANT TELL THE TRUTH?

Testimony Advanced Proving He Lied Regarding Purpose of His Biggs Visit—Character Witnesses Heard.

Special to the Record.

OROVILLE, Feb. 5.—The trial of Dr. Rodley was resumed this morning at half-past ten o'clock. The crowd was not as large as on previous days but the fact that it was Monday and from tradition "wash day" did not prevent a large proportion of the women of Oroville from occupying the front seats. It is presumed by some, from the large attendance of women at the trial, and the absence therefrom of their husbands, that the washing of dishes and the general routine of household duties for the past two weeks in Oroville has been largely attended to by the male members of the family.

The defendant appeared looking as if the interval of time between Friday and Monday had not worn on his nerves particularly. The jurymen also looked as if their semi-imprisonment was not irksome.

The case was with the defense and the first witness was E E Canfield. He testified that he was a resident of Chico and had been for 23 years, and had known Rodley all the time of the latter's residence in that city. He and the defendant were in February, 1898, members of the city council. He had had a talk with defendant about the Maine memorial services in which the name of Col. Batchelder was mentioned for orator, and he had suggested that Rodley write to Batchelder inviting him to be present, but not to state the nature of the business wanted when he wrote. He could not say positively what date it was when the conversation occurred. He had one talk Saturday the 19th and may have had a talk previous thereto, but could not say for sure.

R A Anderson was sworn and asked if he knew the reputation of the defendant for truth, honesty and integrity in the community where he resided. He said he did and that it was good. He would believe the defendant under oath and did not think that defendant was a man likely to commit perjury.

Under cross-examination witness was asked if he did not on Saturday last have a conversation with A. G. Simpson in Chico in which he made a remark that certain statements made by Rodley seemed "queer." The defense interposed an objection and the objection was sustained.

Warren Stevens, H. W. Crew, H. W. Heath, L. Sherman, A. G. Eames, T. H. Barr and Dr. O. Stark were called to testify to the good character of Rodley, and the same questions were propounded to them as to Anderson. They all testified that his reputation was good and they would believe him under oath. In cross-examination none of them were able to tell whom they had heard discuss his reputation. The line of questions propounded to Mr. Crew were an effort to show that his opinion was in a measure influenced by the business relations sustained between him and Rodley. Mr. Heath stated that he was a relative by marriage of Mr. Canfield and a relative by blood of Mr. Crew. The defense being limited to eight witnesses to prove good character she did so on the advice of her attorneys, and for the reason that she was a defendant in two criminal actions and her testimony might tend to incriminate her. Judge Gray held that for these reasons he had no power to compel her to testify.

At the opening of the afternoon session Mr. Collins read the names of twenty-one witnesses by whom he expected to prove the previous good character of Dr. Rodley, but the court held to its former ruling of allowing but eight witnesses.

Robert Anderson was recalled to correct some minor statement in his testimony.

Mrs. L M Dunn of Chico was called and testified that sometime in February 1898, in company with Mrs. Charles McLennan, she was in Rodley's office. Mr and Mrs. Batchelder came in and were taken by Rodley into his front office. After they went out, Rodley told witness that they were there because he wished to extend Col. Batchelder an invitation to deliver an oration at the Maine Memorial exercises.

Mrs. Dunn was severely cross-examined by Sproul, who sought to draw out that she had discussed her testimony with Attorney Kennedy and her husband, who was interested in Rodley's behalf, and had been furnished money to aid his cause. Mrs. Dunn swore absolutely that she had never told a living soul what she knew about the case—not even her husband. She came into Court with Mrs. Rodley and Mrs. Hanck, and this she acknowledged, but all else she denied.

Col Batchelder was recalled. He denied seeing Mrs. Dunn or Mrs. McLennan at Rodley's office on the evening of February 18th, and was positive that no one other than himself and Rodley was present.

Rodley was recalled for further cross-examination. He was questioned particularly about the date on which he claims Sproul called him up by telephone to talk with him about arranging for memorial exercises according to the proclamation of the Governor. He said that the date was February 17th. Rodley had testified that Sproul told him that the Governor had fixed February 21st as a day of mourning on account of the Maine disaster. Rodley saw the trap that Sproul had laid for him, and he changed his testimony to the effect that the Governor "was going" to fix the 21st as the day of mourning. The import of this questioning was that the Governor had not fixed the day when Rodley claimed Sproul told him that he had. Sproul was prepared to show these facts with documentary evidence, but Rodley's change made the introduction of the documents unnecessary. Rodley was further questioned regarding the details of his treatment of Fuller, but nothing of importance was developed.

Collins announced that Mrs. McLennan had been subpoenaed, and was on her way to Oroville.

Sheriff Wilson was called in rebuttal by District Attorney Sproul. He testified that on the 25th of October he went to Rodley's office and arrested him. Something about the testimony given before the Grand Jury was spoken of, and Rodley volunteered the information that the testimony about his going to Biggs did not amount to anything. Rodley told him that he did go to Biggs on business to [illegible]; that he had a will of Fuller which he had signed; the original was lost and he had made a copy; that he took the will to Batchelder and asked him about the signature; that Batchelder told him it was bad business; that on his way home he tore the will into pieces and threw it away.

Collins took the Sheriff in hand for cross-examination and adopted the policy of scandalizing the Sheriff. [illegible] Rodley to plead guilty, promising him that he would get a seven-year sentence instead of fourteen. He wrote to Mrs. Rodley that Rodley was in the hands of his attorneys.

Collins then adopted another line of questioning which caused the audience to rise on their tip-toes of expectancy.

"Did you not take Mrs. Rodley in your arms and kiss and caress her and tell her that you would look out for her and see that her children were cared for?" was asked.

"No, Sir," replied Wilson.

"Did you not in Mr. Kennedy's office in Chico kiss and embrace her?"

"No, Sir," I did not.

Mrs. Rodley blushingly tripped out of the room.

In answer to further questions along the same line, Wilson denied that at any time he had made any improper proposals to Mrs. Rodley, or acted in any way other than a gentleman should act. He denied that he was assisting the prosecution in any manner beyond the requirements of his office.

On redirect examination he said that he never used his office in any attempt to procure confessions from Rodley, Garner or Mrs. Housewörth. He reaffirmed his statement that Mrs. Rodley requested him to use his influence to get Rodley to confess.

Mrs. T. Daniels of Chico, sister of the Mrs. Cal. Hogan, whom Rodley claimed to have visited in Biggs on his famous trip, was the next witness in rebuttal, and her testimony was another proof of Rodley's utter disregard for the truth. She testified that Mrs. Hogan had resided in Mulberry, San Benito county, since Nov. 10, 1897, and she was certain that her sister was not in Biggs in February, 1898.

Mrs. William Rowe of Chico gave testimony to the same effect, that Mrs. Hogan was not in Biggs in February, 1898.

Mrs. Batchelder was called, and the testimony to the effect that she was with Col. Batchelder in Dr. Rodley's office on February 18th, was read to her. She denied that she was there or that any such conversation took place in her presence. She remembered of being in Rodley's office but once with her husband, and that was when Mr. Batchelder went there on account of his having a lame leg.

After Col. Batchelder was recalled to testify regarding the fact that there were no memorial exercises in Biggs, the court adjourned.

Mrs. McLennan will be called by the defense tomorrow morning, and Mrs. Cal Hogan, who arrived on tonight's train will be called by the prosecution to testify that she was not in Biggs when Rodley claimed to have visited her. This will conclude the testimony.

The course pursued by the defense to gain a point in the examination of Sheriff Wilson, did not come as a surprise to the prosecution. In fact, it was known a day or so ago that an attack would be made upon Wilson, the threat having been made.

Regarding the somewhat sensational line of questioning adopted by the defense, Sheriff Wilson was interviewed this evening by the Record's correspondent.

"I was informed before I was called to testify that if I told the story regarding Rodley's conversation with me soon after his arrest to the effect that he admitted having a will of Fuller to which he signed Fuller's name, an attack would be made upon me to the effect that I had made improper proposals to her. I told several persons of the threats which had been made, among them being my Under-Sheriff, Mr. Gildery, and my wife. I was not surprised after having the threats brought to me. Any person is not desirous of such attacks; they are not pleasant, but I have no fear of public opinion in this case. No person, other than a fiend, would be so low as to be other than a gentleman to a woman who was thrown into such a trying trouble as was Mrs. Rodley. The story was concocted to make an impression upon the jury. What that impression is, I care not."

The general opinion is that entertained by Sheriff Wilson, and no one, other than the immediate friends of Rodley, entertain the story as being based upon one truth.

Ap 4. 1900

A FULLER HEIRS' DEMURRER

Fifteen Jointly Attack the Indian Boy's Complaint

Trial of Mrs Minnie Housewörth Again Postponed—A B Smith Estate Ordered Distributed

Special to THE RECORD.

OROVILLE, April 2.—On Saturday last Franklin Fuller through his attorney Richard White, demurred to the complaint of Wm Fuller the alleged son of Alfred Fuller, solely on his own accord. This morning the other 15 heirs through their attorney Carleton Gray, also demurred to the complaint of the Indian boy, first on statutory grounds, and specially on the following grounds. That the complaint does not state facts sufficient to constitute a cause of action in "that it does not appear therefrom that Alfred Fuller ever received the plaintiff as his child or otherwise into his family." Further, that the complaint is ambiguous, in that it does not appear whether Alfred Fuller in his lifetime declared to his friends and associates and publicly acknowledged plaintiff to be his child and that he furnished and provided him with clothes, money and other necessaries and that he otherwise treated him as a legitimate child, or that he did either or any of said acts while Wm Fuller was under the age of 21 years. Further that the complaint for various reasons is uncertain and unintelligible.

A return and account of sale of real estate of the A. Ringsleben estate has been filed and confirmation asked for. The property was sold to John Gildery for $150.

The cases against Mrs. Housewörth were again passed as she was too ill to appear in Court.

Rodley was resumed this morning at half-past ten o'clock. The crowd was not as large as on previous days but the fact that it was Monday and from tradition "wash day" did not prevent a large proportion of the women of Oroville from occupying the front seats. It is presumed by some, from the large attendance of women at the trial, and the absence therefrom of their husbands, that the washing of dishes and the general routine of household duties for the past two weeks in Oroville has been largely attended to by the male members of the family.

The defendant appeared looking as if the interval of time between Friday and Monday had not worn on his nerves particularly. The jurymen also looked as if their semi-imprisonment was not irksome.

The case was with the defense and the first witness was F. E. Canfield. He testified that he was a resident of Chico and had been for 23 years, and had known Rodley all the time of the latter's residence in that city. He and the defendant were in February, 1898, members of the city council. He had had a talk with defendant about the Maine memorial services in which the name of Col. Batchelder was mentioned for orator, and he had suggested that Rodley write to Batchelder inviting him to be present, but not to state the nature of the business wanted when he wrote. He could not say positively what date it was when the conversation occured. He had one talk Saturday the 19th and may have had a talk previous thereto, but could not say for sure.

R. A. Anderson was sworn and asked if he knew the reputation of the defendant for truth, honesty and integrity in the community where he resided. He said he did and that it was good. He would believe the defendant under oath and did not think that defendant was a man likely to commit perjury.

Under cross-examination witness was asked if he did not on Saturday last have a conversation with A. G. Simpson in Chico in which he made a remark that certain statements made by Rodley seemed "queer." The defense interposed an objection and the objection was sustained.

Warren Stevens, H. W. Crow, H. W. Heath, L. Sherman, A. G. Eames, T. B. Hart and Dr. G. Rurk were called to testify to the good character of Rodley, and the same questions were propounded to them as to Anderson. They all testified that his reputation was good and they would believe him under oath. In cross-examination none of them were able to tell whom they had heard discuss his reputation. The line of questions propounded to Mr. Crow were an effort to show that his opinion was in a measure influenced by the business relations sustained between him and Rodley. Mr. Heath stated that he was a relative by marriage of Mr. Canfield and a relative by blood of Mr. Crow. The defense being limited to eight witnesses to prove good character, the above completed all their witnesses on that line.

Mrs. Minnie Hollingsworth was the last witness before the noon recess. She took the stand, and in answer to the first question, refused to testify. When asked her reasons she said that office. Mr. and Mrs. Batchelder came in and were taken by Rodley into his front office. After they went out, Rodley told witness that they were there because he wished to extend Col. Batchelder an invitation to deliver an oration at the Maine Memorial exercises.

Mrs. Dunn was severely cross-examined by Sproul, who sought to draw out that she had discussed her testimony with Attorney Kennedy and her husband, who was interested in Rodley's behalf, and had been furnished money to aid his cause. Mrs. Dunn swore absolutely that she had never told a living soul what she knew about the case—not even her husband. She came into Court with Mrs. Rodley and Mrs. Hauck, and this she acknowledged, but all else she denied.

Col. Batchelder was recalled. He denied seeing Mrs. Dunn or Mrs. McLennan at Rodley's office on the evening of February 18th, and was positive that no one other than himself and Rodley was present.

Rodley was recalled for further cross-examination. He was questioned particularly about the date on which, he claims Sproul called him up by telephone to talk with him about arranging for memorial exercises according to the proclamation of the Governor. He said that the date was February 17th. Rodley had testified that Sproul told him that the Governor had fixed February 21st as a day of mourning on account of the Maine disaster. Rodley saw the trap that Sproul had laid for him, and he changed his testimony to the effect that the Governor "was going" to fix the 21st as the day of mourning. The import of this questioning was that the Governor had not fixed the day when Rodley claimed Sproul told him that he had. Sproul was prepared to show these facts with documentary evidence, but Rodley's change made the introduction of the documents unnecessary. Rodley was further questioned regarding the details of his treatment of Fuller, but nothing of importance was developed.

Collins announced that Mrs. McLennan had been subpoenaed, and was on her way to Oroville.

Sheriff Wilson was called in rebuttal by District Attorney Sproul. He testified that on the 28th of October he went to Rodley's office and arrested him. Something about the testimony given before the Grand Jury was spoken of, and Rodley volunteered the information that the testimony about his going to Biggs did not amount to anything. Rodley told him that he did go to Biggs on business to see a patient; that he had a will of Fuller which he had signed; the original was lost and he had made a copy; that he took the will to Batchelder and asked him about the signature; that Batchelder told him it was bad business; that on his way home he tore the will into pieces and threw it away.

Collins took the Sheriff in hand for cross-examination and adopted the policy of scandalizing the Sheriff. Wilson denied that he ever tried to get Rodley or Garner to confess. He said that Mrs. Rodley had requested him to use his influence to get Rodley to confess and plead guilty. He denied that he had offered any inducements to

(Continued on 4th Page.)

"No, Sir," replied Wilson.

"Did you not in Mr. Kennedy's office in Chico kiss and embrace her?"

"No, Sir," I did not.

Mrs. Rodley blushingly tripped out of the room.

In answer to further questions along the same line, Wilson denied that at any time he had made any improper proposals to Mrs. Rodley, or acted in any way other than a gentleman should act. He denied that he was assisting the prosecution in any manner beyond the requirements of his office.

On redirect examination he said that he never used his office in any attempt to procure confessions from Rodley, Garner or Mrs. Hollingsworth. He reaffirmed his statement that Mrs. Rodley requested him to use his influence to get Rodley to confess.

Mrs. T. Daniels of Chico, sister of the Mrs. Cal. Hogan, whom Rodley claimed to have visited in Biggs on his famous trip, was the next witness in rebuttal, and her testimony was another proof of Rodley's utter disregard for the truth. She testified that Mrs. Hogan had resided in Mulberry, San Benito county, since Nov. 10, 1897, and she was certain that her sister was not in Biggs in February, 1898.

Mrs. William Rowe of Chico gave testimony to the same effect, that Mrs. Hogan was not in Biggs in February, 1898.

Mrs. Batchelder was called, and the testimony to the effect that she was with Col. Batchelder in Dr. Rodley's office on February 18th, was read to her. She denied that she was there or that any such conversation took place in her presence. She remembered of being in Rodley's office but once with her husband, and that was when Mr. Batchelder went there on account of his having a lame leg.

After Col. Batchelder was recalled to testify regarding the fact that there were no memorial exercises in Biggs, the court adjourned.

Mrs. McLennan will be called by the defense tomorrow morning, and Mrs. Cal Hogan, who arrived on tonight's train will be called by the prosecution to testify that she was not in Biggs when Rodley claimed to have visited her. This will conclude the testimony.

The course pursued by the defense to gain a point in the examination of Sheriff Wilson, did not come as a surprise to the prosecution. In fact, it was known a day or so ago that an attack would be made upon Wilson, the threat having been made.

Regarding the somewhat sensational line of questioning adopted by the defense, Sheriff Wilson was interviewed this evening by the [illegible]'s correspondent.

"I was informed before I was called to testify that if I told the story regarding Rodley's conversation with me soon after his arrest to the effect that he admitted having a will of Fuller to which he signed Fuller's name, an attack would be made upon me to the effect that I had made improper pro-

TAKING OF TESTIMONY HAS BEEN FINISHED

Wife of Defendant Renews the Attack on Wilson for Some Unknown Purpose

OPENING ARGUMENT BY A. F. JONES

Throws the Mantle of Charity About Mrs. Rodley—Collins' Address to be Concluded This Morning

Special to The Record

OROVILLE, February 6.—After a period of time covering two weeks the last bit of testimony in the case of the people vs J. Ellis Rodley, was submitted to the jury at fifteen minutes past ten o'clock this morning, and a few minutes later the argument to the jury commenced.

Mrs. Bernice McLennan was the first witness and she kept the court waiting for fifteen minutes before she appeared. She testified that she was a resident of Chico and was acquainted with Dr. Rodley. One evening some time in February, 1898, she in company with Mrs. L. M. Dunn were in the reception room of Rodley's office; Batchelder and an elderly lady whom Batchelder spoke of as "mother" and whom she presumed was Mrs. Batchelder, came in and were ushered into the main office by the physician. She heard no conversation between them. Sproul asked her only one or two questions and she was dismissed from the stand.

Mr. Sproul then offered in evidence a certified copy of the proclamation issued by Governor Budd relative to the observance of the 21st of February, 1898, as a day of mourning in honor of the Maine victims. The object of this was to rebut the testimony of Rodley that Mr. Sproul had called him up on the telephone on the 17th and told him that the Governor had set aside the 21st as a day of mourning. The copy of the proclamation showed that the same was not issued until February 19th and not until the letter written to Batchelder was already on its way to Biggs.

Mrs. Minnie Fowles, of Mulberry, San Benito county, was next sworn. She testified that she was formerly Mrs. Cal Hogan; that her husband died in 1895, and that on March 12, 1898, she married her present husband. She had been treated by Dr. Rodley at various times during her residence in Butte county. She left Chico for her present home on November 10, 1897, and since that time until now she had not been in Butte County. She was not a resident of Biggs on the 15th of March 1898, and was not there during that year. In fact, she said that Dr. Rodley, while he had treated her for a considerable period of time, had never paid a visit to her at Biggs. She was asked but few questions on cross-examination.

Mrs. J. E. Rodley was called by the defense. She testified that she knew S. H. Wilson; she denied that she had ever asked Wilson to secure a confession from Rodley. She said Wilson came to her in Chico and proffered the advice that as Judge Gray would try the case and the testimony was such that he was bound to be convicted, and that she was foolish to spend her money in his defense. She said to him that if he thought so why didn't he go to the doctor and try and get him to confess; that she was confident of his innocence ... show it at

leaving he put his arm around her waist and told her he would look out for her; for her to let the Doctor go and he would see that the children were educated; another time in the jail he put his arm around her and drawing her head back, kissed her on the forehead. To all of these advances she said she refused to accede to his requests. Mr. Sproul dismissed Mrs. Rodley from the stand without cross-examination.

Defendant Rodley was again called to the stand and asked by Mr Collins if he did not have other patients in Biggs at the time of the visit of February 15, 1898. He said that he had. He said that he testified as to only his recollection whether it was Mrs Hogan he called to see or not.

On cross-examination Sproul handled the defendant without gloves. He read from the transcript of testimony where he positively affirmed that it was Mrs. Cal Hogan whom he had called to see. Rodley squirmed and twisted and said that now it was to the best of his recollection, he might have gone to see some other patient or it might have been on pension business for the government. He could not name a single person in Biggs whom he had examined for pension nor could he give the name of any other patient in that place. The testimony of Mrs. Hogan was indisputable and struck the defense a sledge hammer blow.

Both sides here announced that their cases were closed, and Assistant District Attorney Jones commenced the opening argument for the State.

He began his address with the usual compliment to the jury, giving them to understand that they were looked upon as intelligent gentlemen who would render a verdict according to the law and evidence. He then spoke in a general way of the importance of the case at hand to Butte county and the State of California, in that there is a pressing necessity of putting a stop to the looting of dead men's estates. The whole circumstances surrounding the Fuller will case and the consequent details, he said, are reeking with rottenness. Five families have been ruined, and, no matter what the outcome of this trial may be, the defendant has been irretrievably ruined in name and fortune. The fair names of others, which, previous to the trial, had stood without the slightest suspicion of reproach, are suffering from attempted ...

ASSISTANT DISTRICT ATTORNEY A. F. JONES

ence to his visit to Biggs to visit Mrs Cal Hogan, he showed the falsity of the story. He also called attention to the testimony that he talked with Sproul regarding the call of Governor Budd for Maine memorial exercises. According to Rodley's claim the conversation took place a day before the call for the memorial exercises was made by Governor Budd. If this be true, Jones declared that it made Sproul a mind reader or Budd had taken him into his confidence and told him what he was intending to do. Jones held that these two facts should be enough to show the falsity of Rodley's testimony. He said that no man on the jury could doubt the testimony of Sheriff Wilson.

Regarding Mrs. Rodley's testimony he said it is best to throw the mantle of charity about her, for it was a threadbare attempt to bring a woman into the case and besmirch her to save the man.

Garner he held up as a trustworthy old man who knows he must go to State prison for his error. He had no object in telling of his guilt and the guilt of others except to follow the promptings of his conscience. The testimony he held to have been fully corroborated. He spoke briefly of the testimony of Theodore Kytka as having fully established the authorship of the will, and it had not been refuted; that this testimony went to show the conspiracy around which the crime of perjury was woven. There was but one thing for the defense to do, and that was to reaffirm the original story, and the whole story must be viewed with distrust. In conclusion he asked the jury to weigh the evidence carefully, and expressed the belief that they would find a verdict of guilty.

Jones' speech occupied about two hours.

Attorney Collins was suffering from a severe cold when he began his argument about 2 o'clock. Introductory to his argument, he said that he did not intend to attempt to sway the jury through sympathy, but would seek a verdict for his client upon broader grounds. He quoted the law which says that no man shall be convicted of perjury on the direct testimony of less than one credible witness. He held that Garner is not a credible witness, having confessed that he is a perjurer. He dwelt at some length upon this point, and then passed on to show the improbability of Rodley committing such a crime. His high standing in the community and his general reputation for truth and veracity, and the fact that he did not need money, were all spoken of.

The interest of the spectators was greatly aroused when he began to deal with the supposed mystery in the case. He declared that there is a mystery behind the whole affair, that the suspicion exists, but not strong enough to allege. What it was he could not say, but that mystery, if cleared up, would explain some of the most extraordinary circumstances in connection with the case.

Mr. Collins then devoted sometime to a discussion of the legal aspects of the case. Shortly after 3 o'clock his voice failed him and a recess was taken for an hour. In the meantime his condition did not improve, and an adjournment was taken until tomorrow morning at 9:30 o'clock, when he will resume his argument. It is probable that Sproul will finish his argument tomorrow afternoon, and the case will go to the jury tomorrow evening.

Jack on Wilson for Some Unknown Purpose

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ASSISTANT DISTRICT ATTORNEY A. F. JONES

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RODLEY SENTENCED TO SERVE TWELVE YEARS

Such is the Price For Falsely Swearing to Rob an Estate

Feb 12 1900

FOUNDATIONS FOR APPEAL LAID

Usual Motions Made by Defense to Perfect Plans for Final Test—Forgery Charge Dismissed

Chico R.

Special to the RECORD.

OROVILLE, February 9.—Dr. J. Ellis Rodley stood up in the Superior Court yesterday forenoon and received the sentence of the Judge who tried him that he spend the next twelve years of his life in the garb of a felon at the State prison at San Quentin. The scene in the crowded court room was one of dramatic interest. It marked the end of a long and closely contested trial, the most important in many particulars, of any in the history of the county. The man at the bar had been one of the county's most prominent and respected citizens, and many of those who heard the words pronounced which were to bar him from future association with honest men, had been his intimate friends and close associates.

Dr. Rodley was accompanied to the courtroom by his wife and counsel, and he showed no signs of having passed a restless night as a result of the verdict pronounced against him the day before. In fact, all through the long trial and during the rendition of the findings of the jury, which meant so much to him, Dr. Rodley has been to all outward appearance the most cool and unconcerned of men. He must have been under great mental strain, and yet the impenetrable calm of his countenance gave no sign. It was so yesterday, and those of the morbidly curious, who, with almost innate savagery haunt court rooms at the moment of the crisis of a criminal trial, eyeing the human who has been brought to bay, in order that they may gloat and find satisfaction in the final thrust of the dagger of justice, went away without feeling that he had given one sign that he suffered.

It being the day set for the trial of Rodley for forgery, his counsel asked that the trial be immediately proceeded with. Mr. Sproul stated that he was not ready to proceed to trial at this time, and stated that he was willing to have the charge of forgery dismissed, stating also, that if it was found advisable another indictment against him on the same charge could be had. Mr. Collins of course had no objection to the dismissal of the indictment, and it was so ordered by the Court.

After this had been disposed of, Rodley was told to stand. He stepped quickly forward and stood between his counsel, and placing his hands behind him, faced the Judge. In the purely legal form prescribed, Judge Gray said:

"Are there any motions for this morning? This is the time set for the sentence of J. Ellis Rodley. You may stand up. An indictment was found against you by the Grand Jury of Butte charging you with the crime of perjury; upon being arraigned in this court, you entered a plea of not guilty and afterwards went to trial before a jury of your own selection. That jury, after hearing all the evidence and carefully considering the same, returned a verdict of guilty as charged. Have you any legal reason to show why the sentence of the Court should not be pronounced upon you?"

Then at a signal from his counsel, Rodley stepped back and seated himself. Mr. Collins then proceeded to make and file his motions for a new trial and for an arrest of judgment. As the basis for his motion, he stated that the court erred in matters of law occurring at the trial; that the court erred in its instructions to the jury; that evidence was admitted contrary to law, that there was misconduct on the part of the District Attorney and the Assistant District Attorney during the course of the trial, consisting of remarks made in the presence of the jury and to the jury in the course of the argument; Mr. Collins also held that the indictment was not drawn in conformity to the Statutes, and was therefore void; that the verdict was contrary to law and evidence, and that there was misconduct on the part of the jury. All of these were formal motions in order to get the case in proper condition for appeal, and he made but brief argument in support of them. The motions were promptly overruled, and continuing, Judge Gray said:

"No legal objection having been presented here why the sentence of the Court should not now be pronounced upon you, the judgment of the Court is that you be confined in the State prison of the State of California at San Quentin for the term of twelve years."

At the conclusion of the sentence, Rodley coolly took his seat and Collins presented to the Judge a writ of probable cause, which is intended to act as a stay of the commitment, and results in defendant's not being removed to the State prison until after the Supreme Court has passed upon the appeal. If it is affirmed, he will then be taken to the penitentiary. In the meantime he will remain in the county jail.

PRISON YAWNS FOR HIM.

Conviction of Former Mayor Rodley of Chico Upheld

A case that not long ago caused a sensation in Northern California was decided by the Supreme Court yesterday. [illegible] J. Ellis Rodley, a physician and former Mayor of Chico, will have to spend a number of years in the penitentiary.

About two years ago Arthur Fuller died in Chico leaving a valuable estate. Mrs. Minnie Housworth [illegible] Fuller's last will, in which she was made the legatee of his estate. Dr. Rodley's name was attached to the will as one of the witnesses to Fuller's signature. When the will was offered for probate he swore to the genuineness of the document. He was indicted for perjury and convicted. The lower court found that the will had been written by Mrs. Housworth, that she had forged Fuller's signature and had got Rodley and another man to witness the signature.

COLLIN'S MYSTERIOUS "SOMETHING IS UNTOLD"

Rodley's Attorney Spent the Day In Abusing Witnesses For Prosecution

DEEP CONSPIRACY HIS DEFENSE

Hours Spent in Analyzing Testimony of Colonel Batcholder, to Show the Unreasonableness of It

Special to the RECORD.

OROVILLE, February 7.—As far as can be determined in the Superior Court of this county, the fate of Dr. J. Ellis Rodley, the trial of whom on a charge of perjury in connection with the Fuller will has been the absorbing topic of conversation in every home in this county, will soon be known. The jurors have the testimony, have listened to the opening argument by the Assistant Prosecuting Attorney, and have been talked to for a day and a half by the leading counsel for the defense. Tomorrow morning Collins will finish and Jo D. Sproul will make the final argument for the People, and it is quite probable that during the evening a verdict will be reached.

All of today and evening was taken up by Attorney Geo. D. Collins in arguing the case for the defense, and he was listened to throughout with patience. The theory he has advanced is in many respects unique, but whether or no it will have its effect upon the jury in Rodley's favor, it only meets with favor with those who are Rodley's friends.

The theory advanced by Collins is that Rodley is the victim of a huge conspiracy, the depths of which can not be fathomed now, that Rodley is the snow-white angel while the others who have testified against him are the arch-villains with Sheriff Wilson as a little devil. He contends that there is a mysterious something behind the whole prosecution which has been unexplained, yet is apparent.

The speaker took up the testimony of Col. H. T. Batchelder and devoted the greater part of the day to roasting this witness. He read the testimony sentence by sentence, and analyzed it, with a view to making it appear that he is in truth the archfiend who is trying to ruin Dr. Rodley and who is not the friend he professed to be. He ridiculed the idea of Batchelder's friendship for Rodley and denied that Batchelder was the unwilling witness. Referring to Batchelder's statement that he had never told a living person of the offer made to him by Rodley, he declared that Batchelder lied. He held that the testimony of Batchelder deviated materially from the truth, and should therefore be viewed with distrust. The letter of Rodley to Batchelder was an innocent one in every respect, but Batchelder for a purpose construed it wrongly. He endeavored to make it appear entirely unreasonable to believe Batchelder the friend of Rodley, instead of a party to the conspiracy.

Theodore Kytka he handled in a humorous way, holding him before the jury as a paid witness whose testimony came in response to the salary paid him. He went with some detail into handwriting matters, combatting some of the pet theories of the expert, whose testimony only was given to show a conspiracy between Rodley and Mrs. Housworth.

Swearingen, he said, was also brought in to show the conspiracy. The attorney's first impression was that Swearingen was insane, but finally concluded that he was a consummate rascal. He believed him to be but the easy dupe of some designing person, an easy man to secure for a money consideration to testify to anything, no matter how improbable.

Garner he denounced as being unworthy of belief, he being a confessed perjurer, and he pointed out the inconsistency of the supposition that Rodley, a man of means, position and a nice family, should confide in such a man as Garner his entire future. Garner, he said, was another creature of the prosecution, and his latest story was for the purpose of sending a man to prison.

He referred to the fact that Garner had not been sentenced though he had long since pleaded guilty, and he insinuated that this was an indication of a promise of reward. With much emphasis he declared that the prosecution of Rodley was a diabolical conspiracy, the like of which would not be tolerated in the realm of the Czar of Russia, and alongside of which the Dreyfus case was but a circumstance.

Tonight Mr. Collins devoted to an analysis of Dr. Rodley's testimony.

MRS. HOUSEWORTH ILL

SUDDEN ATTACK OF HEART FAILURE

Continued Close Confinement and Mental Strain Have at Last Prostrated the Woman Accused of Double Crime.

Special to the ENTERPRISE.

OROVILLE, Feb. 23.—Mrs. Minnie Houseworth, yesterday morning, suffered a sudden attack of heart failure, and despite the constant attendance of a physician she is yet in a precarious condition.

It has been noticed for some time that Mrs. Houseworth was failing, but she uttered no complaint, and with almost unheard-of will power has kept up. The close confinement of the past few months, coupled with the severe mental strain, have gradually told upon her until at last her strength gave way. Dr. Reardan was hastily summoned and has since been in almost constant attendance upon her. Her son, J. P. West, who was in Chico, was sent for, and he went to the county jail yesterday afternoon, and will remain with his mother until she is past all danger.

This afternoon at 2 o'clock there appeared to be a slight change for the better in her condition, and it is intended to remove her to the County Hospital as soon as she is strong enough to endure the trip.

In the matter of the estate and guardianship of Claud Richardson, an order has been entered appointing the father guardian. The estate consists of cash in the sum of $139.73 left to him by his uncle Godfrey Richardson.

The final account of J. V. Williams, administrator of the estate of Henry Pursell, has been filed. It shows the receipt of $305 and the expenditure of a like amount. Set for hearing March 5.

In the case of Eastman vs. Ward the demurrer of defendant has been overruled.

Simpson vs. Wyrick—Motion to strike out certain words in the complaint filed.

RODLEY IS CONVICTED

Jury Agreed Upon a Verdict of Guilty on the First Ballot

Special to The Record.

OROVILLE, February 8.—The trial of Dr. J. Ellis Rodley was concluded this afternoon at 3:20 o'clock, when the jury, after being out but fifteen minutes returned a verdict of guilty as charged.

This morning Attorney Collins resumed his argument on behalf of the defendant, and concluded about 10 o'clock. A short recess was then taken after which District Attorney Sproul began the closing argument for the People. Mr. Sproul was in prime condition.

He had with him no rolls of testimony nor stacks of law books, but, for three solid hours he reviewed the testimony and the character of the witnesses in a manner that drove every point for the prosecution home with the jury. The courtroom was packed to the doors, and every person within maintained absolute quiet that they might not miss one word of the eloquent attorney's address. Of all the speechs Sproul has ever made, and he has made many, this was the gem.

Mr Sproul dwelt particularly on the defense of H T Batchelder, of whom there had been nothing too mean for Attorney Collins to say. He held Batchelder up as the true friend of Dr. Rodley who had been brought unwillingly into the case, but when it

JO D SPROUL.

came to the final test, he had stood up for right and justice, and he thanked God that there are such men left in the world as Col. Batchelder who would not perjure themselves to save a friend from deserved punishment.

Prefacing, however, his remarks regarding the details of the testimony, he called attention to the frequency of attempted lootings of estates of men who were lonely and eccentric in life as was Alfred Fuller. It is also strange that the looting of such estates is most frequently accomplished by persons who have the advantage of good reputations. Regarding the testimony of Expert Kytka, he said that it was not necessary to deny that such testimony could be bought, as the exhibits produced of the handwritings were sufficient to convince that the will was a forgery.

Mr. Sproul made a telling point when he replied to the abuse heaped upon ... by Attorney Collins.

His picture of John Garner, who had confessed his guilt, was most touching, and not only were the ladies in the audience moved to tears, but the men and several of the members of the jury. He referred to the old farmer as having been duped and led into the wrong by Rodley, who had convinced him that it was all right and having him in his power, held the club over him for a year and a half. But Garner, knowing full well the consequences, knowing that he must bid his wife and family good-bye to enter prison, told the story

DR. J. ELLIS RODLEY, CONVICTED PERJURER.

of his error and freed his conscience.

The District Attorney treated the testimony of Mrs. Dunn and Mrs. McLennan with ridicule. He pictured to the jury Dr Rodley sitting in his office outlining, before the Governor had issued his proclamation, a program of his own for the Maine memorial exercises. He selected his old friend Batchelder to deliver the oration. He next selected two ladies, who, adorned with tinsel and tin crowns would be seen in a golden chariot, and across the crown on the head of Mrs. Dunn would appear the word "Truth," and on the tin crown of Mrs McLennan would appear the word "Justice." Thus he disposed of their testimony.

As for the love passages between Sheriff Wilson and Mrs Rodley, he said they had no bearing on the case, but denounced the testimony on this point as an unjust attack upon a man who had sought only to tell the truth.

He referred to the fact that Canfield's talk with Rodley regarding Batchelder's expenses was in reference to other than Batchelder's visit on the evening of February 18th.

He then declared that it was not his purpose to persecute, for Rodley had been his friend, but the duties of his office demanded that he should prosecute for wrong doing.

In conclusion he emphasized again the importance of the case, and expressed confidence that a verdict of guilty would be found.

It was 3:05 o'clock when Judge Gray finished his instructions to the jury and they went into the jury room to deliberate. They proceeded at once to elect J M Nelson foreman, and without one word of discussion regarding the merits of the testimony, took a ballot. The first ballot showed all twelve for conviction.

desired trial at once. This matter will also be settled tomorrow morning.

Judging from history, Rodley will not be shown any leniency in the matter of sentence. The maximum sentence is fourteen years.

Labors of Attorneys White and Gray in the Big Case

Without detracting in the least from the credit due District Attorney Sproul for his vigorous and successful prosecution of Dr. J. Ellis Rodley, it is but timely to note that had it not been for the foundation work accomplished by Attorney Richard White, aided by Attorney Carleton Gray of Oroville, Dr. Rodley, Mrs. Minnie Houseworth and John M Garner, all of whom are now in jail, would be at present free, and at least one of them would be enjoying the estate of Alfred Fuller.

Messrs. White and Gray were retained by the heirs soon after Fuller's death to defend their interests in the estate. A few months after the death of Fuller, the rumor became general that Alfred Fuller made a will bequeathing his estate to Mrs. Houseworth, but months passed by without the will being brought to light. Mr. White at first worked on the theory that the will was being brought forward in the interests of the large debts existing against the estate, but when the will was displayed, and he had read it through carefully, he was convinced that it was a forgery and absolutely fraudulent. In fact, there were circumstances of eight months previous brought to his mind by the wording of that peculiar document which made him absolutely certain that the will was fraudulent, and it was for him ... that would sustain

RICHARD WHITE.

the purpose that the parties to the attempted looting of the estate might become more at ease over the matter and therefore more easily approached. One old gentleman of unquestioned standing, who has not been mentioned in the case, but who has dug more testimony than all others, was continually at work. Attorneys White and Gray were securing testimony for the purpose of contesting the will, not for the prosecution of the parties to the attempted steal, but in defense of the estate.

When Uncle John Swearingen came down from Trinity county his first stopping place in Chico was at the law office of Attorney White and there he made affidavit to what he would and did later testify to. It was Attorneys White and Gray who came to the conclusion that Col. H. T. Batchelder, being the closest friend of Dr. Rodley, knew something about the will, and upon their suggestion the trap that forced Batchelder to desert his old friend was laid.

It was not upon the advice of these attorneys, however, that the Grand Jury returned indictments, for they preferred to try the will case previous to any arrests. The Grand Jury preferred to act at once and they did so, with the now well known result.

By their honest handling of this

CARLETON GRAY.

estate which they could have as well plundered as many estates in this community have been, Attorneys White and Gray have won for themselves the confidence of every man of means in this county.

District Attorney Sproul's able prosecution of the case of Rodley before a jury was testified to yesterday when the jury, without a word of discussion, voted the defendant guilty as charged.

Verdict of Guilty on the First Ballot

Special to The Record.

OROVILLE, February 8.—The trial of Dr. J. Ellis Rodley was concluded this afternoon at 3:20 o'clock, when the jury, after being out but fifteen minutes returned a verdict of guilty as charged.

This morning Attorney Collins resumed his argument on behalf of the defendant, and concluded about 10 o'clock. A short recess was then taken after which District Attorney Sproul began the closing argument for the People. Mr. Sproul was in prime condition.

He had with him no rolls of testimony nor stacks of law books, but, for three solid hours he reviewed the testimony and the character of the witnesses in a manner that drove every point for the prosecution home with the jury. The courtroom was packed to the doors, and every person within maintained absolute quiet that they might not miss one word of the eloquent attorney's address. Of all the speeches Sproul has ever made, and he has made many, this was the gem.

Mr. Sproul dwelt particularly on the defense of H. T. Batchelder, of whom there had been nothing too mean for Attorney Collins to say. He held Batchelder up as the true friend of Dr. Rodley who had been brought unwillingly into the case, but when it

JO D. SPROUL

came to the final test, he had stood up for right and justice, and he thanked God that there are such men left in the world as Col. Batchelder who would not perjure themselves to save a friend from deserved punishment.

Prefacing, however, his remarks regarding the details of the testimony, he called attention to the frequency of attempted lootings of estates of men who were lonely and eccentric in life as was Alfred Fuller. It is also strange that the looting of such estates is most frequently accomplished by persons who have the advantage of good reputations. Regarding the testimony of Expert Kytka, he said that it was not necessary to deny that such testimony could be bought, as the exhibits presented of the handwritings were sufficient to convince that the will was a forgery.

Mr. Sproul made a telling point when he replied to the abuse heaped upon John Swearingen by Attorney Collins. He spoke of Swearingen as being one of those old citizens who formed the backbone of Butte county; that although he came into court in clothes not of the best, with his beard untrimmed, his check is good at any bank for $10,000, and his word is as good as his bond. He came into the case to save his old friend Carmack from being besmirched by those would rob the estate of Alfred Fuller.

...his going, was most touching, and not only were the ladies in the audience moved to tears, but the men and several of the members of the jury. He referred to the old farmer as having been duped and led into the wrong by Rodley, who had convinced him that it was all right and having him in his power, held the club over him for a year and a half. But Garner, knowing full well the consequences, knowing that he must bid his wife and family good-bye to enter prison, told the story

will also be settled tomorrow morning.

Judging from history, Rodley will not be shown any leniency in the matter of sentence. The maximum sentence is fourteen years.

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DR. J. ELLIS RODLEY, CONVICTED PERJURER.

of his error and freed his conscience.

The District Attorney treated the testimony of Mrs. Dunn and Mrs. McLennan with ridicule. He pictured to the jury Dr. Rodley sitting in his office outlining, before the Governor had issued his proclamation, a program of his own for the Maine memorial exercises. He selected his old friend Batchelder to deliver the oration. He next selected two ladies, who, adorned with tinsel and tin crowns would be seen in a golden chariot, and across the crown on the head of Mrs. Dunn would appear the word "Truth," and on the tin crown of Mrs. McLennan would appear the word "Justice." Thus he disposed of their testimony.

As for the love passages between Sheriff Wilson and Mrs. Rodley, he said they had no bearing on the case, but denounced the testimony on this point as an unjust attack upon a man who had sought only to tell the truth.

He referred to the fact that Canfield's talk with Rodley regarding Batchelder's expenses was in reference to other than Batchelder's visit on the evening of February 18th.

He then declared that it was not his purpose to persecute, for Rodley had been his friend, but the duties of his office demanded that he should prosecute for wrong doing.

In conclusion he emphasized again the importance of the case, and expressed confidence that a verdict of guilty would be found.

It was 3.05 o'clock when Judge Gray finished his instructions to the jury and they went into the jury room to deliberate. They proceeded at once to elect J. M. Nelson foreman, and without one word of discussion regarding the merits of the testimony, took a ballot. The first ballot showed all twelve for conviction.

After the return of the verdict, Attorney Collins stated that the defendant would waive time for passing sentence, and asked that sentence be pronounced at 10 o'clock tomorrow morning, and it was so ordered.

District Attorney Sproul said that the People are not ready to proceed with the trial of the forgery case, and Collins said that the defense was, and

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RICHARD WHITE.

ing of that peculiar document which made him absolutely certain that the will was fraudulent, and it was for him to secure testimony that would sustain his convictions. He sought not to interview those who might know something of the history of the will, but interviews were had by those who could approach prospective witnesses. Intentionally the filing of a contest of the will was delayed for months and public opinion was made that no contest would be instituted, but this was all to

Labors of Attorneys White and Gray in the Big Case

the purpose that the parties to the attempted looting of the estate might become more at ease over the matter and therefore more easily approached. One old gentleman of unquestioned standing, who has not been mentioned in the case, but who has dug more testimony than all others, was continually at work. Attorneys White and Gray were securing testimony for the purpose of contesting the will, not for the prosecution of the parties to the attempted steal, but in defense of the estate.

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Chico

MRS. HOUSEWORTH MAY BE NEAR UNTO DEATH

Her Condition Was So Serious Yesterday As To Cause Alarm

BUT SMALL HOPE FOR RECOVERY

Suffering From an Ailment Which Heroic Treatment Failed to Conquer—Now In County Hospital

Special to the Record.

OROVILLE, March 9.—Mrs. Minnie Houseworth, one of Butte's star prisoners who was removed yesterday to the County Hospital on account of her serious illness, was again near unto death's door this morning, and it may be truthfully stated that those in a position to judge, believe that she can never recover from her ailment.

Several months before Mrs. Houseworth's arrest, she subjected herself to a very delicate operation which was necessary to save her life. The operation gave her only temporary relief, but it is feared that her ailment is the same as before, and if such is the case there is no hope for her.

Sheriff Wilson appeared before the Supervisors today and stated that by reason of Mrs. Houseworth being removed to the County Hospital, he is burdened with the extra expense of hiring a nurse, as he cannot leave her unguarded, she being held in custody in the absence of $15,000 bonds. He asked the Board to supply a nurse for the night time. The Board decided to employ Mrs. J. R. Preston. The Board then discussed the advisability of asking the Judge to reduce the bond or release her during her serious illness.

MRS. BOTKIN A WITNESS.

Testifies in a Divorce Suit and Draws a Crowd.

HAS A CHANCE FOR REVENGE ON MRS. PRICE.

THE LATTER GAVE TESTIMONY IN THE POISONED CANDY CASE.

Jail Life Has Not Altered the Appearance or Manners of the Woman Convicted of Murder.

Mrs. Cordelia Botkin, who was found guilty of murdering Mrs. John P. Dunning with poisoned candy, was the chief attraction in the Price divorce case yesterday, and men crowded into Judge Daingerfield's courtroom to see her. She was called as a witness against Mrs. Birdie Price, the plaintiff in the case. Mrs. Price was the landlady at the Victoria, a boarding-house on California and Hyde streets, when Mrs. Botkin resided there in 1898. The defendant in the suit, A. G. Price, accused his wife of undue intimacy with W. W. Barnes, and Mrs. Botkin was brought from the County Jail to support this allegation. Mrs. Botkin was sentenced to life imprisonment, but an appeal to the Supreme Court has stayed her journey to the penitentiary. Mrs. Price and Barnes were witnesses against her on the murder trial, and she partly evened the score yesterday.

The County Jail, where she has been for a year and a half, has not altered Mrs. Botkin's appearance. She still has her embonpoint, her English accent and idioms and her peculiar lifting of the upper lip which exposes a row of white teeth in a manner that suggests cruelty. She was gowned, veiled and gloved in quiet colors. Mrs. Botkin was indisposed to talk of her own trouble while she was on the stand. She first got revenge on Barnes, who had been described as the manager of the house for Mrs. Price. Previous testimony had given the impression that he lived in luxurious idleness at the Victoria, with his face as his fortune.

"I merely knew Barnes as an attache of the house," said Mrs. Botkin, as if she were discussing some one who did not interest her in the least. "He was a porter, I believe. His duties, apparently, were washing windows and laying carpets. Part of the time he attended to the cookery, but I never saw him at that, as I did not take my food at the house. Mrs. Price is a very delicate woman physically. I felt sorry for her. I feel sorry for any woman's misfortunes."

Attorney Reddy wondered why, with this sorrow, she [illegible] to Price's lawyers a statement which she said that Mrs. Price made to her, but which was used to Mrs. Price's moral detriment. Reddy asked her if Mrs. Price was a witness in the case of the People vs. Botkin.

"The records so indicate," Mrs. Botkin replied, the lifted lip showing that she did not like the reference to that case. Judge Daingerfield inquired if she remembered, and she answered: "The court records will show you who were called as witnesses." She fenced with Reddy and the Court for ten minutes on the point. "There was such a [illegible] of witnesses in petticoats that I can't remember any particular one," she said, but she would not say that she did not recollect that Mrs. Price was a witness.

"Do you decline to answer?" asked Judge Daingerfield when in response to one question she said "I have no answer." "No, I do not decline," she returned. Finally the Court elicited from her, "I suppose Mrs. Price was a witness," and this answer was accepted as enough. Mrs. Botkin seemed to realize that being already under sentence of life imprisonment, she had no reason to fear a term in jail for contempt of court. Reddy inquired whether she remembered if Mrs. Smith was a witness against her. Mrs. Smith was a cook at the Victoria and she is on the side of Mrs. Price in the divorce case.

"I refuse to answer any more questions bearing on my case until my attorney, Mr. Heggerty, is present," said Mrs. Botkin, looking annoyed. "If I could remember that she was a witness I would not recall it. I did not come here to go over my case. I had no malevolent feeling toward anyone, and have not now."

Reddy asked her if she had been convicted of a felony. "The records of the court so indicate," she replied. "Please say yes or no, and then we'll say no more about it," urged Reddy. "We'll say no more about it anyhow, for I am not going to give any such answer," she responded. Then the discussion of her self ended. In her testimony she referred to "my apartments" and to the "rentals" that she paid at the Victoria.

Mrs. Esther McPherson, who was the housekeeper at the Victoria from July to December, 1897, testified strongly about the intimacy of Mrs. Price and Barnes and she gave Reddy some sharp answers on cross-examination. Mrs. Price charged her husband with infidelity with Martha Lynde.

WOMAN WHO MAILED THE POISONED CANDY.

DOCTOR RODLEY,

Indicted at Chico for Perjury, Seeks His Liberty.

The Supreme Court has denied a petition for a writ of habeas corpus, made up in behalf of Dr. J. P. Rodley of Chico. Dr. Rodley, who will be remembered as having been one of the most prominent practitioners of the Butte county metropolis, was charged with being in collusion with Mrs. Minnie Houseworth to fraudulently [illegible] by an alleged will, the estate of the late Alfred Fuller.

Dr. Rodley testified as to the genuineness of the alleged false will, and was indicted by the Grand Jury for perjury. He [illegible] being [illegible] to jail. He now seeks to recover his liberty, but the Supreme Court denies it.

[illegible] Mrs. Houseworth, the alleged fraudulent [illegible], was arrested here some months since and taken to Chico.

WOODMAN IS GIVEN WARNING

Fuller's Half-breed Son Tells Him to Hold the Money

As Claimant of the Estate He Demands That Attorneys Fees Be Not Paid

Special to The Record.

OROVILLE, April [illegible].—The Attorney for William Fuller, the young Indian who [illegible] to be the son of Alfred Fuller, over whose estate there has been so much sensational litigation, has given Public Administrator Woodman formal notice that in case he is declared entitled to the estate, he will hold him (Woodman) and his bondsmen accountable for all moneys paid out of the estate upon the order of the Superior Court of which [illegible] had [illegible]. He especially notified him not to pay [illegible] to Attorney Richard White and Carleton Gray and a similar amount to Knight & Heggerty, being the amount allowed by the Superior Court [illegible] as attorneys for the defendant in the estate. Indian Fuller claims that these claims are void and unauthorized by law.

Notice has been given by the defendant in the suit of William Miller et al. vs. J. P. Carlisle and Paul Hugg, that they will on May [illegible], move for a dismissal of the case on the ground that the Court had not acquired jurisdiction.

The [illegible] of property belonging to the Alfred Fuller [illegible] to William [illegible]

DR. BURNES-GEHRICKE ACCUSED OF PERJURY.

Ex. Mar 4, 1900

Dr. Gehricke in the Police Court.

The preliminary hearing of Dr. Frances B. Gehricke, charged by C. de Witt Spencer with perjury, was commenced yesterday morning in Judge Mogan's Court. Frank Vernon read from his stenographic notes the testimony of Dr. Gehricke given on January 25th last before Judge Conlan, upon which the present charge is based. At that time, when Spencer was answering a charge preferred by Dr. Gehricke, which was dismissed, she swore that she had not given a general power of attorney to Spencer. J. M. McDonald, a money-lender, was called to attest the genuineness of a bill of sale which figures in the present issue. At this point the case went over until to-day at 2 o'clock, when a court reporter can again be in attendance.

A WOMAN OF MANY ROLES

Mrs. Dr. Burnes Gehricke Goes to Court Again.

OLD ENEMY CHARGES HER WITH PERJURY.

REVELATIONS MAY COME OUT OF THE HEARING ON THIS COMPLAINT.

Prisoner Was a Witness in a Sensational Murder Case—Befriended Peter J. Cox, Bogus Millionaire.

Dr. Frances Burnes-Gehricke was arrested yesterday afternoon just as she was leaving the Alcazar Theater on a complaint sworn to by Charles de Witt Spencer, who alleged that she committed perjury on December 28, 1899, before Judge Conlan when she made oath that she had not given Spencer a power of attorney. This was during the trial of Spencer, who had been arrested on complaint of Dr. Gehricke charging him with perjury in making an affidavit that he held a bill of sale for Dr. Gehricke's household effects. The present arrest and that which figures on the December calendar of the Police Court are but two mild expressions of a controversy, which has an indefinite number of phases and from which sensational developments may be expected.

Dr. Gehricke's charge against Spencer was dismissed, and now he comes back with a similar charge to show her, as he says, that she cannot drag him into court with impunity. Spencer has a fat packet of documents with which his attorneys, Lennon & Hawkins and W. J. Waldheimer, will go armed to the trial. They expect to show that Dr. Gehricke proved the charge against herself when she said she had revoked the power of attorney which, in former testimony, she claimed she had never given. Among Spencer's papers are said to be receipts for the recording of the power of attorney in question, both in this city and in Newcastle, Pa., where Dr. Gehricke's share of her father's estate was situated.

This is not the first time Dr. Gehricke has been in the public eye. She is a daughter of the late R. W. Cunningham, a wealthy resident of Newcastle, Pa., who died in 1890. She married P. D. Burnes in 1859 and parted from him in 1870. Her first public appearance in this city was in February, 1892, when she secured a divorce from Otto Gehricke, whom she had married in 1883. There was no personal service on him, as he had deserted her and gone to Europe. She was next heard of in July, 1893, when she was a witness in the trial of Martin O'Neil, charged with complicity in the shocking murder of Mrs. Kate Griffes in a water-front saloon. During the trial it developed that Dr. Gehricke's daughter, Mrs. Lou D. Bates, was the person who introduced Mrs. Griffes to the proprietor of the saloon and that she had been there with her several times drinking. Mrs. Griffes' husband testified that his wife came to the city on the Monday before her death to see "Dr. Burnes," and that on the day of the death she said that she was again coming over "to see the doctor" and had gathered flowers for her. When O'Neil was arrested he said "somebody will be glad of this," but when he was placed on trial he kept his peace. He was finally convicted of manslaughter and sentenced to ten years in prison. With good credits he was released last year, just before Mrs. Bates and her husband went to Porto Rico, where she has since died.

Dr. Gehricke made another appearance when Peter J. Cox, the "gold brick from the frozen north," came to town. He was the man who announced himself as the possessor of three millions of pocket money which he was trying to find a way to spend. In his story he hailed from a place not on the map and when the truth came out he was found to be a butcher and the son of a butcher. He had simply run away from his young wife, taking the thousand or so dollars they had saved. He fell in with Dr. Gehricke's daughter, Mrs. Bates, while en route to this city and she passed him on to her mother, who took him under her protecting wing. This devotion to the young man brought her into conflict with Mrs. Woodhull, then living at 600 Montgomery street. Mrs. Woodhull was willing to take the young millionaire for her son-in-law and she went to Dr. Gehricke and accused her of spiriting him away. Both sides told their grievances to the public. In the meantime Cox was away on a mining venture for Dr. Gehricke, who was advancing money for his support.

In appearance and in the flow of her conversation Mrs. Dr. Gehricke, who is 61 years of age, resembles Mrs. Davidson, who exploded the bombshell in the household of the Rev. C. O. Brown. Up to a late hour last night Dr. Gehricke had not given bonds. She denies all the charges and insinuations made by Spencer and in turn claims that the shoe is on the other foot. She says that Spencer owes her money and that this arrest is to intimidate and humiliate her.

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RODLEY CASE HEARING SET FOR NEXT FRIDAY

Arguments on the Appeal to the Supreme Court Will Then Be Presented

EARLY DECISION WILL BE ASKED

Prominence of Defendant as a Physician and Citizen Will be Urged as Grounds for Haste

Next Friday arguments will be heard by the Supreme Court on the appeal of Dr. J. Ellis Rodley. The defendant will be represented by Gen D Collins, who, with his assistant in the case, Attorney Guy R Kennedy, feels confident that the decision of the higher tribunal will be in favor of the defendant.

The appeal, it will be remembered, is from the order of the lower court denying the defendant a new trial, also from the order denying the motion of the defendant for an arrest of judgment.

Dr. Rodley, who has been in the county jail since his arrest last fall, is buoyed up by the hope that the Supreme Court will give him the decision, and an early one.

Attorney Kennedy stated last evening that an early decision is expected. This will be contrary to the general rule followed by the Supreme Court, though the law requires that a decision shall be given within sixty days from the time of final submission of the case. The arguments which will doubtless be made in requesting exceptional haste in deciding the case, are that the defendant is a prominent physician whose services are needed by his people; that he is in jail and entitled to an early and final settlement of the case.

GREAT WOLFSOHN MYSTERY WHICH HAS STARTLED LOS ANGELES.

THIS IS the story of Aaron Wolfsohn, mystic and cause of mysteries. It has puzzled the detectives of St. Louis, Chicago, San Francisco and Los Angeles. It has mystified the shrewd agents of insurance companies accustomed to piercing every kind of fraud. It has nonplussed handwriting experts. It has baffled lawyers. It is a sort of perpetual motion or 4-11-44 mystery, which is no nearer solution now than at first. Indeed every new development of the case adds to the mystery of it.

Job's question was, "If a man die, shall he live again?" Wolfsohn's case is almost a parallel. It is the case of a man dead and buried suddenly springing to life at a distant place and coming back to deny that he had ever died. But if that were all there would be no unsolvable mystery. Wolfsohn went further, and just after convincing everybody that he was alive and in robust health he suddenly disappeared as completely as though the earth had swallowed him again. Behind him, confusing every expert who has examined his case, he left evidence of two or three personalities. He was L. Reuter at one time and Arthur Wolfson at another. Then he was Aaron Wolfsohn, and then A. Wolfson. In 1898 he is at Port Elizabeth, South Africa, writing love letters to a Los Angeles widow. In 1899 he is in Los Angeles denying that he ever wrote the letters. As L. Reuter he wrote letters speaking [illegible]. As Wolfsohn he loathed the thought of

is the positiveness with which each investigator sticks to his theory until it is knocked into a cocked hat. There are persons who say that Wolfsohn never will be deader than he is now, lying in the Los Angeles cemetery in a suicide's grave. Others are sure that Wolfsohn is alive. They are willing to take oath that they have seen and talked with him. Others are sure that Wolfsohn neither died nor reappeared, that the suicide was not Wolfsohn and that the newly appeared Wolfsohn is an impostor. The reader of the following statements of fact will be left entirely free to take sides as he pleases. He may take the pieces making up the puzzle and shift them into any position desired to suit any theory he may form. If he arrive at a solution of the problem he will be smarter than the detectives of four cities.

Aaron Wolfsohn, aged 22 years, took out a policy for a $10,000 life insurance in the New York Life Insurance Company at Los Angeles on March [illegible] 1899. The agent insuring him was S. A. D. Jones. The policy was made payable to Wolfsohn's estate. He was unmarried, and his nearest relative was his father, Benjamin Wolfsohn of 715 L[illegible] street, St. Louis. Wolfsohn loved Mrs. May O'Neil of Los Angeles, and was engaged to marry her.

On July 10, 1899, a man committed suicide by inhaling gas in Mrs. O'Neil's boarding-house on Main street, Los Angeles. Mrs. O'Neil was in San Francisco at the time. When she returned to Los Angeles she positively identified the body as that of Wolfsohn. She paid the funeral expenses and heaped his coffin with flowers. She had known him from childhood and pointed out how she identified the body. The landlady,

heard that Wolfsohn was alive in Chicago. They [illegible] to the home office in New York. The result was a notice from the insurance company to the Public Administrator at Los Angeles, directing him not to pay the $[illegible] to Wolfsohn's heirs pending an investigation.

Jones, the agent, who had insured Wolfsohn, and Dr. Karl Kurtz, who had made the medical examination, [illegible] went over the proofs of death again [illegible] before [illegible] found dead in Mrs. O'Neil's home. They [illegible] considered [illegible] doubt that the dead man was Wolfsohn. [illegible] Attorney O'Bryan in Chicago [illegible] for the new Wolfsohn to [illegible] up. Though the rumor that Wolfsohn was alive was spread early in August, the man did not [illegible] in Chicago [illegible] of November. He [illegible] his absence by [illegible] just returned from Europe. [illegible] O'Bryan [illegible] appearance [illegible] as to whether he was [illegible] [illegible] supposedly in company with [illegible] screened from [illegible] the new Wolfsohn [illegible] his signature with [illegible] was the Wolfsohn insured by the New York Life Insurance Company [illegible] the photograph was taken [illegible] 19, 1899, in Chicago. The [illegible] witnessed by Attorney O'Bryan and H. Hesselberg, Wolfsohn's uncle. [illegible] was positive that [illegible] was his nephew [illegible] Wolfsohn [illegible] Wolfsohn.

But the Public Administrator at Los Angeles insisted upon seeing him, and the new Wolfsohn declined to meet her. He declared that they had never been childhood friends, that he had never written to her, that he was not engaged to her, that he had seen her only once or twice, and that he had never visited her rooms, and that [illegible] never died there.

Mrs. O'Neil went to the Van Nuys Hotel to insist upon an interview with the new Wolfsohn. She stood at the elevator when Wolfsohn and O'Bryan came down. The [illegible] her and [illegible] the elevator boy to go to a lower floor, where Wolfsohn stepped out and got away before Mrs. O'Neil [illegible] him. That night he took the train back to Chicago, according to O'Bryan. At any rate, he disappeared and has not been seen since.

The Public Administrator had been convinced by the new Wolfsohn that he [illegible] who had been insured. When the newcomer refused to meet Mrs. O'Neil, however, the official [illegible] stated that the [illegible] before he would pay the $[illegible] back to the company. But the insurance company [illegible] affidavits from [illegible] people identifying the new man as Wolfsohn, that the Administrator [illegible] company an indemnity bond securing him from [illegible] in case Wolfsohn's [illegible] after all, that their [illegible].

Then the Public Administrator, through his attorney, Leon Moss, and the insurance company took steps to get at the bottom of the mystery. Their [illegible] up to the present time has not [illegible]. Mrs. O'Neil produced letters [illegible] that Wolfsohn was her lover and expected even to marry her. The handwriting is a known [illegible] Wolfsohn's [illegible] the handwriting of the new Wolfsohn [illegible] far as [illegible] expert examination can determine. It [illegible] Wolfsohn [illegible] The [illegible] mystifying matters is [illegible] A. Wolfsohn, Arthur Wolfson, L. Reuter and Aaron Wolfsohn [illegible] in the opinion of experts, written by the same man.

The [illegible] the new Wolfsohn [illegible] the fog enveloping the case. [illegible] arrived at Los Angeles [illegible].

"After ceasing [illegible] I went into business in Chicago and at once hunted up the insurance people and put myself at their service. I offered to pay my own expenses and come out here to settle the matter, for I did not like the notoriety I was getting and wished to put a stop to the talk about my name. Mr. O'Bryan, the attorney for the company, [illegible] would not listen to this, but brought me here as his guest. I have seen S. A. D. Jones, the agent from whom I got the insurance, Dr. Karl Kurtz, who made the medical examination of me, and Mrs. Collins, the keeper of the lodging-house where the body of the suicide was found. The two first say positively that I am the man they insured, while Mrs. Collins said that she never met me before, and that I am not at all like the man who had a room at her place and who killed himself there.

"She describes him as being 35 years old, while I am out of [illegible]. He had black hair, and mine is [illegible] brown. We have seen Mr. Moss, the attorney for the Public Administrator, and he says he is thoroughly satisfied that I am the Aaron Wolfsohn insured under the policy.

"Mrs. Margaret O'Neil is mistaken when she says she knew me for many years, or that I borrowed $[illegible] from her. I met her for the first time in my life in a street car in this city a day or so before I took out the policy. We were

company would pay $[illegible]. Then he said that the company's detectives in London were shadowing Wolfsohn, and that within two weeks Wolfsohn would be in Los Angeles. In exactly thirteen days from the time of making that statement O'Bryan and the reputed Wolfsohn appeared in Los Angeles. It is significant that Wolfsohn was O'Bryan's guest, and apparently under the latter's orders, to some extent.

O'Bryan positively refused to permit Mrs. O'Neil to see Wolfsohn. "She has made enough trouble," he said. "She can see me if she likes, but Wolfsohn is through with her." Mrs. O'Neil pleaded to see Wolfsohn. "Tie me hand and foot," she said, "if you think I mean to injure him. Keep me under guard, but just let me see him for five seconds, and I'll tell you whether or not he is Wolfsohn."

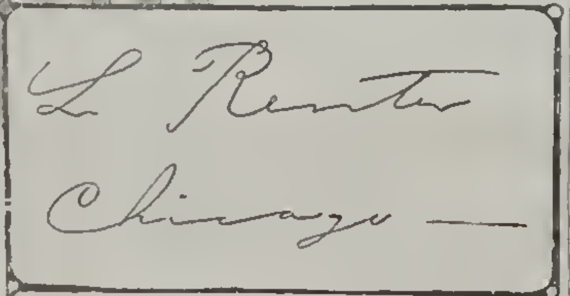
After Public Administrator Kellogg had been convinced that Wolfsohn was really alive, that mysterious person suddenly disappeared. O'Bryan gave out that he and Wolfsohn were going to San Diego. There is reason to believe that they did not go there. By 6 o'clock that night Wolfsohn was on his way East. There was some talk of attempting to hold him by legal process, long enough to investigate him further. O'Bryan, hearing of this, stormed and defied anybody to touch Wolfsohn. "The millions of the New York Life are behind that man," he shouted. "I dare anybody to lay a finger upon him. We've got more money than you, and we'll beat you."

While Wolfsohn was in Los Angeles he refused to be photographed, and refused the request of detectives and reporters for samples of his handwriting. He pointed to his signature on the hotel register, and said that was sufficient to prove his identity. Photographic copies of that signature, compared with Wolfsohn's acknowledged signature to notes in favor of the insurance company, show a similarity that is startling.

The amount returned by Public Administrator Kellogg to the insurance company was $[illegible]. Nearly $1500 was retained by him for alleged expenses. This fact, with the fact that O'Bryan was very free with his money while in Los Angeles, gave rise to certain theories to fit the strange case.

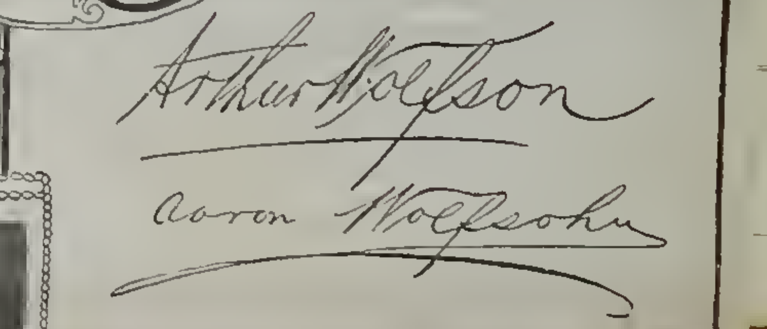
Investigation of Wolfsohn's former life revealed several facts. It was proved beyond question that he was an adventurer. He had traveled in Australia, South Africa, Europe and Russia. O'Bryan said Wolfsohn was educated in Russia. The man had several names. He was at outs with his father to such an extent that he spoke bitterly against the old man. The father, in

The Genuine Wolfsohn

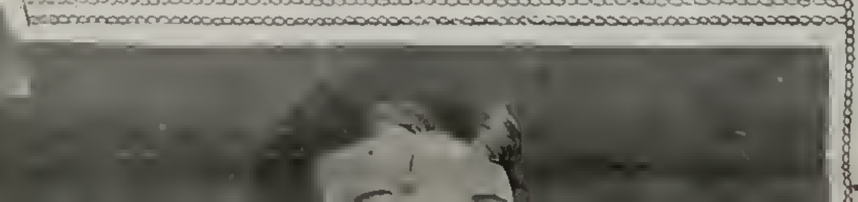


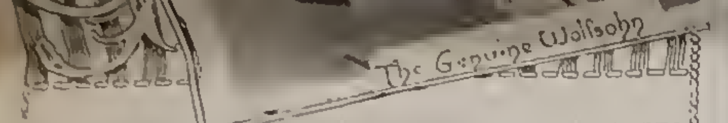
Genuine Signature of Reuter

The Alleged Wolfsohn



Admitted Signature of the Genuine Wolfsohn.





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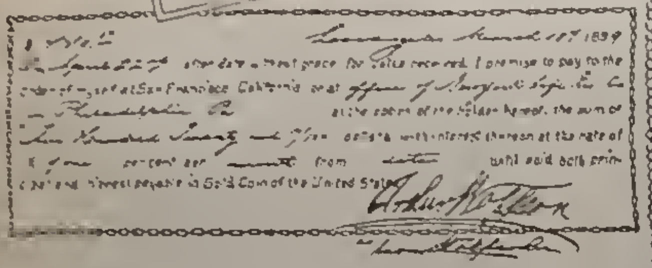


Signature of the Genuine Wolfsohn.

deals, bestowing his attention upon a pretty woman ... and ... and other things incompatible with the knell and shroud. As Arthur Wolfsohn he was a prospective husband keeping up insurance for the benefit of his bride to be. As A. Wolfsohn he was purely a business man, writing letters that spoke of nothing but ... affairs.

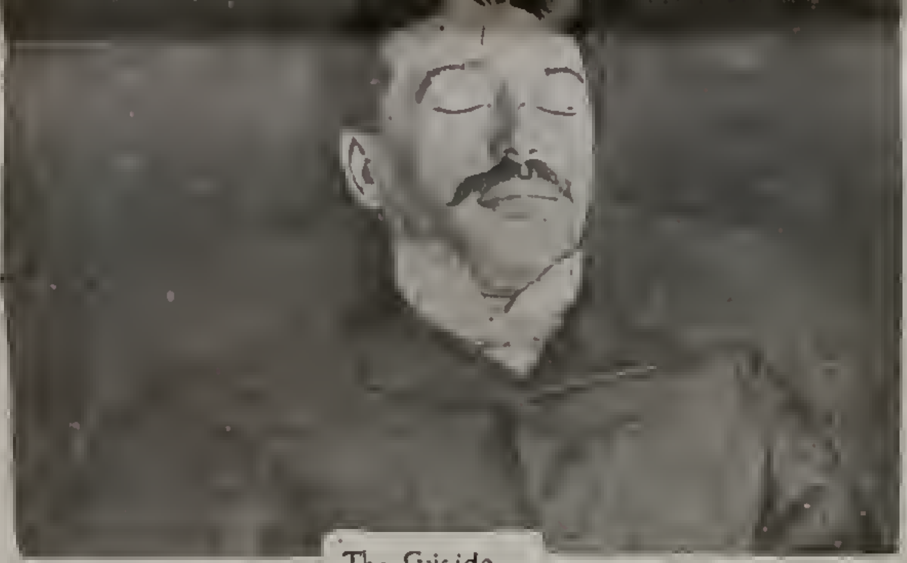
This Wolfsohn in his time played many parts. He seems to have died in one—that of Reuter. When this ... duplicated Jekyll-Hyde became Reuter he ... melancholy as a sponge soaks up water. His letters were poetical, mystical, dreamy, and his thought ... He was half in love with death.

One peculiarity of the Wolfsohn case ... Mrs. Collins, also identified the body as that of Wolfsohn. No one had been aware that Wolfsohn was in Los Angeles. On a hotel register, however, was the name "L. Reuter, Chicago," and in the dead man's effects was a diary signed L. Reuter. In spite of this, Mrs. O'Neil insisted that the suicide was Wolfsohn, and letters were produced showing the startling similarity between Wolfsohn's handwriting and Reuter's. Letters written under the name of Reuter foreshadowed suicide, and it was argued that Wolfsohn, always masquerading under false names, took that means of concealing his identity.

The testimony of Mrs. O'Neil and others with documentary proofs of death satisfied the insurance company that Wolfsohn was dead, and it paid over $10,000 to the Public Administrator at Los Angeles, to be handed to Wolfsohn's heirs upon application.

A few days afterward Edward O'Bryan, attorney for the insurance company at Chicago, received a letter stating that Wolfsohn was not dead and that for the sum of $3500 Wolfsohn himself, in the flesh, would be produced. About the same time Sale & Sale, attorneys for Wolfsohn's father in St. Louis, Angeles had been instructed by his attorneys to demand further proof of the identity of the ... before admitting that he was Wolfsohn. As the insurance company could not recover its $10,000 without furnishing this proof, the next move was to take the alleged Wolfsohn to Los Angeles to prove ... that he was what he claimed to be. This was done.

O'Bryan and Wolfsohn arrived at Los Angeles December ... company's attorney, after ... and talking with the new man admitted that he was mistaken in thinking that Wolfsohn was dead. He said the new man was the identical person he had insured. Dr. Karl Kurtz also changed his views, and admitted that Wolfsohn was before him in the flesh. But Mrs. O'Neil, Wolfsohn's fiancee, and Mrs. Collins, the landlady, repudiated the new man and declared him an impostor. Mrs. O'Neil



The Suicide

to Pittsburg and other places and finally ... an agent of the insurance company in Philadelphia, but the policy had not ... I was in a hurry to go to Europe on business, so I tore up the binding receipt I had and told them to keep their policy. I did not know I was insured, and about the first of May I sailed for Europe from Baltimore. A week ago to-night I returned and arrived

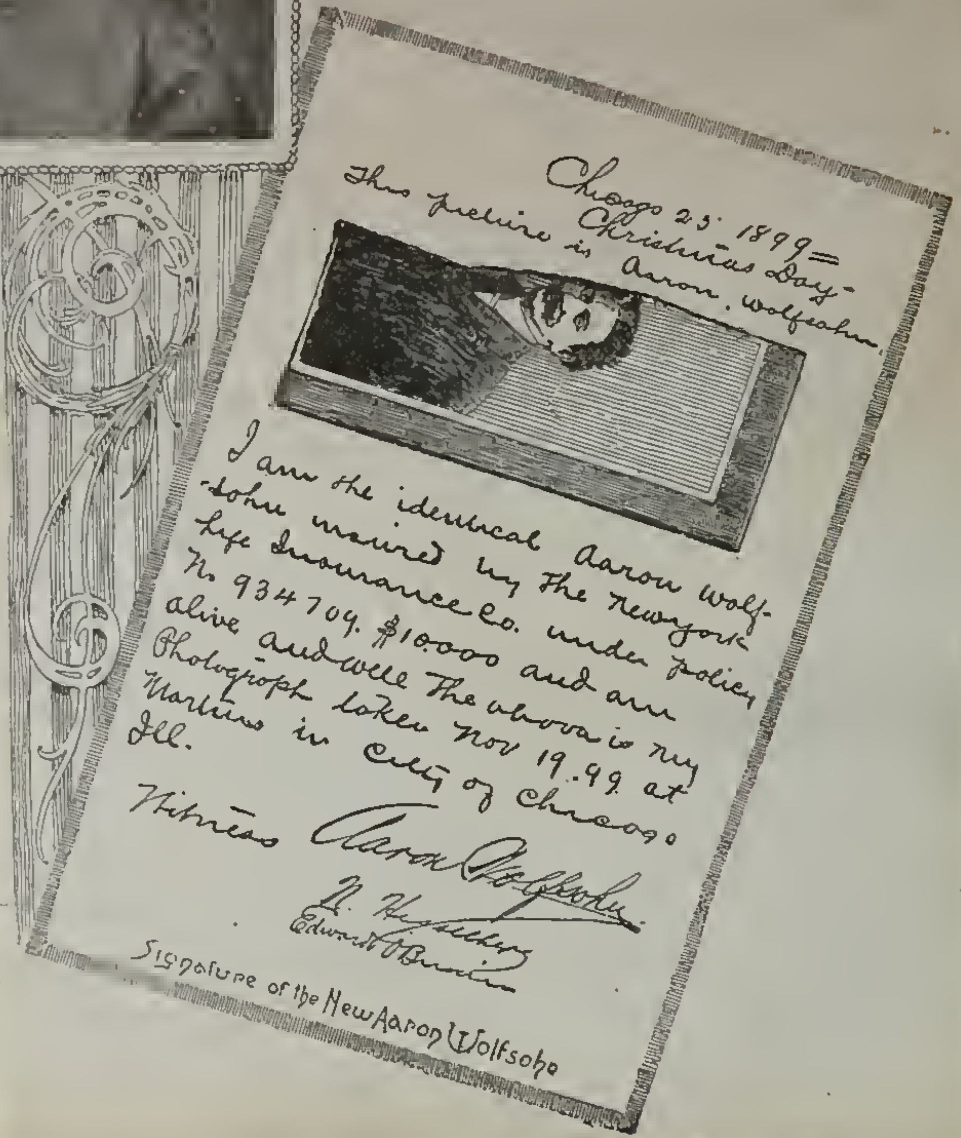
Admitted Signature of the Genuine Wolfsohn.

quite friendly for a few days, and when I was about to start for the East she took a ticket, which she bought herself, and went as far as Kansas City on the same train. Her sister, Mrs. Barrows, saw us off at the depot. Since then I have never seen the woman and never intend to again. I am going from here to Europe again and intend to return to Chicago, where I shall be married and enter into business."

Edward O'Bryan, attorney for the New York Life in Chicago, told a story to a number of people which, patched together, makes a remarkable addition to the mystery. He said that he had been approached by an offer to produce Wolfsohn alive, providing the turn, took so little interest in his son that he declined to meet him, and showed no special desire to get the insurance money. He readily waived claim to it when affidavits were shown to him that his son was alive. The old man said he did not care whether the boy was alive or dead.

No post-mortem examination was made of the body of the suicide. Death by asphyxiation was assumed from the fact that the gas jet was wide open and the room full of gas. Doctors said the swollen lips were an indication of death by gas inhalation.

These are the facts regarding the strange case. Now, what is the solution of the mystery?



Signature of the New Aaron Wolfsohn

THE LIFE AND MARVELOUS WORK OF THE GREAT ARMLESS PAINTER

Created Masterpieces With His Feet Where Other Artists' Hands Have Made Dismal Failures.

LAST week the dispatches announced the death of Monsieur Charles Francois Felu, the armless Belgian artist. Had M. Felu been born with arms he would have been accounted a painter of note. Armless from birth, this wonderful man [illegible] painted and [illegible] with his feet.

[illegible] in California. It is a copy of Van Dyke's "Crucifixion" and is owned by Mrs. W. Cashman of Alameda.

This painting by M. Felu is the most valued of the many beautiful art treasures that decorate the Cashman home. It is so highly prized by Mrs. Cashman and her two daughters, Miss Madeline and

"Charles Francois Felu.

gradually gaining such dexterity that [illegible] he overcame the mechanical difficulties and could give true expression to his artistic feelings.

M. Felu is acknowledged the greatest copyist of Van Dyke. Artists have smiled [illegible] to sit in the shadow of Van Dyke's masterpieces; they [illegible] worked early and late to catch a glimpse of the soul of the paintings and transfer it to their canvases. But one [illegible] caught that elusive "something" that is ingrained in all originals and [illegible] to be caught by the copyist. And that one was M. Charles Francois Felu, a painter who with his feet has succeeded where men [illegible] with arms and hands have failed.

M. Felu [illegible] Van Dyke [illegible] with the great master himself, for his work has so nearly caught the genius of the master that only a connoisseur of great artistic discernment can tell an original Van Dyke from one of Felu's copies.

This armless [illegible] succeeded [illegible] with [illegible] it is his Van Dyke copies that [illegible]

Miss Helen, because they met M. Felu while living in Antwerp, and like all others who have had the privilege of knowing him, they learned to admire the man even more than the painter.

It was Miss Helen Cashman who courteously admitted a Sunday Call reporter and artist. Miss Cashman kindly consented to allow the painting photographed, and while the artist was busy doing this she told many interesting recollections of M. Felu.

"I shall never forget the first time I saw M. Felu," said Miss Cashman. "I was a little girl at the time, probably [illegible] years old. Mamma and I were walking down one of the principal streets of Antwerp when a kindly-faced gentleman stopped us, spoke to mamma and smiled at me. With childish curiosity I could scarcely wait until he had passed to ask mamma why his sleeves were tucked in his coat in that peculiar limp manner. You can imagine how startled I was when told that the gentleman was armless.

"We were shortly to leave Antwerp and [illegible] his mother and father [illegible]

"M. Felu sat at his easel chatting and painting. The sandals were placed by his side, showing the feet in mitten socks. In order to enable him to raise his foot to the level of the canvas he leaned slightly

his coattail pocket with the easy manner and slight flourish that gentlemen often use. Later he extracted something from his breast pocket with just as little difficulty. He managed his drinking glass

that he was using feet instead of hands so naturally did he make them do duty for the missing members.

"There was nothing weird or gruesome about it. I have since seen so-called arm-

A Copy of Van Dyke's Famous Masterpiece, Painted by the Late

prize this painting. I believe M. Felu was near 70 when he died, and I am sure all Belgium mourns his death. We ourselves were grieved and shocked at the news of his death. I am sure his dying hours must have been as calm and beautiful as his life."

The painting owned by Mrs. Cashman is a copy of Van Dyke's famous Crucifixion. When looking at the picture painted by this extraordinary man it is quite impossible to realize that it was done by foot and not by hand, so firm is the drawing and so well is the color laid.

Felu told an intimate friend that one of his earliest recollections was sitting in the garden while his mother taught him to grasp with his baby toes the bright flowers for which he cried. Very soon he learned to gather them for himself, and steadily pursuing this form of instruction his feet soon became flexible and useful. His parents were people of high birth and breeding, his father a retired French officer living at the time of his birth at Waermaede, near Courtrai, North Flanders. The armless child was at first a source of great grief, but his parents gradually realized that he had unusual talents that more than compensated his physical deficiencies.

He was given the best education and graduated in letters with high honors. Circumstances prevented M. Felu's taking an expected official position in Ghent. With joy he turned attention to art, which had always attracted him, beginning the study of painting at Antwerp when already 25 years old.

In all M. Felu has copied some hundred of the best masterpieces. Specimens of his work, originals and copies, are to be found all over the world. Her Majesty, the Queen Regent of Spain, bought one of M. Felu's pictures in 1886.

sent him the cross of a chevalier of the Order of Christ of Portugal.

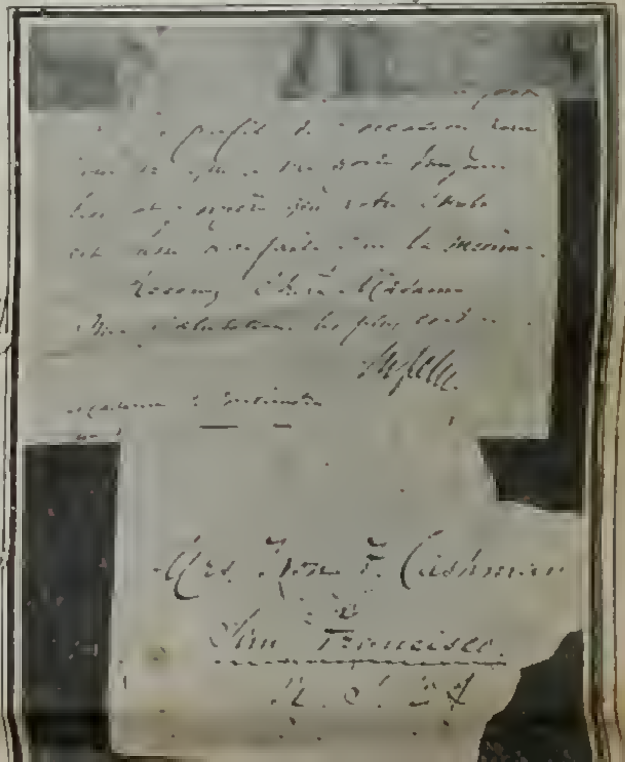
Those who knew him say that the deeds of M. Felu placed him beyond the pale of pity. He inspired those who came within the radius of his personality to better and bigger work. Besides his paintings, this wonderful man wrote a number of verses of literary merit and composed several comedies, one of which was played in Antwerp with great success.

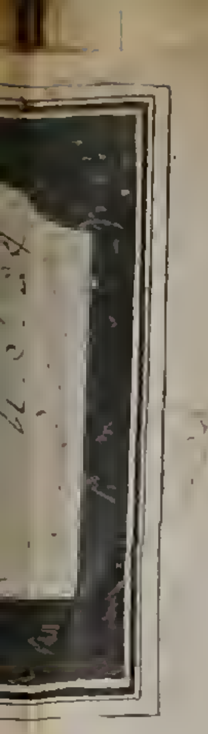
The world has lost Monsieur Charles Francois Felu and the half of the world that loves art and the half that applauds courage mourns. But the lesson which the fruitful life of this armless painter teaches will live on forever. Surely his life work is a proof of what can be done by a stout heart even under the most adverse circumstances.

Gunpowder explosions have one remarkable feature. The bodies of persons killed in such accidents are always found without clothing, but frequently one foot will have the shoe on. This is true of horses also. If one of the feet is in the air and another on the ground, the shoe will be found torn from the foot that was on the ground and not from the other.

When men are killed in powder explosions the foot that happened to be in the air when the shock came will be found wearing the shoe, while the other foot will be bare.

Engagement rings among the Egyptians were always of iron, to indicate the mutual sacrifices of liberty of the contracting parties. One of the very earliest adornments of betrothal rings was a lodestone, which symbolized the attractive force which drew a maid from her own family circle into that of her husband.





A Copy of Von Dyke's Famous Masterpiece, Painted by the Late Charles Francois Felu.

(Courtesy of Mrs W. Cashman, Alameda.)

Portion of Letter Written by the Armless Painter to Mrs. Cashman, Showing the Signature of Felu. The Address on the Envelope Illustrates How Well Felu Wrote English.

YDA ADDIS STORKE.

The Cross Examination of the Expert.

Herr Kytka Finds Counsel a Trying Interrogator but Evidently Being Bent on Truth and Nothing Extenuated, Bears the Brunt Passing Well.

MORNING.

The Storke trial is dragging its weary length, and how long it will last can at present not be conceived. The expert Herr Kytka continues to illustrate and enlighten the jury, and exemplars after exemplars are delineated. Handwriting is the expert's *Fach* fort or specialty, and being perfectly *au fait* he is nerved with self-reliance.

The jury, no matter how composed, is just as good as any other could be. The trial does not appeal to education, knowledge of law, etc., but requires the comprehension and judgment based entirely upon logic. Of all the trials we have attended, this one of Storke is the one we should consider ourself incapable of judging or passing an opinion on.

That Herr Kytka is perfectly at home in the premises no one can doubt, and interesting as the demonstrations may be, to us—being dull—the continued illustrations have no charm. One can not expect any refutation of the expert's testimony by a cross-examination, no matter how harrassing, be nor his instruments cannot *lie*.

To detect a forged name is easy compared with the many specimens and innumerable letters and figures as brought to the notice of the jury, and was upon the head that has a screw loose within, if upon such fabric depends a verdict. Evidently Herr Kytka can make a fac simile of any letter or figure, and should he imitate or forge our name we would not know the forged from the original. But as said, we are dull and can easily be imposed upon.

AFTERNOON.

On cross examination witness Herr Kytka says, the word "acknowledge" is an eleven times eleven enlargement.

Question. What do you desire to have established?

Answer. Claims to have established an enlightenment to the jury, but could not testify as to the identity of the writer.

Q. Again, what have you established?

A. It is my belief that all the exemplars were written by the same hand. Did not state there were three characteristics, but three different modes of writing. One is heavily shaded on the base line, one heavy scroll, and the other standard.

Q. Did not you in direct examination dwell upon shading and base?

Answered that it was necessary since the jury by observation were instructed.

Illustrates the letter A to show the stroke and position of the pen. Shows the jury an exemplar pertaining to the hold of the pen.

Can you point out a characteristic of a cramp or finger hand as to the capacity of the writer without resorting to your notes.

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RNIA, TUESDAY MORNING, JULY 11, 18

REPUTATIONS RUINED TO ORDER

That Pest of Creation the Anonymous Letter Writer Lurks Apparently in Our Midst.

DESPICABLE ACT REVEALED

San Quentin Yawns For the Perpetrator, Be They Discovered, and They May Be, For Murder Will Out.

Marysville has a rich ripe sensation at the present time. A sensation that before its tides have receded will leave high and dry upon the banks of public opinion reputations galore in feminine circles, and may even go farther and wind up in the courts if proceedings at present hinted of are brought.

On one side are arrayed a family whose feelings have been outraged by means of a series of anonymous letters, while on the other stands a wealthy woman born and raised in this community in which she has been noted for the prominent part she has taken in church matters and the many charitable acts that have characterized her life among the people of Marysville. It is entirely needless to say that in the accusations made which are to a certain extent said to have been supported by a report of the famous handwriting expert, Klevto, the citizens of this city believe that a grievous mistake has been made, and in view of the absolute denial of the lady in question will decline to pass judgment prejudicial to her upon other than direct evidence.

Early yesterday morning word reached this city that a sensation concerning Marysville people was to appear in the San Francisco Report, and it is needless to remark that many were the conjectures as to whom the expected sensation might concern. As the time for the arrival of the Knight's Landing train approached quite an assemblage gathered around the local news depot anxious to revel in "the latest."

By some unforeseen slip the desired papers failed to show up until a later train, and so for a time the sensation seekers were foiled. Those copies of the Report which arrive by mail were eagerly scanned by their owners, but when the contents of the alleged "scandal" had been digested, expressions of regret were heard on all sides that people of the standing of those discussed had become embroiled in such an affair.

The article in the Report, which plainly contains several inaccuracies, is as follows:

MARYSVILLE SOCIETY BADLY TORN UP

Over Anonymous Letters Received by Ex-Mayor Slattery's Daughters.

(From a Staff Correspondent.)

MARYSVILLE, July 10.—A sensation has just been brought to light here that promises to eclipse the notorious Yda Addis Storke case of Santa Barbara, which has created so much attention in this State.

At the time of the conviction of Mrs. Storke for sending anonymous letters to residents of Santa Barbara, several prominent and wealthy people of this city also received anonymous letters.

During the early part of the month of May, the Misses Kate and Annie Slattery, daughters of the late ex Mayor Slattery of this city, received anonymous letters at intervals of five days. The young ladies are prominent members of the Catholic church, and are affiliated with several societies of the local church on Seventh street in positions of trust.

The letters received by the young ladies charged them, it is alleged, with embezzlement of church moneys, immorality and with associating with disreputable characters. The communications were signed "A Friend of the Protest Church," and "A Non-Catholic."

Miss Annie Slattery worried over the anonymous communications, and was confined to her bed in the family home, 425 Seventh street, with nervous prostration.

About five letters were received altogether. The young ladies suspected a well-known and wealthy resident of the city, Mrs. C. Berg, 319 Seventh street, as the author of the letters.

Miss Kate Slattery consulted her attorney, W. H. Carlin, and upon his advice she procured copies of letters written and signed by Mrs. Berg. Counselor Carlin, armed with the communications, consulted M. E. Sanborn, attorney for Mrs. Berg, of Yuba City, and showed him the letters. Attorney Sanborn discussed the matter with his client, Mrs. Berg, and a few days later returned the letters to Mr. Carlin, stating that "there was absolutely nothing in it."

The letters were then sent to a hand-writing expert in San Francisco. On July 1 the expert filed the report of his findings with Miss Kate Slattery, stating that the anonymous letters had been written by the same hand which penned the two original exemplars bearing dates of April 30, 1899, and May 11, 1899, and signed "Mrs. C. Berg."

Attorney Carlin showed the expert's report to Mrs. Berg, but she strenuously denied knowing anything about the anonymous letters. She said she had placed the matter in the hands of her attorney.

Mrs. Berg is the widow of the late C. Baru, a wealthy hotel keeper and landowner of this county. New Western Hotel, a valuable building on Second street, is part of the estate. Mrs. Berg has also large holdings in Sutter county. The Slatterys are also very wealthy. The matter has been spoken of only in the family circles, and the utmost secrecy is observed. A great deal of excitement has been occasioned here by the news. Mrs. Berg is prominent in the Protestant Church.

Attorney Sanborn, who represents Mrs. Berg, was emphatic in his denial of the charges laid at her door, and believed, as will many others, that a great wrong has been done in connecting her name with the despicable action of indicting anonymous letters.

He was clearly of the belief that the article in the Report was of itself libelous, and that he should seriously consider the proposition of proceeding against that paper for giving publicity to a charge which, in his opinion, was clearly unfounded and most unjust to his client.

Attorney W. H. Carlin, who represents the Slatterys, stated that his clients had been pestered with anonymous letters, that their suspicions had fallen

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Answers questions by metaphor as the growth of boys and girls varies and changes characteristics.

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Miss Annie Slattery worried over the anonymous communications, and was confined to her bed in the family home, 125 Seventh street, with nervous prostration.

About five letters were received altogether. The young ladies suspected a well-known and wealthy resident of the city, Mrs. C. Berg, 319 Seventh street, as the author of the letters.

Miss Kate Slattery consulted her attorney, W. H. Carlin, and upon his advice she procured copies of letters written and signed by Mrs. Berg. Counselor Carlin, armed with the communications, consulted M. E. Sanborn, attorney for Mrs. Berg, at Yuba City, and showed him the letters. Attorney Sanborn discussed the matter with his client, Mrs. Berg, and a few days later returned the letters to Mr. Carlin, stating that "there was absolutely nothing in it."

The letters were then sent to a handwriting expert in San Francisco. On July 1 the expert filed the report of his findings with Miss Kate Slattery, stating that the anonymous letters had been written by the same hand which penned the two original exemplars bearing dates of April 30, 1899, and May 11, 1899, and signed "Mrs. C. Berg."

Attorney Carlin showed the expert's report to Mrs. Berg, but she strenuously denied knowing anything about the anonymous letters. She said she had placed the matter in the hands of her attorney.

Mrs. Berg is the widow of the late C. Berg, a wealthy hotel-keeper and land-owner of this county. New Western Hotel, a valuable building on Second street, is part of the estate. Mrs. Berg has also large holdings in Sutter county. The Slatterys are also very wealthy. The matter has been spoken of only in the family circles, and the utmost secrecy is observed. A great deal of excitement has been occasioned here by the news. Mrs. Berg is prominent in the Protestant Church.

Attorney Sanborn, who represents Mrs. Berg, was emphatic in his denial of the charges laid at her door, and believed, as will many others, that a great wrong has been done in connecting her name with the despicable action of indicting anonymous letters.

He was clearly of the belief that the article in the Report was of itself libelous, and that he should seriously consider the proposition of proceeding against that paper for giving publicity to a charge which, in his opinion, was clearly unfounded and most unjust to his client.

Attorney W. H. Carlin, who represents the Slatterys, stated that his clients had been pestered with anonymous letters, that their suspicions had fallen as the Report's article would indicate, that they had secured and submitted to Expert Khyte, without his knowledge at the time however, two original letters said to have been written by Mrs. Berg to parties in San Francisco together with the anonymous epistles and that Khyte had reported that the person who had written one had undoubtedly penned the other. He himself had no knowledge that the original letters alleged to have been written by Mrs. Berg and which had been submitted to Khyte for comparison with the anonymous missives, were genuine and in her handwriting, they were at present in his clients' possession and would of course stand for what they were worth. Mr. Carlin stated that in the absence of direct evidence in the matter that he should decline to believe Mrs. Berg had anything to do with the outrageous anonymous letters which have brought so much distress to the Slattery family. Apparently the end is not yet.

Insists That His Original Statement Concerning the Authorship of the Letters Was Correct.

LAWYERS UNCOMMUNICATIVE.

No Intimation Has Been Given as to Whether or Not Any Defence Other Than Simple Denial Will Be Made.

The principal topic of conversation, wherever two or three people are seen bunched, continues to be the Slattery-Berg imbroglio. The public generally have been expecting to hear ere this that the province of the law should have been invoked and the machinery put in motion that should decide which it is that has been wronged in the premises—the accused or the accusers. If Attorney Sanborn contemplates any action for the defamation of the character of his client he is preserving a Sphinx like silence regarding his intentions. On the other side Attorney Carlin is free in his conversation concerning the case, but no intimation can be gained from him as to whether or not his people purpose swearing to a complaint on the original charge.

The San Francisco Report of last evening insists that arrests will shortly follow, and also contains another interview with Expert Khytka, in which he contends that his original judgment in the premises was correct beyond peradventure. The Report's article was as follows:

PROF. KYTKA SAYS MRS. BERG DID IT.

Handwriting Expert Indignant at the Imputation That Has Been Cast Upon Him.

The first arrests in the Slattery-Berg scandal of Marysville will probably be made in a few days, and every movement or action is being watched with intense interest by residents of Sutter and Yuba counties.

Attorney Carlin's statement that he did not know whether not Handwriting Expert Kytka has seen the original admitted exemplars is given little credence.

Theodore Kytka, the expert, on Thursday morning said to a Report representative: "I saw the telegrams in the Report on the Marysville scandal, but I am not yet privileged to speak. Now since Attorney Carlin has given out my report for publication, I do not care to draw the detail studies of my work, but I would like to state that I have been very careful in my examinations, and I find that the writing ought to be easily recognized by any intelligent person. There is hardly any attempt to disguise the handwriting. The examination was certainly the easiest one that I have ever had in all my experience. All my exemplars, disputed or admitted, are stamped with my dies, and these I have made myself, and they cannot be imitated. I have no fear in this regard. Mrs. Berg's alleged handwriting was not the only style that I examined. A bunch of communications written by various suspected persons were sent to me, and I picked out the letters purporting to have been written and bearing the name of Mrs. Berg, without any trouble. So plain and so identical were the anonymous letters, and three communications that it did not require an expert to connect them.

"The detailed report that I rendered, and which was published in the Report is correct in every detail. Only one word was not exactly right. 'Here' was published instead of 'hereby,' as in the original."

Speaking of the notorious [illegible] case, Mr. Kytka said: "My experience in this line of work have taught me that a young woman or a girl will write one anonymous letter; that is, a saucy impertinent note to another person, and then send no further communications.

"When a woman attains the age of 40 years or over, and starts to write anonymous letters, she does not cease writing after sending the first one. She persistently sends these anonymous communications until such time as she is apprehended."

Mrs. Berg is, apparently from her appearance, over 40 years of age.

Mr. Kytka's studio has been furnished with scientific appliances at a cost of nearly $50,000, and judging by the diligent and careful manner in which he prosecutes his work, one may believe that he is not guilty of making errors in his findings.

PRISONERS ESCAPE ON A MERE TECHNICALITY

Mrs. Dora Fuhrig, Samuel Newman and Stephen Vaccari Dismissed by Judge Cook.

By virtue of a decision rendered by the Supreme Court, in which it is held that "a dying declaration is not admissible in evidence in a criminal prosecution unless the circumstances show it to have been made under the belief of impending death," Mrs. Dora Fuhrig, a notorious midwife, under conviction on a charge of murder in the second degree, and Samuel Newman and Stephen Vaccari, under indictment for the murder of [illegible] Tyson, were dismissed from custody by Judge Cook yesterday. The dismissal of the prisoners was the result of a motion made by Assistant District Attorney Hosmer, who stated that it was impossible to secure a conviction of the defendants under the recent Supreme Court decision in the case of Mrs. Dora Fuhrig, in which the judgment was reversed on the grounds [illegible].

Mrs. Fuhrig was convicted of the murder of Annie W. Walmsley on December 22, 189[illegible]. The deceased made a dying declaration in which she said that Mrs. Fuhrig caused her death, but as the declaration was written by [illegible] and only subscribed to by the deceased, when the circumstances proved was not in immediate fear of death, the Supreme Court held that it was insufficient upon which to base a verdict of guilty and reversed the judgment of the lower court. As the prosecution depended solely on the dying statement of [illegible] Tyson in the cases against Newman and Vaccari the court granted the motion to dismiss and the three defendants are now at liberty.

Although Mrs. Fuhrig has escaped punishment on what may be termed a "technicality," her conviction has to a certain extent frightened those engaged in a similar criminal occupation, and for a time at least they will refrain from practicing their chosen vocation.

EXPERT KYTKA REPORTS

Claims That the Exemplars and Anonymous Letters Were Written By the Same Hand.

THE PUBLIC IS SKEPTICAL

And They Are Slow to Believe the Charges Made Unless Backed Up By Direct Evidence--- A Hot Time Coming.

The matter of the anonymous letters recently received by the Slattery family in this city, together with many speculations as to whom their author may have been, was the principal topic of conversation all over town Tuesday. While everyone seemed unanimous on the proposition that the person who indicted and mailed the missives complained of should be ferreted out and punished, many there were who bitterly resented the accusations laid at the door of Mrs. Carlin Berg by the Slatterys and many others who were positive that Expert Kytka has also erred in his deductions. There can be no manner of doubt but the accusations made constitute a serious arraignment of the character of a prominent person, made by another equally prominent family, and it is hardly within the bounds of reason that the charges made will be allowed to stand unresented. To endeavor to [illegible] the character of a family by the means of anonymous letters is a serious matter, both from a moral as well as from a legal standpoint. To accuse a responsible person of such a crime is a matter no less serious [illegible] the accusation founded on anything short of indisputable facts. While the [illegible] of the present entanglement will be deplored by many the fact still remains that a grievous wrong has been committed and a serious charge therefor has been laid at the door of a model citizen. No simple unsupported affirmation will suffice to [illegible] upon an innocent person nor is it at all likely that her friends and relatives will consent to her assuming an attitude of silence under wrong. Up to the present time the attorneys on either side have failed to [illegible] what move they propose to make but certain it is that [illegible] and before the atmosphere clears up someone will be pretty well [illegible] in the meshes of the law.

The San Francisco Report of last evening contains another article concerning the exciting [illegible] in the course of which Expert Kytka's report of the evidence submitted to him is set out in full. The article is as follows:

A MAN IS A[illegible] THE BOTTOM OF IT.

Handwriting Expert Kytka Says Mrs. Berg Wrote the Marysville Letters.

From a Staff Correspondent.

MARYSVILLE, July 11.—The [illegible] publication of an article in the Report on Monday [illegible] the anonymous letters received during the [illegible] by the Misses Slattery, and the subsequent indirect [illegible] Mrs. [illegible] Berg, a wealthy resident of this district, of being the author, [illegible].

Attorney Carlin, who [illegible] by the Misses Slattery to represent them in the matter, was seen at his office, at Second and D streets, and [illegible]:

"If Mrs. Berg is the author of those anonymous letters it will be a [illegible]. The evidence will have to be conclusive [illegible] that she is guilty. I shall make a [illegible] investigation before being satisfied of her guilt. She is a woman of standing, whose reputation is good. Before any overt charge shall be made [illegible] her of being the author of the letters, a complete and thorough investigation will be made to the end that no injury should be done an innocent person. For myself, I have not yet arrived at the conclusion that she is guilty. The subject matter of the communications [illegible] the range of possibilities. The person who wrote these letters certainly has a diseased mind.

"There is no possible reason why she should have written them. I understand, however, that Mrs. Berg and the Misses Slattery had had a misunderstanding which resulted in a difficulty."

"Have you seen the expert's report?" was asked.

"Oh, yes," he [illegible], "I have it right here. When I received it I showed it to Mrs. Berg, and she stated that it was erroneous, and registered a strenuous denial of knowing anything regarding the anonymous letters whatever."

"Do you not think that this report is damaging in the extreme?" was interrogated.

"I certainly believe it is," he said, "because Mr. Kytka is an expert of handwriting who has a reputation, and is known to understand his business. I saw the [illegible] plate, which were to be sent to the expert for comparison with the anonymous letters, and must admit that there was great similarity in the writing. These [illegible] letters, to which I [illegible] were written by Mrs. Berg, but there is a possibility that the expert did not receive the identical exemplars that I saw. When they are returned to me I will be able to speak more fully in this matter. Mrs. Berg is not such an adept at handwriting that she can disguise it very much. Yes, I had a suspicion that she wrote the anonymous letters, otherwise I would not have laid the matter before her attorney originally. This is a serious matter, and [illegible] can be had criminally as well as civilly, [illegible] of the United States post [illegible]. My clients are satisfied that Mrs. Berg is the author of the letters, but I will not permit them to speak as yet."

The report of Handwriting Expert Theodore Kytka, now in the hands of Attorney Carlin, reads:

"SAN FRANCISCO, July 1, 1899.

"MISS KATE SLATTERY, Marysville, Cal.

"Dear Madame: I have carefully examined the handwriting which purports to be written and signed by Mrs. [illegible] Berg, dated April 30, 1899, and also May 11, 1899, and compared these letters with the five anonymous letters addressed to you and your sister, including the envelopes, and I have to report to you that the five anonymous letters and envelopes and [illegible] were written by the same hand. I have marked with my seal all admitted and anonymous letters, including envelopes, for further identification. I find that the writing in the anonymous letters and also on the envelopes is a very clumsy attempt to disguise the characteristic handwriting of the writer. Very respectfully,

"THEODORE KYTKA, Handwriting Expert."

The statement that Mrs. Berg is a Protestant is a mistake. Both the Slatterys and Mrs. Berg are Catholics. Mrs. Berg's pew in the church is directly behind that of the Misses Slattery. [illegible] a male character is the principal [illegible] in the [illegible], and that the [illegible] of the best families in this section.

All three parties are [illegible] of the best families in this section. Mrs. Berg is prominently interested in a number of charitable organizations.

THE MYSTERIOUS "FRANK."

Who Was the Prominent Citizen Mixed Up in the Slattery-Berg Embroglio?

BOTH SIDES ARE RETICENT

Whether or Not Legal Proceedings Will Ensue Is Still a Matter of Speculation.

Quite a number of chasers after rare and racy happenings were severely disappointed on the arrival of the Knights' Landing train last evening to find that the Evening S. F. Report which it had been rumored would present the text of one or more of the anonymous letters which have done so much to disrupt the peace of mind of the Slattery household, had come to hand containing only an account of the meanderings of the reporter of that paper while in Marysville last Sunday bent on securing interviews with the parties in interest.

After setting forth the ramifications of the reporter in his endeavor to locate Miss Kate Slattery, whom he sought to interview, after finally succeeding in bringing up with her the following conversation ensued, at the conclusion of which a visit was paid to the "Berg" residence, where little if any further information other than a complete denial at the hands of Mrs. Carrie Berg was obtained. The result of the interviews with the Slattery and Berg people, according to the Report, were as follows:

"I informed her of my mission, but she denied having any knowledge of the affair.

"Have you read the expert's report?"

"No, I must say that I have not," was the reply.

A copy of the report was produced, and I was about to read it when Miss Slattery said:

"I will not speak on this matter. You will please see my attorney, Mr. Carlin. The entire affair may result in libel suits all around."

Further than this she would say nothing. Shortly before noon I was informed that Attorney Carlin had also gone into the country with his team. Failing to get the desired information from Miss Slattery, I called upon Mrs. Berg in her beautiful home on Fifth street, early Monday. She was very nervous and wrought up over the affair. At first she declined to be interviewed, but finally said:

"I do not know why I should be charged in this manner. I deny writing the letters, and know absolutely nothing about them. I am well known in this county, and have been President for several terms of the Relief Society of this city. I have also done much for charity. I shall make a proper defense when the time comes. I cannot understand the idea of the whole affair. I shall not make any further statements, but will refer you to my attorney, Mr. Sanborn, in Yuba City. The matter is now in his hands. You will please speak low. I do not desire that my son or any one else in the house shall hear of this matter."

In the room with Mrs. Berg during the conversation was her daughter, who is the only other member of the family who was acquainted with the social scandal.

It has been learned that the man in the case is a prominent citizen here, and is known by the name "Frank." Miss Slattery recently showed the anonymous letters to a friend, and the latter, after perusing them, said, "Why, a man figures prominently in this matter." Miss Slattery is alleged to have answered: "Well, Mrs. Berg can have him."

Throughout the anonymous letters this particular individual was mentioned sometimes as "your friend," "you know who I mean," etc.

Attorney Carlin is now working on the case more diligently than ever. It is stated that warrants will be procured in a few days. The matter will probably also be brought to the attention of the postoffice inspectors."

The Appeal has as yet been unable to ascertain whether or not any suits will be brought as a result of the last few days developments. Attorney Sanborn is uncommunicative as to the steps his client propose taking if any while Attorney Carlin feels that under the present status of affairs the next move is hardly his, anyway not for the present.

The character of the anonymous letters which are in the possession of the Slattery's, the directness of their charges as concerns the authorship of the same, the report of the handwriting expert "Kytka," the prominence and excellent reputation of the accused, are all elements which have combined to stir up a most intense feeling among the friends of both parties, and while it is barely possible that the incident may be allowed to die out after the flare-up which has been precipitated, it is hardly conceivable to the ordinary mind that such an ending will ensue, at least not until there has been a complete vindication of the character of the accused.

Peter Jurgans was found guilty of forgery by a jury in Judge Lawlor's court. His trial occupied several days. He forged the name of his brother on the latter's bank book, and drew the deposit of over $600.

TEARS FOR HIS WOUNDED HONOR

Charles S. Wheeler, a Leader of the California Bar, Succumbs to His Emotions in Open Court While Defending Himself on Charges of Unprofessional Conduct.

W. S. Goodfellow, Who Accused His Brother Attorney, Informed by the Judge That if His Charge Be True He Himself Had Overstepped the Bounds of Etiquette.

A MOST extraordinary scene was enacted in the Superior Court of Alameda county yesterday, when Attorney Charles S. Wheeler, one of the most prominent members of the California bar, wept while defending his honor against aspersions that had been cast by W. S. Goodfellow, himself a lawyer of the best standing. During the proceedings Mr. Wheeler made charges against Mr. Goodfellow almost identical with those that had been preferred against himself.

OAKLAND, March 22.—Attorney Charles S. Wheeler, who, with Attorneys Earl, Bishop, Treat and Rix, has been accused of unprofessional conduct in the Thomas Varney suit by Attorney Goodfellow, during his argument to-day before Judges Ellsworth and Ogden, was so overcome by the insinuations as to his action that he broke down. His words seemed to choke him and at one time tears streamed down his cheeks.

The court, seeing his condition, silently waited for him to regain his composure that he might continue his argument in defense of his conduct as an attorney and a gentleman, as well as that of his associates at the bar. Mr. Wheeler said:

"During my years of practice, this is the first time anything detrimental has been said concerning me. I feel it deeply. When this question is settled, I will move the court to disbar Attorney Goodfellow, my accuser, from acting in either the case of Trustees Pitcher and Taylor against Trustee Thomas H. B. Varney for the recovery of $23,000, or in the suit of the heirs against these men as trustees."

From the records in the case it appears that Mr. Goodfellow represents not only all of the trustees as trustees, but that he has also signed himself as attorney of record for Trustee Thomas H. B. Varney individually. This being the case, Mr. Goodfellow is said to occupy the same status in regard to the case that he has been endeavoring to show the attorneys for plaintiffs hold. When these disclosures were made, Mr. Goodfellow offered to withdraw from the case, or was willing that all of the attorneys on both sides be disqualified. The court, however, decided to take no action until all the testimony is presented.

Addressing Mr. Goodfellow, Mr. Wheeler said.

"I understand that you declined to act as attorney in the action of the two trustees to recover $23,000 from Thomas H. B. Varney because you considered that you were disqualified to act as such. Is that so?"

"Yes, that is the stand I took," replied Goodfellow. "I would not take any action in which any of the trustees would be against the others. I do not think it would be proper for me to do so. As to whether or not I would be disqualified, that is for the court to decide. I do not think that it would be right to take a case where there would be such a clash of interests."

Mr. Wheeler then called attention to a part of the transcript of the proceedings yesterday wherein it was stated that the action brought by Hall and Earl on behalf of two of the Trustees against T. H. B. Varney was in part the same as the present action, in as much as the collection of the $23,000 was still involved. Mr. Wheeler contends that if Mr. Goodfellow was disqualified in the former case, he should be disqualified in the present one. In response Mr. Goodfellow stated that he appeared as a representative of all the trustees and that Thomas H. B. Varney was represented individually by Attorney Garret McEnerney. As a trustee he was, of course, represented by Mr. Goodfellow.

"Then I take it," said Judge Ogden, "that if Bishop and Wheeler are disqualified in this case, you would also be disqualified. In the former case you represented the trustees and the estate. In the present action you are appearing against the heirs and beneficiaries. If your contention against Bishop and Wheeler is good, I do not see why it would not also apply to you."

"If the court holds to that view, I am willing to withdraw from the case," said Mr. Goodfellow. "This is not a pleasant task for me. It never occurred to me that I was disqualified, but if the court takes that stand I will submit. I will be satisfied if all of the attorneys be disqualified."

Attorney Wheeler said on the witness stand that he considered that the proceedings of the case before Judge Ellsworth were a matter of public record. "I do not think that Mr. Goodfellow violated any confidence in giving the transcript of those proceedings to Hall and Earl," he said. "All the facts were brought out in open court, and there can be no secrecy."

The matter of Attorney Goodfellow's standing in the case was again taken up when he questioned Thomas H. B. Varney as to his willingness to have him appear as his attorney in the case. Mr. Wheeler offered an objection and the answer of the witness was referred to. Mr. Goodfellow's name appeared in the answer as attorney for the three trustees collectively, and as attorney for Thomas H. B. Varney individually. When this was clearly shown, Mr. Goodfellow said that he was willing for Mr. McEnerney to represent him.

V. W. Varney, one of the plaintiffs in the action, testified that he had given the case regarding the distribution of the estate into the hands of Attorney Treat. No one had solicited the case from him and he had not consulted with Bishop and Wheeler or ex-Senator Earl before giving the case to Treat. During his argument, Mr. Wheeler said:

"In the case cited by Mr. Goodfellow in his motion to prevent me or my associates from acting in this case there is no analogy between that and this. If such were the case there would be but one thing to do; but one duty devolving upon counsel, and that is to decline to act. I have sufficient regard for my profession not to stand in the way. Have we here an attorney for one side who went to the other side or divulged privileged communications or once antagonistic in one litigation to the case at present before the bar? A. J. Treat was approached by the beneficiaries under the will to have the trust wound up. His employment was a special one. He later consulted with Bishop and Wheeler concerning certain matters. Our books show no such case as the Varney estate. After contracts were made with Mr. Treat, Mr. Earl was called upon to ratify Mr. Wheeler's action. In 1895 the Judges of this court entered a decree that suit be brought by the two trustees against the third trustee. Pursuant to the order, Hall and Earl were employed on the case where facts are disputed. The employment of Judge Hall was at the court's suggestion. It was in the interest of the trust estate that the suit was brought. There is absolutely no word of evidence to sustain Mr. Goodfellow's allegations. Instead they are absolutely contradicted. The imputations have not as yet been withdrawn, although he admits that this case first came to Mr. Treat. He has not yet made an apology, which is due us."

"Mr. Goodfellow's idea was that I had given confidential communications," said Mr. Earl.

"I did so infer," replied Goodfellow.

"You will refrain from personalities," said the court.

"If there was one scintilla of evidence," continued Wheeler, "that the papers were placed in the hands of Mr. Earl or anyone who drummed up this litigation, and this suit came from those conditions, I would not be here to defend my position. No gentleman of the California bar, even Mr. Goodfellow himself, would be readier to leave the case, did such conditions exist, than would I. Mr. Goodfellow is acting in a dual capacity. I will move that he be debarred from acting in this case."

The arguments will be continued to-morrow morning at 10 o'clock.

ANONYMOUS LETTER SCANDAL.

Mrs. Mansfield Will Be Placed on Trial at Hollister To-Day.

HOLLISTER, March 19.—To-morrow, in the Superior Court of this county, commences the trial of Mrs. Minnie Mansfield, charged with having criminally libeled Mrs. Ed Conrad by means of scurrilous anonymous letters. No trial here in years has excited more interest owing to the prominence of the parties involved, and the further fact that a number of the leading women of this town are summoned as witnesses for the prosecution. The case will be bitterly fought, and some of the most noted experts on writing in the State have been engaged. The people will be represented by District Attorney John L. Hudner.

ACCUSEO OF WRITING LIBELOUS LETTERS.

The Trial of Mrs. Mansfield, a Well-Known Woman of Hollister, Now Under Way.

HOLLISTER, March 20.—The trial of Mrs. B. B. Mansfield, under indictment for criminal libel, began this morning in the Superior Court. Three indictments were found against Mrs. Mansfield, based on anonymous letters reflecting on the character of Mrs. E. E. Conrad. The authorship of these letters is attributed to Mrs. Mansfield, and they speak of Mrs. Conrad as an inmate of a disreputable house before her marriage. Mrs. Mansfield is the wife of a well-to-do poultry farmer in this neighborhood and the Conrads are likewise in easy circumstances. The case has aroused a great deal of local feeling and partisanship.

The day was consumed in getting part of the jury, and at the time of adjournment ten talesmen had been examined and passed, but none are as yet accepted. S. G. Tompkins of San Jose and A. M. Cunningham are defending Mrs. Mansfield and District Attorney Hudner is prosecuting.

Intimation That Mrs. Mansfield of Hollister Was the Cause of a Man's Suicide a Few Years Ago.

Is Charged Now With Sending Anonymous Letters Defaming Character of Mrs. Conrad, a Former Friend.

[Special Dispatch to "The Examiner."]
[Special Dispatch to "The Examiner."]

HOLLISTER, March 21.—The indictment of Mrs. Mansfield, now on trial, is not the first serious trouble due to anonymous letters in this neighborhood and District Attorney Hudner in his opening statement to the jury this afternoon intimated that he would endeavor to connect the circumstance leading up to a tragedy of a few years ago with the present charge.

In 1894 Antone Schill, of this place, received an anonymous letter making vile statements about himself, his wife and daughters. At that time there was a standing quarrel between the Schill children and those of E. E. Conrad, concerning the pilfering of school lunches. On receipt of the anonymous letter Schill suspected Conrad as the writer or instigator. He took his gun and shot at Conrad, missing him, but wounding another person, by whom he was sued for damages. Schill grew so despondent over the affair that he killed himself as the easiest way out of the trouble.

It was this tragedy to which the District Attorney alluded when he said he would seek by comparison of handwriting to connect Mrs. Mansfield with the writing of a former anonymous letter. Mr. Hudner undertook to prove malice and vindictive frame of mind in the defendant against Mrs. Conrad. He admitted that this malice is unaccountable, but said he could prove its existence, although Mrs. Mansfield pretended friendship for Mrs. Conrad. Mrs. Mansfield, he said, is an educated woman, but the letter neither in the present nor in the former case is such as an educated woman would write unless disguise were intended. The spelling and language are both equally vile.

The case will turn largely on comparisons of handwriting and expert testimony, but there are a great many independent facts to be offered in evidence by way of corroboration.

The taking of testimony will begin to-morrow.

MANSFIELD TRIAL BEGINS.

Jury Secured and Attorney Hudner Makes His Opening Statement.

Special Dispatch to The Call.

HOLLISTER, March 21.—District Attorney Hudner made the opening statement in the Mansfield case. He said in brief that while considerable time would be consumed in the presentation of the case the ultimate facts will be simple. That the defendant wrote the scurrilous letter and more of similar import would be proven by experts skilled in the art of discovering the authors of anonymous letters. That about four years ago Mrs. Mansfield wrote a letter to a man already inflamed with passion against the Conrad family designed to make him believe they were the authors thereof and that he then and there attempted violence upon the Conrads. That malice unaccountable existed against Mrs. Conrad in the intensest degree, that the hatred knew no bounds, that the defendant wrote in two hands, natural and cramped and angular, that she commenced this latter method after suspicion had been directed against her. An exceptionally intelligent jury has been secured.

HOLLISTER'S BIG SCANDAL.

Mrs. Conrad Tells of the Letters That She Received.

THINKS MRS. MANSFIELD THE AUTHOR OF THEM.

HER EFFORTS TO FIX THE GUILT ON THE ACCUSED WOMAN.

Noted Experts Will Pass Upon Samples of the Handwriting of the Latter—Testimony of the Day.

Special Dispatch to the "Chronicle."

HOLLISTER, March 22.—In the trial of Mrs. Mansfield for criminal libel to-day Mrs. Hattie Conrad, the prosecuting witness, was on the stand all day. She told how her suspicions were directed against the defendant, who sought to divert suspicion from herself by throwing the authorship of the letters first on Mrs. Schill, then on a member of Rebekah Lodge, of which Mrs. Conrad was an officer, and lastly on Mrs. Swan, a teacher who had punished Mrs. Conrad's child. Mrs. Mansfield claimed to have received herself two of the anonymous letters. The first she showed to Mrs. Conrad, the second she claimed to have burned, but repeated its contents, which were of a scurrilous nature to the witness, and seemed to take much delight in repeating the contents of the letter.

Mrs. Conrad's testimony dealt mainly with her efforts to gain evidence that Mrs. Mansfield was the author of the anonymous letters. On the occasion of a visit of several lady friends to Mrs. Conrad's house, Mrs. Mansfield being present, the conversation turned on a picture of Miss Ida Scott in the parlor, who Mrs. Conrad termed one of her dearest friends. Three days afterward Miss Scott's mother received an anonymous letter expressing surprise that she should maintain friendly relations with the Conrad family, and the letter then proceeded to make an attack on Mrs. Conrad.

Shortly after this Mrs. Mansfield showed Mrs. Conrad the following letter, which she claimed to have received:

"Thursday, June 8, 1899.—Dear Mrs. Mansfield, I feel that it is my duty to tell you that the Conrad family, root and branch, are constantly circulating malicious lies about both yourself and husband * * As you did not act on the other letter I sent you, I thought perhaps you didn't receive it. You may not think it looks well for me to send anonymous letters, but I don't consider my life would be safe if they knew who told you about their lies * * Truly your friend."

Mrs. Mansfield said she received two anonymous letters, but burned one. About this time the defendant, while professing great friendship for Mrs. Conrad in private, would snub her and shun her when she met her in public on the streets of Hollister.

From the line of questioning pursued by the prosecution it is evident that an attempt will be made to bring the authorship of the letters to Mrs. Mansfield by expert testimony. A number of noted experts have been summoned. A large number of letters and samples of her writing will be placed in evidence. It is sought to be shown that Mrs. Mansfield, jealous of Mrs. Conrad's social success, sought to drag her down and humiliate her. Mrs. Conrad was still on the stand when the case closed for the day.

Pedigree of the schill fa[mily]
The father a drunken
would be murderer the
mother a bird that nab[s]
yung ones be fore she
was maried the oldest girl
a bastard all of the [kids]
cow theifs the hole family
liars a fine family

DASTARDLY ATTEMPT TO BLIGHT THE LIFE OF HOLLISTER WOMAN

Some of the Letters Reflecting on the Character of Mrs. Conrad—She Accuses Mrs. Mansfield of the Crime.

[Special Dispatch to "The Examiner."]

HOLLISTER, March 22.—Some of the anonymous letters circulated concerning Mrs. E. F. Conrad and not hitherto published, were produced to-day in court on the trial of Mrs. B. B. Mansfield, who is charged with being the writer. They are characterized by the same spiteful tone as those on which the indictments are founded, although they are not so positively libelous. One of these was received by Mrs. Conrad herself and reads as follows:

Mrs. Hattie Conrad: If you wish service and will take cold victuals for pay I think we could find you plenty of places. A good charwoman has been a long-felt need in Hollister. Yours, etc.

This letter is not dated. It is addressed to Mrs. E. F. Conrad and the postmark is not legible, except the year 1899. The letter was received in April.

Another letter was one addressed to the defendant herself and by her shown to Mrs. Conrad. It reads:

THURSDAY, June 8, 1899.

Dear Mrs. Mansfield: I feel that it is my duty to tell you that the Conrad family, root and branch, are constantly circulating malicious lies about yourself and husband. Even dough-faced Ollie is always telling how envious and jealous you are of his mamma. As you did not act on the other letter I sent you I thought perhaps you did not receive it. You may not think it looks well for me to send anonymous letters, but I don't consider my life would be safe if they knew who told you about these lies. Every one despises the whole family. The children are just as bad as their father and mother, but they are hardly to blame, as they are taught nothing else either by example or precept. Truly yours,

FRIEND

Mrs. Conrad was on the stand all day. Her nearest neighbor is Mrs. Mansfield, and they were very intimate until this trouble arose. Friendship ceased last fall, but before that there was a period of rather strained relations, while Mrs. Conrad's suspicions were growing to a head. The witness admitted that after she had begun to suspect her neighbor she continued to visit on friendly terms in order to prevent any alarm in Mrs. Mansfield's mind while the evidence was being secured. Previous to last fall there was but one interruption to the friendship, and this occurred in October, 1898, when the ladies appear to have fallen out over the politics of that period and Mrs. Conrad ceased visiting for six weeks. At the end of that time Mrs. Mansfield called and asked for an explanation, saying that if she had offended in any way she was sorry. A reconciliation followed. For some time before this falling out Mrs. Conrad noticed that her neighbor was nagging her.

"How nagging?" asked the District Attorney.

"Well, she would always take the negative of anything I said, and she sometimes imputed that I was not telling the truth. She would say to me, 'I don't believe it, and neither do you.'"

The witness told of her membership in the local Rebekah lodge of the Odd Fellows, of which she was elected Vice-Grand in November, 1895, and Noble Grand the following summer. It was in November, 1898, that the anonymous letters began to circulate. Mrs. Conrad's husband received the first of the series, and another one two weeks later. The final letter of the series is the one printed above as addressed to Mrs. Mansfield. It was shown by the defendant to the witness and this was the first time the anonymous letters were mentioned between them.

Mrs. Mansfield came to the Conrad house on that occasion accompanied by her husband. She told him to go home and feed the chickens, and as soon as he went out she handed Mrs. Conrad the letter. "I asked her," said the witness, "if she believed the rot in that letter, and said I had no means then of proving it was not true, but hoped to be able to do so later. She said my word was sufficient."

At this time Mrs. Conrad had begun to suspect her neighbor of being the writer of the letters, and when Mrs. Mansfield asked her if she had ever seen any writing like that she said "No," although, as a matter of fact, she had seen the Scott and Tono letters, on which indictments are founded. On Mrs. Conrad's request Mrs. Mansfield loaned her the letter on a promise that it would be returned and not destroyed. Mrs. Mansfield came for the letter in a week, saying she wanted to compare it with some handwriting.

Another letter received by Mrs. Mansfield is mentioned in the one printed, but this document seems to have disappeared. In reference to the missing letter, Mrs. Mansfield, according to the witness, told contradictory stories. She first said she never received it, and afterward that she had lost it, and then again she professed to have found it, but Mrs. Conrad has never seen it, and neither side has produced it in court.

"Did she tell you anything of what the letter contained?" asked the District Attorney.

"She told me," replied the witness, "that it said my nephew

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tion was my illegitimate son. Then she (Mrs. Mansfield) put her hand over her mouth and laughed. She was pleased. She said 'I just believe it is some Rebekah writing these letters.' I said there was no one so mean in the lodge, and why should a Rebekah write to her, who was no Rebekah?" She said she had shown the letter to a Rebekah."

This interview was in July, last year, and on August 7th Mrs. Conrad went over to the Mansfields. She had heard that Mrs. Mansfield had found the second letter, but the defendant would not give it up. On this occasion Mr. Mansfield was present and Mrs. Conrad handed him the anonymous letter received by Mrs. Tonn, the wife of a Hollister banker. The letter is as follows:

I was very much surprised to-day to hear the Conrad boasting that she was going to make Mrs. Tonn and Mrs. G. Porter and her outfit as many stepping stones to the topmost seat in the Rebekah lodge and Hollister society. I thought you surely did not know that the creature was once an inmate of old Mother Cook's place of ill fame, and that her husband took her from there when he married her. It is a great source of gratification to Mrs. Porter's social enemies to see her being made use of by such a creature and affords them no end of amusement. Sincerely yours.

Mr. Mansfield said the letter was in the same handwriting as the letter his wife got, and he added: "Such letters don't amount to a —— thing. The best way is to ignore them. That a woman's work. No man would be so mean."

To the suggestion that the letters be ignored, Mrs. Conrad says she replied: 'And let the devil get in his work to her heart's content? Not much. I propose to sift the matter to the bottom.' Then Mrs. Mansfield whispered to me, 'I don't care what you do.'"

Two days later the ladies met again in the presence of Mrs. Grubb and Mrs. Potter of Hollister and they discussed the authorship of the letters.

"I told the ladies," said the witness, "that they were written by somebody who was jealous of my social standing, and that when they were caught I would save the county the cost of transporting them to San Quentin. I would drive them there in my surrey."

"What did Mrs. Mansfield say to that?" asked Mr. Hudner.

"She said in a defiant way: 'You will catch them first, won't you?'"

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HANDWRITING EXPERTS WILL NEXT BE HEARD

Mrs. Conrad Completes Her Testimony in the Mansfield Libel Case.

HOLLISTER, March 23.—The fourth day of the Mansfield trial closed with the two days' examination of Mrs. Conrad, the prosecuting witness. She testified as to the efforts made to entrap Mrs. Mansfield, the receipt of anonymous letters and the attempt and failure to fix the guilt on many suspected persons. Mrs. A. Tonn, Mrs. Joseph Grubb and Mrs. Olive Porter, high lights in the Rebekahs, followed with suspicious circumstances pointing to the defendant's guilt.

Justice Agnew also detailed the receipt of an anonymous letter and his detective work to catch the author. The Agnew letter warned him about allowing his children to associate with the Conrad children, and followed a picnic at the Conrad place which was attended by the Agnew children. The case went over until Monday, at which time the experts on handwriting will take an inning.

Experts on the Stand.

Special Dispatch to The Call.

HOLLISTER, April 7.—The Mansfield libel case drags wearily along. Expert Kytka, who was three days on the stand, testified that Mrs. Mansfield was the writer of the defamatory letters. To-day Expert Ames followed, testifying that it was beyond possibility for them to be written by any other person than defendant. Carl Eisenshimmel will give further expert testimony to-morrow.

SUSPECTED MANY OF HER NEIGHBORS

Mrs. Conrad Had a Poor Opinion of Her Friends.

[Special Dispatch to "The Examiner."]

HOLLISTER, March 23.—A recipe for making candy of the domestic variety has become part of the records of San Benito county, not for festive or culinary purposes, but as an example of the handwriting of Mrs. H. B. Mansfield, charged with writing libelous anonymous letters concerning Mrs. F. F. Conrad.

Mrs. Conrad to-day, on cross-examination, related the story of her search for samples of the handwriting of such of her friends as she suspected might possibly be the writer of the anonymous series. It was rather a long list, including many of the members of the Rebekah lodge of which the witness was an officer last year. She mentioned among others the Schills, the Cheneys, the Winans, the Halls and Mrs. Jackson, but finally she became persuaded that none of the these people was guilty. Nevertheless she did not appear to be able to convey any definite idea of the ground of her suspicion of Mrs. Mansfield, nor did she offer anything tangible in the way of proof other than her observance of slight shades of manner and speech, which she appears to have construed as hostile or defiant, as of one, for instance, who was covertly bidding her to do her worst. These and vague coincidences of time are relied on for far-reaching inferences in the case of the visit of Mrs. Mr. Porter and other ladies to Mrs. Conrad in May, 1899, at which there was a discussion of Miss Ida Scott, accompanied by a statement from Mrs. Conrad that she was a very dear friend, of whom Mrs. Conrad was proud. Mrs. Mansfield was present on this occasion and the fact that a few days later Miss Scott's mother received one of the anonymous letters is relied on as a circumstance connecting Mrs. Mansfield with the authorship of the series.

Mrs. Conrad makes a good witness. When counsel lead her up to an ugly place she does not flinch nor swerve.

"When you went to visit Mrs. Mansfield in June," asked Attorney Tompkins, "you suspected that she was the writer of the letters?"

"I did," was the reply.

"Yet you went to make a friendly call?" pursued the counsel.

"I did," said the witness.

"What was your purpose?"

"I went in the hope that she would make some admission so that I could get evidence."

"Did you discuss the authorship of the letters with her?"

"I did."

"Who was mentioned?"

"Mrs. Mansfield said the letter sounded like the Schills, and I said it did."

"Did not she say that if it was not the Schills, it was the dirty Halls?"

"I mentioned the Halls, but I don't remember in what connection. I may have said you naturally look for those with whom you have had trouble."

"Did you at that time believe it was the Halls?"

"I did not."

"You deliberately misstated the facts of your belief?"

"I did after she showed me her letter."

"Is it not the fact that you have had trouble with all your neighbors?"

"No, sir."

"Are you able to mention any of your neighbors that you have not had differences with?"

"Yes, sir."

"Did you not offer to pay Mrs. Debe if she would get you samples of Mrs. Mansfield's writing?"

"I did not offer to pay her. I asked her to get the samples."

On redirect examination Mrs. Conrad said she had deceived Mrs. Mansfield as to her feelings by the advice of her lawyer. She said she had offered money for a sample of Fanny Schill's handwriting at an early stage of the anonymous series.

Gilmore Agnew, Justice of the Peace, proved the receipt of the following letter in March last:

"If you value your domestic happiness, you had better cool off the friendship between your family and the Conrads. Mrs. Conrad is circulating vile stories concerning yourself and Miss Wentworth and she is already saying she thinks poor, dear Mrs. Agnew ought to be informed about how her husband behaves. Her next move will be to think it is her duty to inform her herself, and when she gets started on that line of duty she performs it well. A word to the wise is sufficient. Mrs. Conrad is not a fit associate for a respectable man's family, as she was an inmate of old Mother Cook's den when Conrad married her. She is the most two-faced, lying woman in San Benito county and no one escapes her lying, malicious tongue. She is a cowardly cur and would swear away any woman's reputation or man's life, not even excepting his own relations.

"A friend and one who knows their whole family and history, root and branch."

Agnew explained a misconception that had arisen about the case to the effect that one of the series of anonymous letters was typewritten. When he received this letter he made a typewritten copy of it and sent it to N. D. Hall, some member of whose family was then suspected of writing the letters.

"Why did you do that?" was asked.

"I did it," said the witness, "because Mrs. Conrad had been to see me about her trouble, and she then suspected the Halls. This was a device or trap so that Hall could either betray himself or clear himself."

"Well, he cleared himself?" said the District Attorney.

"He did," said the witness.

SUSPECTED MANY PEOPLE

Mrs. Conrad's Hunt for the Author of the Letters.

GOT THE HANDWRITING OF SEVERAL ASSOCIATES.

ADMITS HER RELATIONS WITH HER NEIGHBORS WERE NOT FRIENDLY.

Names of Numerous People Brought Into the Hollister Scandal—Accused Woman Unconcerned.

Special Dispatch to the "Chronicle."

HOLLISTER, March 23.—In the Mansfield libel trial to-day, on cross-examination, Mrs. Conrad testified that before she became morally certain that Mrs. Mansfield was the author of the anonymous letters she suspected certain members of the Rebekah Lodge, of which she was a high officer. She obtained specimens of their handwriting for comparison with the letters. The witness spent a very unpleasant half day on the stand, as she was compelled to admit that she and her husband had been on bad terms with nearly all their neighbors and that the women she first suspected were intimately associated with her in lodge work.

In redirect examination the prosecution attempted to bring in the Schill feud and facts connected with the suicide of Annie Schill, but objections were sustained by Judge Dooling. District Attorney Hosler thereupon gave notice that he would introduce this evidence later on. This is the first attempt to bring in the attempted shooting of Conrad by Schill, growing out of some anonymous letters received by Schill in 1894, and foreshadows that the trial will be sensational.

In the afternoon the witness stand was occupied by Mrs. G. C. Porter and Mrs. J. R. Grubb, prominent members of the local Rebekah Lodge and warm friends of Mrs. Conrad, and who endeavored to unmask the writer of the letters. The aim of the prosecution was to prove by these women and Mrs. A. Tonn that as soon as Mrs. Mansfield learned that the H. F. Scott family of this place stood high in the community and were warm friends of Mrs. Conrad's she wrote the letter to Mrs. Scott, warning her not to allow her daughter, Ida Scott, to associate with Mrs. Conrad.

Justice of the Peace Agnew also testified that in February, 1899, his two children attended a party at Mrs. Conrad's and a short time afterward received letters.

The trial is proceeding very slowly, but four witnesses having been examined since last Tuesday. Rumors are circulated that the prosecution has sensational testimony and convincing evidence in reserve. The trial as it proceeds drags in the names of people who never had the slightest intimation that they were involved, and public interest grows apace. At the request of both sides the court adjourned this evening until Monday morning, when it is expected that the writing experts will commence their testimony. The defendant takes the entire matter with the utmost unconcern and is expected to tell of a conspiracy of which she is the victim.

THERE was something most unusual in relation to the recent trial of Mrs. Mansfield at Hollister on the charge of writing anonymous and malign letters. The testimony all tended to demonstrate the woman's guilt, the crime is one of the ultra despicable ones, and yet her acquittal was hailed with joy. The conclusion is inevitable that Mrs. Mansfield is a handsome woman with a judicious facility for weeping.

The Free Lance.

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The Mansfield Libel Trial.

The trial of Mrs. Minnie Mansfield indicted for criminal libel in having written and mailed certain scurrilous letters about Mrs. Mattie Conrad came on for trial in the Superior Court, last Tuesday morning.

The People were represented by District Attorney Jno. L. Hudner, assisted by Mr. N. C. Briggs. The defendant was represented by Messrs. A. M. Cuning, of this place, and S. G. Tompkins, of San Jose.

On calling the venire of jurors it was found that F. A. Mylar, H. A. Lewis and Fred Jones were absent. The following jurors were excused by the Court: Stephen Lavagnino, S. M. Totten, Jno. R. Woolery, Wm. L. Burns and C. G. Lane. This left seventeen jurors to select from out of the original venire of twenty-five.

On drawing from the remaining names, the following panel took seats in the jury box: A. H. Thysen, Andrew Lacque, Henry Bader, E. A. Edwards, Geo. Lyman, Ed Wright, G. T. Duncan, Dan McCloskey, C. Schultz, C. P. Smith, R. W. Chappell and J. J. Cornwell.

E. A. Edwards was challenged by the prosecution, for having an opinion and challenge was allowed by the Court. George Lyman was challenged by the prosecution, on the ground that he had formed an opinion, and was excused. Ed Wright was challenged by the defense on the same grounds, and excused. Dan McCloskey was also challenged by the People and excused, and after the panel had been all examined, Andrew Lacque and R. W. Chappell were excused by the People, and J. J. Cornwell by defendant.

The remaining five names in the jury-box, viz: Matthew Farrell, F. M. Mcarten, Rufine Joseph, Alex. McCune and S. W. Wright, were then drawn, and examined as to their qualifications as jurors, at the conclusion of their examination, a venire was directed to be issued to the Sheriff ordering him to summon twenty-five more jurors from the body of the county, returnable at 1:30 p. m. on Wednesday, Mar. 21st, to which time the case was continued.

On the Court convening at 1:30 p. m., on Wednesday, the following venire of jurors was returned by the Sheriff:

Jas. Mehlwood, W. B. Dryden, N. F. Gobar, J. A. Warnock, J. E. Sindel, S. P. Sherwood, C. L. Burns, R. G. Norton, [illegible], Henry Michaels, R. B. Martin, F. C. Hammond, R. Branagan, Jno. T. [illegible]

evidence by reason of the many circumstances we shall offer, small in themselves, but pointing in the direction of the defendant as the author of this letter, as we shall undertake to show, the ultimate facts are simple.

"We shall undertake to show that defendant wrote this letter, and will offer many more letters of similar import. We shall show that the defendant is the writer of this letter by experts, men skilled in the art of discovering writers of anonymous and simulated writing, and by comparison with defendants' proved and known writing. We shall show that the defendant wrote at least one letter, four years ago, calculated and designed to inflict enormous injury on the object of the defendant's malice, by further inflaming the mind of a man already enraged against the prosecuting witness and her family to a point amounting to desperation, and who, by reason of the stimulus to his animosity given by the letter received by him, and which he believed was made and had reason to believe was written by Mrs. Conrad, was likely to do Mrs. Conrad and her family great and enormous injury, and did attempt the same.

"While the feeling of malice and animosity against Mrs. Conrad of and on the part of the defendant is unaccountable to us, we shall show by the acts of the defendant that it existed in an intense degree. We shall show conduct on the part of the defendant inconsistent with her pretended friendship for Mrs. Conrad. We shall show that the defendant is an educated woman, of the very best manner and address, yet showing, by her acts, a hate against Mrs. Conrad that knew no limits in its malevolence. We shall show that the defendant, within the period covered by these letters, wrote more than one hand, her own natural hand-writing, and a cramped, angular, and unnatural hand; that she commenced this latter method of writing after she learned she was suspected of the writing; that she sought to direct suspicion away from herself, and many other facts and circumstances pointing unmistakably to the guilt of the defendant.

"If we show that the defendant wrote this letter and mailed it herself, or caused it to be mailed, whereby it passed into the hands of parties other than herself, then there will be no doubt of your duty to find her guilty."

[The allusion in Mr. Hudner's address to the jury, regarding the anonymous letter that caused a con-

pentedly. I commenced to notice, during the summer of '98 that she would treat me very cooly when she met met me on the street in town, especially if anyone was around. I was elected Vice Grand in the Rebecca Lodge, at this place, in November, 1899, and installed in office in January. During 1898 I occupied the position of Warden in the lodge—this position would make me eligible to the position of Noble Grand, to which position I was elected in June, 1899.

During November, 1898, I learned from my husband that he had received a letter reflecting upon my character. He showed me the letter. It was the first letter that I had seen of that character. I seen another letter about two weeks later. It was also directed to my husband. The next letter I saw was the one sent to and delivered to me by Judge Gilmore Agnew. [Letter shown to and identified by witness.] The next letter was received by me in April. The next letter I saw in May a letter addressed to Mrs. Tonn. The next letter I saw was addressed to Mrs. B. F. Scott.

At this point witness was temporarily withdrawn, and Mrs. C. E. Scott was sworn and identified the above letter. I received this letter at the Hollister postoffice, about May 13th. I noticed when I received it that it had only been in the office a few hours. Shortly after, a week or so, I gave it to Mrs. Conrad on the occasion of one of her visits to my house. I was well acquainted with Mrs. Conrad, had known her for some four years. I have three children. My daughter Ida is a school teacher. She formerly taught the Enterprise school, the same district in which the Mansfield and Conrad families live. My daughter Ida was well acquainted with Mrs. Conrad, and was on visiting terms with her. Mr. Conrad was a trustee of the school.

Mrs. Conrad's testimony resumed. [Shown two papers.] Have seen these papers. It was a letter that Mrs. Mansfield handed to me about the middle of June, 1899. [Defense concedes postmark to be June 8, 1899.] That was the last anonymous letter that came to my notice. [Shown another paper.] Have seen that paper before, it was around some poppy seeds that Mrs. Mansfield gave me. She said she had marked thereon the names of the two kinds of seeds. [These two papers were offered in evidence, as samples of defendant's handwriting]. (Witness shown another paper.) I have seen Mrs. Mansfield write this. (Witness shown another paper.) I saw this in

family were freely commented upon.

On the following Thursday I met Mrs. Mansfield. Mrs. Joyce was there, and the matter of the ladies' visit was brought up again. The following week I was shown the anonymous letters to Mrs. Tonn and Mrs. Scott.

[At the time of our going to press, Thursday afternoon, 3 p. m. Mrs. Conrad was still on the stand, and the prosecution was commencing to weave the first links connecting defendant with writing the letter upon which she was indicted by the Grand Jury. The full testimony will be given in our next issue.—Ed. Lance.]

The Schill-Conrad Feud.

In his opening address to the jury, last Wednesday afternoon, District Attorney Hudner said the People, in its prosecution of Mrs. Mansfield, would show that she wrote a certain letter, some four years ago, causing a man to attempt serious injury to the Conrad family. We present herewith the facts connected with that affair.

The first item is taken from the Lance of August 14, 1896:

For some time past trouble has been brewing between the families of Ed. Conrad and Antone Schill, in Enterprise District. It seems that their respective children got quarreling at school, and the trouble extended to the male heads of the two families. A workman for Conrad, by the name of Otto Kalionowsky, in some manner, also became involved in the difficulty. Last Friday afternoon about 1:30 o'clock Kalionowsky was shot by Schill, and at present is lying at Conrad's residence in a dangerous condition. We have not been able to learn the true facts in the case as many stories are afloat, but, according to Kalionowsky's story, he saw Schill coming along the road and desiring to have a talk with him he approached him. Schill warned him away and followed up the warning by throwing an axe at him, and seizing a shotgun from his wagon fired one barrel at him. The charge did not hit him, when upon Schill tried to club him a couple of times with the stock of the shotgun, and then fired the other barrel at him. The charge consisting of fine birdshot struck Kalionowsky on the point of the right shoulder, making a large hole therein. He is at present under the care of Dr. Porter and, pending the result of the injury, Schill, who at once came to town and gave himself up, is in jail. We have not been able to learn Schill's side of the story, as positively refuses to see any one. Everybody deeply deplores the affair as all parties to the difficulty are respected residents of this county. Kalionowsky formerly worked at the planing mill here for Coy & Dunlap. On Wednesday Schill gave a bond of $[illegible] to answer the charge that would be preferred against him, and was [illegible]

In Case Of Failure.

San Jose Mercury: Never in the history of California has any project been originated that received at the very outset such universal approval on the part of the practical men of the state as the scheme of combination proposed by the cured fruit growers. It has the unanimous support of the press and the good will of bankers, the business men and even of the packers. It is conceded that the plan of organization is sound, and that regulation of the industry is thoroughly practicable as a business proposition, and that the administration is in good hands. The principle upon which it based has been tested in this valley by the fruit growers, and the Santa Clara County Fruit exchange and the district fruit unions have demonstrated that if the growers stand together, instead of competing with each other, they can measurably maintain prices, reduce expenses and increase profits. The California Cured Fruit association is simply a local exchange or union on a comprehensive scale, and with so pronounced a sentiment in favor of it, and a full knowledge of the immense advantages it would bring to the industry and to individual growers, it would be natural to assume that every one of the latter would be eager to hasten the success of the movement. If the association should not succeed in obtaining the co-operation of ninety per cent of the growers, those who remain out will be responsible for the failure and for the consequences which it is feared may follow.

California will always remain the great fruit State in the union, and its cured fruits will continue to be superior to those grown in any other part of the world. Our fruit industry cannot be wiped out. But it is possible that it may become so demoralized through lack of business handling, that thousands of growers will be driven from the field and the industry brought to a standstill. For example, this season's crop of prunes, should the present favorable conditions continue, may be double last year's crop, or at least fifty per cent larger. Now, without method in marketing, what are the chances for paying prices? If, under the exceptionally favorable circumstances of last season, with short crops abroad and less than a full crop on this coast, prices were not altogether satisfactory, is it reasonable to suppose that they will be higher, or as high, this year?

F. Gobar, J. A. Warnock, J. E. Sindel, S. P. Sherwood, C. L. Burns, R. G. Norton, E. J. Gleason, F. E. Shore, Henry Michaels, B. R. Martin, F. C. Hammond, R. Branagan, Jno. T. Elliott, A. T. Brooks, W. Griffith, Jno. Parker, R. Podva, Wm. Little, Oliver Orr, George Pinion, S. B. Gillespie, A. G. Turner and O. B. Hart.

As soon as the list was called and it was found that all the parties were present, it was found necessary to adjourn until 2 o clock, as it was found that G. T. Duncan, one of the jurors sworn to try the case was absent. At two o'clock the clerk drew from the box the names of Wm. Griffith and C. L. Burns.

Mr. Griffith was excused as he stated, in response to the queries of the District Attorney, that he had formed a strong opinion as to the guilt or innocence of the accused.

At this point S. W. Wright was excused by the defense, and Rufine Joseph was excused by consent of both sides.

Matthew Farrell, F. M. Mecarten and Alex McCune were sworn in to try the case.

The clerk then drew from the box the following names: Richard Branagan, N. F. Gobar and B. R. Martin, All the three of the gentlemen were challenged and excused, Mr Branagan by the defense, and Messrs. Gobar and Martin by the People.

The next names drawn from the box were Henry Michaels, R. Podva and O. B. Hart. After examination Mr. Michaels was challenged by defense and excused. Messrs. R. Podva and O. B. Hart were sworn in to try the case.

The following names were drawn from the box:

S. P. Sherwood, challenged by defense and excused.

Geo. Pinion, challenged by People and excused.

A. T. Brooks, challenged by defense and excused.

John T. Elliott, challenged by People and excused.

S. B. Gillespie, challenged by the People and excused.

Finally R. G. Norton's name was drawn from the box, and he proving satisfactory to both sides was sworn in as the twelfth juror to try the case.

The following gentlemen comprise the jury now trying the case: C. L. Burns, Alex McCune, C. P. Smith, F. M. Mecarrea, G. T. Duncan, Matthew Farrell, A. H. Thysen, Chas. Schultz, O. B. Hart, R. Podva, Henry Bader and R. G. Norton.

After the jury had been sworn in to try the case, District Attorney Hudner made a brief opening statement. We present herewith a short resume of Mr. Hudner's address, which created somewhat of sensation:

"While likely that some considerable time will be consumed in the presentation to you of the People's guilty."

[The allusion in Mr. Hudner's address, to the jury, regarding the anonymous letter that caused a certain man to become greatly enraged at the Conrad family, is supposed to refer to the attempted shooting of Mr. Conrad by Mr. Antone Schill, in 1894, and which we refer to in another column—Ed. Lance.]

Mr. Hudner's address, while quite brief, was to the point, and created considerable of a sensation. At the conclusion of his remarks (4 o'clock) by consent, the case was adjourned until Thursday morning, at 10 o'clock.

The letter upon which the indictment was found and upon which Mrs. Mansfield is being tried, reads as follows:

"Hollister

Dear Mrs. Scott:

It has been a great source of grievance to me to hear a great many unkind comments about your friendship for Mrs. Ed. Conrad. People think it strange that you should choose a woman whose husband married her out of old Mother Cook's house of ill fame, for the bosom friend of yourself and daughters, but I was sure you did not know of the woman's real character and take this way to let you know.

An Old, Old Friend."

Mrs. Mattie P. Conrad—Sworn. Am wife of Ed. Conrad. Have three children. Am acquainted with defendant for 14 years. She lives about a mile east of our place. My husband is a farmer, so is defendant's husband. Our farms adjoin. The Mansfields have no family. I am well acquaint with the Mansfields. My acquaintanceship with the Mansfields was very close and intimate until about a year ago. We visited each other very often, and very cordial—visited each other's house. We met every week, at least twice a week. [Witness here detailed intimacy that existed between herself and Mrs. Mansfield.] Our social visits consisted of afternoon or evening calls. Sometimes we took dinner together. There was a slight interruption of our friendship about a year ago last November. We had a slight dispute about the election of candidates. Our friendship was interrupted for a short time. I stopped calling on her, but she kept up her visits to me right along. Finally defendant called on me and said her husband had remarked her (witness) coolness toward her, and apologized for anything she (defendant) had done. Then I commenced calling on her again. Previous to the episode I noticed a change in her demeanor toward me. She seemed to always be desirous to nag at me, that is she would always deny the truth of anything I stated; she would often remark "I don't believe that, neither do you!" I noticed this change of demeanor toward me re- handwriting]. (Witness shown another paper.) I have seen Mrs. Mansfield write this. (Witness shown another paper.) I saw this in San Francisco. I know Mrs. Mansfield's hand-writing. Mr. Conrad handed this letter to me. Mrs. Mansfield always conducted the correspondence pertaining to her husband's business. The writing in that letter is Mrs. Mansfield's. [Letter introduced in evidence as sample of defendant's handwriting.] (Witness shown another paper). I know that handwriting. It is Mrs. Mansfield's handwriting.

At this point the witness identified a number of samples of handwriting as being in Mrs. Mansfield's handwriting. These samples were marked to be used as exemplars of defendant's handwriting in the progress of the case.

It was Mrs. Mansfield's invariable habit to come into town every Saturday. Never knew Mrs. Mansfield to depart from this custom unless it was a celebration or a funeral. Remember an anniversary celebration given on Wednesday, April 26, 1899, by the Rebecca Lodge. I was Vice Grand at the time, and was active in getting it up. Mrs. Mansfield was cognizant of my exertions to make the affair a success, which took place at Wells' Hall. Don't think Mrs. Mansfield attended the celebration. After the affair was over I took some of the food left over, to my house. This was done on Thursday. When I got home I found Mrs. John Kent there. The food consisted of sandwiches, etc., in a box, and Mrs. Kent took home some of the food to her house. When Mrs. Kent left my house she went to Mrs. Mansfield's. This occurred about at dusk. I got my letter on the following Saturday. It was the only letter that was directed to me. I remember a visit made to me in the early part of May—Monday, the 8th—by Mrs. Grubb, Mrs. Tonn and Mrs. Dr. Porter. They came out in Mrs. Tonn's surrey, and arrived at my house in the afternoon of that day, and stayed until about 5 o'clock. I went to receive the company, and when I returned I found Mrs. Mansfield in the dining-room. We all went into the parlor and spent the afternoon together. There was no formality between myself and Mrs. Mansfield. She would drop in. On this afternoon Mrs. Porter noticed a picture in my parlor, and on inquiring who it was, was told by me that it was the picture of Miss Ida Scott, "a very near and dear friend of mine." Mrs. Tonn said, "Yes; she is a lovely girl." Mrs. Grubb remarked that Mrs. Porter had possibly seen Miss Scott's picture in Jefferson's window. I spoke with great pride of my intimacy with the Scott's, and the favorable qualities of the Scott at the planing mill here for Coy & Dunlap. On Wednesday Schill gave a bond of $10,000 to answer the charge that would be preferred against him, and was released from custody.

The true facts of the above affair are only now coming to light. It seems that Schill who, while a good, hardworking man, and highly respected, was a very excitable individual, had received certain letters making grave charges against him, purporting to have been written by Mrs. Conrad. He brooded greatly over the letters, and commenced drinking, with the result that he tried to kill Conrad, but Kalionowsky received the charge of shot intended for Conrad. After his arrest for the above assault, he went from bad to worse, commenced to quarrel and threaten, and was finally arrested and placed under bonds to keep the peace. The conclusion of this strange case was given in the Lance of April 5, 1895:

SUICIDE OF ANTONE SCHILL.

It is with deep regret we announce the death of Antone Schill from strychnine poisoning, taken evidently with suicidal intent at his residence, in Enterprise District, last Friday morning, at 8 o'clock. How or when he took the poison is not known, as no one witnessed the act. He was found by his wife behind the barn in convulsions. Unfortunately no horse was around the place, and his daughter had to run to a neighbor's, Mr. Jas. Kelly's, in order to get a conveyance to get into town. Before Dr. Porter got out to the farm, (which was as quick as possible) Schill was past all aid, and although the Doctor did all in his power to relieve him, it was of no avail. Coroner Black held an inquest in the afternoon, and a verdict was rendered in accordance with the above fact.

At the inquest the only witness examined was Mrs. Schill, wife of the deceased, who testified as follows:

Deceased was my husband; his name was Antone Schill; he was a native of Germany, aged 48 years, 10 months and 29 days. He was arrested yesterday by W. W. McDonald and taken to town. When he came back he was all right. About 8 o'clock this morning he bid us good-bye; said that was the last he would speak to us. He would not east breakfast. Shortly after we found him lying behind the barn; he told me he had taken strychnine; I sent for the doctor and he told the doctor the same thing—that he took the poison in water. He said everyone was against him; he said Mansfield had lied about him; did not see him take the water.

Sometime ago Schill had some difficulty with a neighbor which resulted in his shooting, with a shotgun, a young man by the name of Otto Kalionowsky. He was arrested and indicted for an assault with a deadly weapon, and the trial was set for an early date. In the meantime Kalionowsky commenced a suit against him in the Federal Court for $25,000 damages. Last Thursday he was arrested at the instance of a neighbor, Mr. Mansfield, for disturbing the peace. These troubles seemed to have preyed upon his mind, and it is supposed that in a moment of temporary aberration he committed the rash act. altogether satisfactory, is it reasonable to suppose that they will be higher, or as high, this year?"

In discussing this subject so vital to the prune growers, the Santa Rosa "Republican" asks if the failure of the effort to unite the orchardists is likely to put a dollar of value in any man's orchard? "Will such a failure," it asks, "guarantee anybody a fair price for his crop? Will it aid in reducing the mortgage on the orchard or in the purchase of home comforts? These are plain and pointed questions. They are questions that are pertinent to every person engaged in prune business. The prune growers who are staying out of the cured fruit union are answering these questions. They are contributing their part toward the defeat of the project. By their acts they are declaring against co-operation and in favor of all the evils of excessive competition."

Starting Melons.

Cantaloupes reach their highest development on a deep, mellow, sandy soil. It should be well prepared and the seed be planted as soon as danger of frost is over. In order to grow the crop early, which is a very important consideration from a commercial standpoint, it is best to make two plantings, one very early and the other some ten days later. Should the first planting be killed by frost or by insects, the second will usually make a stand. If neither planting be killed, the plants can be thinned out when the second pair of leaves have made some growth.

We have planted seed in two-inch rose pots which were placed in a hotbed till the plants reached the proper size, and when danger from frost was over put them out in the fields. Plants started in this way have produced ripe melons one week earlier than seed planted in the fields. Parts of old tin cans may be used instead of pots. The cans may be thrown into the fire and the soldering which holds the ends and seams be melted, and afterward the cans be rolled out so as to form a smooth cylinder. They do best if one be placed inside the other with the opening sides opposite. After the plants are set out, one of these tin cans may also be used for a plant protector against cut worms and cold winds until the plant starts to run. The can is simply slipped up above the plant, with an inch of it remaining in the soil to hold it.—Prof. R. S. Price, Texas Experiment Station, in Farm and Home.

Never judge a person hastily. Even the dog in the manger may have been a nervous animal that needed rest and quiet.—J. A. Mason.

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Bee March 2[illegible] – 19[illegible].

THE ANONYMOUS LETTERS.

The Mrs. Mansfield Trial for Libel Still Proceeds.

Friday afternoon saw the conclusion of Mrs. Conrad's testimony.

Mrs. G. C. Porter testified to having lived in Hollister 18 years. She knew both Mr. Conrad and Mrs. Mansfield and identified a letter.

Mrs. Grubb told of having called with other ladies at the residence of Mrs. Conrad.

Mrs. Tonn testified to having received a letter about Mrs. Conrad.

Gilmore Agnew is acquainted with Mrs. Conrad, knew Mrs. Mansfield by sight. On March 25, 1899, about a month after a young people's party at the residence of Mrs. Mansfield, which was attended by his son and daughter, he received this letter:

"If you value your domestic happiness, you had better cool off the friendship between your family and the Conrad's. Mrs. Conrad is circulating vile stories concerning yourself and Miss Nellie Wentworth and others, and she is already saying she thinks poor dear Mrs. Agnew ought to be informed about how her husband behaves. Her next move will be to think it is her duty to inform her herself, and when she gets started on that line of duty she performs it well. A word to the wise is sufficient.

Mrs. Conrad is not a fit associate for a respectable man's family, as she was an inmate of old Mother Cook's den when Conrad married her. She is the most two faced lying woman in San Benito county, and no one escapes her lying malicious tongue. He is a cowardly cur and would swear away any woman's reputation or man's life if she bid him, not even excepting his own relatives." A Friend.

"And one who knows their whole family history, root and branch."

I made a type-written copy of it and sent it to N. D. Hall who was suspected of writing the letters. I thought it would cause him to betray himself or at any rate it would do no harm. Afterwards I became satisfied he did not write the letters. Mrs. Conrad consulted me in her troubles. We discussed the affair six times before she consulted a lawyer. Mr. Conrad showed me two letters he had received.

Court adjourned until Monday morning.

Ed. F. Conrad, husband of Mattie Conrad, was the first witness Monday morning. He testified to knowing Mr. Schill, the man who committed suicide 6 years ago over an anonymous letter. Mr. Conrad has not seen Schell for several years and did not know of his whereabouts at present as he is dead. Did not remember having trouble with Schell. He remembered the election of 1898 and talked with Mr. Mansfield in the presence of the accused.

During the examination it came out that Harney Shaw had received an anonymous letter during the campaign advising him that the friendship of the Conrads was not sincere. This was ruled out as the letter had been destroyed or lost.

Mr. Conrad was shown a paper which he said his children had brought from the Hollister postoffice during the fall of 1898. Another letter also was brought by the children from school. He remembered of Mrs. Mansfield once during the month of August coming into the house quietly and casting eager glances in the direction of the writing desk. Mrs. Mansfield and he conversed on different topics for an hour and a half. A diagram was put on the board showing the plan of the Conrad residence. Mrs. Conrad was in Hollister and his daughter was in an adjoining room. He was reading and something attracted his attention, looking up he saw Mrs. Mansfield standing in the doorway. He said "Hello," and she replied, "Where were you, I came near rapping the door down." The door at which Mrs. Mansfield entered was several feet away from where he was reading. The writing desk was in the corner near the door at which she was standing. On cross-examination Mr. Conrad admitted discussing the different candidates with various persons during the campaign. My daughter Ollie came in later on during Mrs. Mansfield's call. It was the custom of the two ladies in this case to enter each other's houses without ceremony.

Mrs. Reynolds of Santa Cruz, testified that she had received a paper shown her. This document was an answer to a missive sent by her to B. B. Mansfield requesting information on a certain subject. She enclosed the letter to a lady in Hollister. The letter was about duck eggs.

A. Tonn was called to testify to a certain date.

Robt. Shaw gave some information as to the meaning of the hours of the day placed in the date. All letters received between 5:30 p. m. and 6:40 a. m. next day are stamped 7 a. m. Between 6:40 a. m. and 9:55 a. m., 10 a. m. is stamped. Between 9:55 a. m. and 12:20 p. m., 12 m. is marked. Letters deposited between 12:20 p. m. and 3:40 p. m. are carrying the mark 3 p. m. Between 3:40 p. m. and 5:30 the letters have the 5 p. m. mark. It was agreed that the lawyers could read the figures on the stamp as well as Postmaster Shaw.

Mrs. Joyce is acquainted with Mrs. Conrad and met Mrs. Mansfield at the Conrad home. The conversation turned upon a visit made by prominent ladies of Hollister to Mrs. Conrad.

Court adjourned till 2 p. m.

Miss Olive Conrad, daughter of Mr. and Mrs. E. F. Conrad, testified to plan of the house of her parents and remembered the noiseless entrance of Mrs. Mansfield on the visit referred to by E. F. Conrad in his testimony. Miss Olive remembered another occasion when Mrs. Mansfield entered into the presence of the Conrads unawares. They were eating supper at the time.

Mrs. Ruble said her former husband, Antone Schill, died in March, 1894. She was shown a paper and said she saw it before during her husband's life. Her evidence was cut short by objection. This was a disappointment to many as it was expected that her testimony would be somewhat interesting to say the least in view of facts of the past.

Some business papers given by the Mansfields to C. H. Wagner were introduced as specimens of the signatures of the accused.

E. E. Bolton, foreman of the last Grand Jury, was then called. The questions asked him aroused a storm of objections and legal oratory filled the room, and citations came thick and fast. Mr. Bolton testified Mrs. Mansfield was present and Sheriff Croxon was called to prove that the defendant was subpoenaed. After much discussion the matter of straightening out the record was settled.

He testified to having seen Mrs. Mansfield write in the presence of the Grand Jury and identified to the exhibits shown him. The question involved in admitting Mr. Bolton's testimony was that Mrs. Conrad had not been warned of her rights and had been compelled to testify against herself before the Grand Jury.

A. D. Shaw testified to matters of law cited at a hearing to quash the indictment.

S. R. Canfield as Secretary of the Grand Jury, identified certain papers shown him.

Wm. Hawkins of Mulberry, identified a letter received by him on business from Mr. Mansfield.

From the postmarks on all or nearly all the envelopes of the letters in evidence it was shown that they were mailed on dates occuring on Saturday.

District Attorney Hudner announced that the experts on writing could not be on hand.

Court adjourned until 10 o'clock this morning.

Advance March 30 – 1900

People vs. Mansfield.

This case, the defendant being under indictment for libel, has been now on trial ten days in the Superior Court. We herewith give a summary of the evidence up to date:

Mrs. E. F. Conrad, the prosecuting witness, testified that for years she has been a close neighbor and friend to defendant; that their first dispute was over election matters in November, '98; that in the summer of '99 her husband received letters reflecting upon her character; that the mention of the Scott family during a visit by some ladies, in the presence of Mrs. Mansfield, was followed by the receipt by Mrs. Scott of a letter of the same character; that Mrs. Tonn and Mr. Agnew also received letters; she also identified specimens of Mrs. Mansfield's writing, and detailed a large number of circumstances pointing towards Mrs. M.; and also of her efforts to detect the authorship, in which suggestions were made by Mrs. M. as to who the guilty party might be; that after a certain Rebekah entertainment she took some of the food left over to her home, and gave a portion to Mrs. John Kent, which event was followed by another letter making reference to Mrs. Conrad making a good charwoman and cold vittles; that Mrs. M. continually advised them to drop the matter.

Upon cross-examination Mrs. Conrad acknowledged that she had misled Mrs. M. on many occasions, and pretended a friendship she did not feel, for the purpose of securing evidence against her. Although on the stand for two days, Mrs. Conrad's testimony throughout only varied in trifling matters.

Mrs. Dr. Porter corroborated the testimony of Mrs. Conrad as to the Scott incident, and the conversation with Mrs. Mansfield at Mrs. Porter's house when defendant seemed very much amused at Mrs. Conrad's indignation, in reply to Mrs. C.'s remark that she would give the author a free ride in the surrey of which they seemed so envious, Mrs. M. said, "You will have to catch them first;" Mrs. Porter also testified that Mrs. Mansfield had said it was a woman between the age of 45 and 50, that no man was mean enough to do that; in this connection Mrs. M. remarked, but I have reminded him of a few things and he has to admit there is a man mean enough.

Mrs. J. R. Grubb corroborated the testimony of Mrs. Conrad and Mrs. Porter as to conversations with Mrs. M.; also to the statement of the latter that she thought the author a Rebekah; and had talked to a Rebekah who also thought the author was a Rebekah.

Mrs. A. Tonn testified to the receipt of a letter received by her between the 11th and 15th of May; also to the conversation between all parties concerning the Scott family.

Mrs. G. W. Joice testified to a visit paid Mrs. C. when Mrs. M. was present and a conversation that occurred relative to the visit of Mrs. Grubb and Mrs. Porter.

Mrs. Hallie McReynolds, of Santa Cruz, identified a letter received by her from Mrs. Mansfield. This was offered in evidence as an exemplar of defendant's writing.

Mrs. Ben Scott testified to the receipt of an anonymous letter on the Saturday following the visit of the ladies at Mrs. Conrad's at which the fact of Mrs. C.'s friendship for the Scotts was discussed. This letter expressed astonishment that Mrs. Scott should make a companion for her daughters of Mrs. C.

Gilmore Agnew testified to the receipt of an anonymous letter, in which he was advised to cool his friendship for the Conrad family or they would do him injury. This letter was mailed on a Saturday and followed a picnic at the Conrad ranch which was attended by the Agnew children. On cross-examination Mr. Agnew stated that he had made a copy of this letter, omitting the address and all names except Mrs. Conrad's and mailed it to Mr. N. D. Hall, who had been suspected of writing the letters. He explained that he did this for the reason that if he was the guilty party he would betray himself, if not, it would clear him. And in response to the District Attorney "it did clear him."

Postmaster Robert Shaw testified as to the various figures on the postmarks of letters, showing that 3 P. M. meant that such letters were dropped in the wall box at any time between 3 and 5 P. M. This testimony was offered in support of the testimony of Mrs. Mansfield only came to town on Saturdays and then invariably in the afternoon.

Ed. Conrad testified that upon one occasion he was sitting in his house reading when he was surprised to see Mrs. M. standing in the door. She stated that she had nearly rapped in the door of the kitchen without being heard. Mr. Conrad stated that the first row was over election matters, the chief contention being over the candidacy of Harney Shaw for county Clerk. Here the Dist. Atty. offered to show that this incident was followed by an anonymous letter to Harney Shaw, warning him to beware of the Conrads, but the Court would not allow him to go into the details. Mr. Hudner also sought to show by this witness that a man named Schill had also received a letter which greatly incensed him against the Conrads, but this was also excluded.

Mrs. Josephine Ruble, formerly Mrs. Schill, identified a letter received by her from Mrs. Mansfield, which was offered in evidence by the Dist. Atty. as an exemplar of defendant's writing.

E. E. Bolton identified certain writings made by Mrs. M. while being examined before the grand jury. A strenuous effort was made by defendant's counsel to exclude these writings, without avail, and they were admitted in evidence as exemplars.

Miss Olive Conrad corroborated the testimony of her father as to the sudden appearance of Mrs. M. at their home one summer afternoon.

A. D. Shaw identified certain writings made by Mrs. M. before the grand jury, and to the admission of such at a subsequent session of the Superior Court, also that Mrs. M. had been placed upon the stand by her counsel, Judge Cunning, the cross-examination resulting in the admissions of her writings and the subsequent withdrawal of the whole cross-examination by the District Attorney. Over the proposition of the admission on evidence of these writings as exemplars of defendant's writing, counsel battled for two hours, but they were finally admitted over objection.

C. W. Hawkins, of Mulberry, identified a letter received from Mrs. M., which was also admitted in evidence as an exemplar of defendant's writing.

The Court was then asked to ascertain and declare that the various dates on which the various letters were postmarked, covering a period of five years, fell on Saturday, and the Court so declared and stated to the jury that it must be accepted by them as a fact.

On Tuesday there was but a short session of Court, the expert witnesses having failed to arrive.

On Wednesday morning, Theodore Kylka, of S. F., was called on the stand and testified as to his expert knowledge of hand-writing.

The witness testified that he had followed the profession of hand-writing expert for 18 years, his first case in this country being that of the Haymarket murderers at Chicago. He had also been engaged in the Rodley forgery case, at Oroville, the Davis will case, the Fair case, the Yda Storke case and hundreds of others. He had examined all the exhibits in the Mansfield case, and after photographic examination and demonstration, he pronounced them emphatically the hand-writing of one and the same person. He produced the negatives of each photograph which were taken in charge by the clerk. The work of the expert was then submitted to the jury, over the objection of the defense. Mr. Kytka was then permitted to illustrate his testimony by an exhaustive analysis of the various writings. He occupied all of Wednesday and Thursday on the stand and his testimony will probably continue to-day.

Mr. Kytka takes various words and letters in each of the exhibits, and finding a similar word or letter in the Scott letter, upon which the indictment was found, proceeds to demonstrate upon the black-board the points of resemblance of the two. The letters after each demonstration are then submitted to the jurymen who view them with powerful microscopes. The process is slow but complete, each point raised being submitted to careful demonstration. At the beginning of Mr. Kytka's testimony there was a decided difference of opinion between the expert and Judge Cunning, and matters grew so acrimonious as to call for suppression by the Court.

P, March 31. 1900

Ap 6 1900

THE MANSFIELD TRIAL.

After nearly one whole day's rest the Mansfield trial was resumed Wednesday morning. Expert Kytka was on hand with his microscope and photographs. After much talk on the part of the attorneys he was qualified. One could easily judge from the preceding the room that instead of the storm that we would like to see raging outdoors a different kind of one was brewing indoors. The morning was spent in the necessary details incident to introducing expert testimony on handwriting. Mr. Kytka has been engaged in a large number of notable cases.

At the afternoon session the courtroom was filled with spectators attracted both by interest in the case and a desire to hear expert Kytka who is cool and collected under all circumstances. The storm that had been threatening all morning broke forth in all its fury. The stentorian tones of Judge Ounniing could have drowned the rattle of Mansecre. The slow deliberate but none the less firm and emphatic speech of District Attorney Hudner could be distinctly heard. The resolute air of Lawyer Tompkins was marked, notwithstanding his courteous manners. Counsel Briggs was silent but alert and busy as ever. Matters became so hot at times that we thought the lawyers were wearing asbestos gloves to protect their hands from the heat of argument.

The dignified, firm and polished decisions of Judge Dooling would ever and anon pour oil over the troubled waters but the storm would break out anew. The spectators were interested in it all and particularly in the verbal contest between Mr. Kytka and Judge Cunning, whose opinions were leagues from agreement.

After a very warm discussion matters quieted down while the attorneys were making comparison of the exhibits. In the midst of the calm the ringing of a church bell, reminding one of "Love your neighbor as yourself," could be heard. Judge Dooling remarked "This sounds peaceful."

After a little more desultory firing of objections and motions Expert Kytka was allowed to proceed peacefully. Mr. Kytka takes the same word from each of the admitted and disputed exhibits and writes it on the blackboard, shows the similarities of the letters noting the personal peculiarities of the penmanship. After the demonstration the letters are submitted to the jurymen to be examined by a powerful lens. The process is a very tedious one but nevertheless one can gain a great deal of information from his talk. Mr. Kytka finished his testimony at 2.15 and court adjourned until Monday morning.

The attendance on Thursday and Friday was not as good as on previous days.

People vs. Mansfield.

The tenth day of this trial went on in the Superior Court, Monday. Mr. D. T. Ames, the famous expert, was the first witness called. He testified that he had been a witness in thirty-two States, Canada and Great Britain, and had also rendered an opinion in the famous Dreyfus case. He occupied the greater part of the day in demonstrating that the disputed writings, the anonymous letters and the grand jury writings were all made by the same person. In comparing the capital letter "E" in the grand jury writing with the capital letter "E" in the Conrad letter, he stated that it was beyond the realm of probability that any two persons could make the same identical peculiar "E." The witness stated emphatically that the writings were all made by the same person. Counsel for defense did not make the cross-examination very lengthy. The witness is evidently a master of his science, and was extremely logical and convincing in his explanations of penmanship in all its branches.

On Tuesday, Carl Eisenheimel, the writing expert of San Francisco, occupied the stand. He testified that he had made an exhaustive study of the genuine and disputed writings, and from that had reached the opinion that they were all made by the same hand. Eisenheimel called attention to many points in the different exhibits. Upon cross-examination he became slightly rattled and refused to answer the question as to whether a person using a disguised hand usually wrote a better or worse hand than in ordinary writing. The Court, however, insisted that he answer. He stated that his opinion was based solely upon the examination he had made of the papers, and did not depend upon the amount of fee he was to receive.

Wednesday morning E. E. Bolton was recalled, to prove that defendant had stated before the grand jury that she usually or invariably came to town on Saturdays; also that she had never trusted Mrs. Conrad, in fact had no use for her.

S. R. Canfield and Andrew McKenna, members of the grand jury, followed in corroboration of Bolton's testimony. The latter also stated that Mrs. M. said Mrs. Wagner had told her the letters came from a Rebekah.

Mrs. Chas. H. Wagner testified that she had never stated to Mrs. M that the letters came from a Rebekah; that she did tell her it was rumored that they might have come from the Halls; that she had heard Mrs. Mansfield say Mrs. Conrad was a busybody; never heard her say anything serious about Mrs. Conrad.

Upon cross-examination, witness stated that the Halls were Rebekahs at the time and occasion referred to.

The testimony of A. D. Shaw as to statements made by Mrs Mansfield before the grand jury closed the case for the prosecution.

The defendant called as her first witness:

James A. Bowen, who qualified as an expert on penmanship and handwriting. After taking the stand, Mr. Bowen requested time to make a comparison of the writings and the Court adjourned to Thursday morning for that purpose.

Thursday morning the various anonymous letters were read and submitted to the jury.

Mrs. Mansfield was then called by the defense and identified three envelopes addressed by her several years ago. Also 4 pages of the back part of an account book and a small memorandum book, as in her handwriting for 8 or 9 years past. The Dist. Atty. was inclined to believe the book spurious, and cross-examined the defendant vigorously about each item. The defendant evaded the fixing of any date by "I don't remember". The papers were however, admitted, the District Atty. reserving the right to attack their genuineness later on.

J. A. Bowen then took the stand and stated after a careful comparison, he had found that the grand jury writings and the anonymous letters were not written by the same person. He then proceeded to give the particular degree of slant of every letter in certain recurring words.

Mr. Bowen will be on the stand again this morning, and will be followed by Edw. Halsey, an expert of San Jose.

Ap 20/1900 Advance

The Mansfield Case.

The argument in this case closed on the nineteenth day of the trial, and the case was submitted to the jury at 11 o'clock Friday morning. The instructions of the Court were taken entirely from the statutes, and were as impartial as lawmakers could devise. At noon the jury was taken by Sheriff Croxon to the McMahon House for dinner. Upon the return to the jury room R. G. Norton was elected foreman, and a ballot was taken which resulted in 10 to 2 in favor of acquittal. A second ballot made the verdict unanimous. Upon the announcement of the verdict by Clerk Piratsky there was a hysterical scene between the defendant and her relatives and friends. The verdict was a popular one, as the defendant seemed to have universal sympathy. The two remaining indictments will probably be dismissed.

JURY ACQUITS MRS. MANSFIELD OF LIBEL.

Hollister Trial Results in the Exoneration of the Alleged Defamer of Mrs. Conrad.

HOLLISTER, April 13.—After a trial lasting nineteen days the Mansfield libel case came to a conclusion this afternoon. The jury, after balloting twice, brought in a verdict of not guilty. When the verdict was read Mrs. Mansfield collapsed, and amid hysterical shrieking was borne from the courtroom to the corridor, where numerous women friends assisted in bringing her back to consciousness, which was accomplished after an hour's hard work. The trial was bitterly fought on both sides, and feeling ran very high between the partisans of Mrs. Conrad and Mrs. Mansfield. The arguments occupied the greater part of two days. It is thought that the defendant's hitherto excellent character greatly influenced the jury in their verdict. Judge Dooling receives much commendation for his impartial rulings during the trial and his instructions to the jury. There are two more indictments against Mrs. Mansfield, but what disposition will be made of them is not yet known.

When the verdict was announced there was an outburst of applause from the crowded courtroom, which Judge Dooling sternly suppressed. The defendant was overwhelmed with congratulations from friends, and triumphantly escorted home. Out of this trial much ill feeling in the community has been engendered, and it is rumored that the matter will now be carried into several of the local lodges. It is the wish of the conservative element of the people that the whole matter be dropped and further proceedings abandoned.

SCO CALL, SATURDAY.

MRS. MANSFIELD ACQUITTED OF LIBEL CHARGE

Scene in the Courtroom When the Verdict Was Announced.

Women Rushed Forward and Hugged Her, the Jurymen and All Connected With the Defendant's Side.

Special Dispatch to The Call

HOLLISTER, April 13.—The Mansfield case went to the jury this morning after a trial lasting twenty-two days. After two hours' deliberation a verdict of not guilty was returned. Two other indictments against the defendant for the publication of anonymous letters will probably be dropped.

When N. C. Briggs commenced the closing argument for the State the large courtroom was packed from bar to gallery with ladies, whose sympathy was openly expressed for the defendant. So open was this that thunders of applause greeted the defendant's counsel's remarks and brought forth a vigorous threat from Judge Dooling to fine every offender. So confident were these ladies that the jury would acquit that many brought their lunch and made a sort of indoor picnic in the hall of justice. The summary of the case by Mr. Briggs was pitiless in the solid array of facts and circumstances, each pointing unerringly to the guilt of the defendant. As each link of the chain was forged apprehension took possession of the multitude lest the jury should be swayed by the remorseless finger of the clearest kind of circumstantial evidence. Yet while the woman's guilt was apparently made clear, all hoped and prayed for acquittal.

After two hours' deliberation the jury returned with their verdict, and as the words "not guilty" fell from the trembling lips of Clerk Piratsky the defendant gave a shriek and fell limp into the arms of her husband. Then ensued one of the most remarkable scenes on record. Women who had waited for hours fell on the Mansfields, husband and wife, and hugged each alternately and then took turns hugging each other. Each member of the jury was hugged by the old ladies who had watched continually every phase of the trial, and it was some time before the burly Sheriff could extricate the jurymen so that the court could perform its duty and discharge them. But two ballots were taken, the first 10 to 2 for acquittal.

The District Attorney has been severely criticized for the expense caused the county, but it is money well spent. The person who writes anonymous letters in this county hereafter will do it with the knowledge that he will get a legal run for his money.

BOHEN RETIRED AND SEYMOUR SLATED

CAPTAIN JOHN F. SEYMOUR.

THE Police Commissioners met as a pension board yesterday afternoon and formally retired Captain of Detectives Bohen, Detective Ray Silvey, Sergeants Shields and Lindheimer and Policemen Daniel Coleman, Dan McNeil and John Morton. Physical disability was given as the cause of their retirement.

Captain John Seymour, who has been in charge of the City Prison for some time, will succeed Bohen. Seymour has been connected with the department for a number of years and is considered one of the shrewdest detectives in the country. His cleverness in fastening the brutal murders of Blanche Lamont and Minnie Williams on Theodore Durrant, who was afterward hanged for his bloody work, won for him the plaudits of not only the Police Commissioners but the community at large. It was also through his efforts that Becker, Creegan and Deane, three of the most successful forgers that ever operated in this city, were brought to justice. After securing $22,000 from the Nevada Bank on a forged check the clever trio went East, but were pursued by Seymour and finally captured. Becker, who was known as the king of forgers, and Creegan are now serving terms in the penitentiary for the bold crime. Deane turned State's evidence and was given his liberty. Seymour was also responsible for the conviction of Mrs. Botkin for the murder of Mrs. Dunning, and Albert Hoff, who foully killed Mrs. Clute in her home on Guerrero street. They both received life sentences for their crimes. He also ran down and captured W. K. Melville, the defaulting bank cashier.

The new captain of detectives was appointed a member of the force in May, 1884, and on account of his strict attention to duty he was shortly afterward promoted to the rank of corporal. Recognizing his ability, ex-Chief Crowley appointed him a detective a few years later. Since then Seymour has been engaged on the most important cases in the history of the Police Department. His promotion as chief of detectives will be formally announced at the meeting of the Police Commissioners to-night.

Detective Silvey, retired, has been in the service for twenty-six years. He has many notable captures to his credit, among them being the arrest of Sidney Bell, murderer and all-round crook, Stage Robber Sharp, Hedgepeth, notorious train robber, and Root and Shack, burglars. The latter were captured by Silvey and ex-Detective Cox after they had committed over thirty-five burglaries in one month. When taken into custody the pair had over $14,000 in their possession, which was the proceeds of their numerous crimes.

Silvey prior to being disabled was considered one of the ablest men in the department. He knew every pickpocket and it is said of him that he landed more "dips" in the penitentiary than any other officer. His successor will be Tom Ryan, the clever detective of the Southern station.

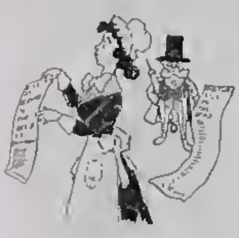
Ryan has been on the force for eleven years and is regarded as one of the shrewdest detectives in the country. In conjunction with Edward O'Dea, who is also slated for promotion, Ryan has made a number of important arrests. His record of arrests and property recovered far exceeds that of any other member of the department. His recent capture of Collins, the Seattle bank robber, and Bergen, who had been systematically stealing gold from the Mint, convinced Chief of Police Sullivan that he was worthy of promotion.

Ryan was warmly congratulated by Captain Spillane and the officers of the Southern station when his promotion was announced. It is expected that at the meeting of the Commissioners to-night Chief Sullivan will submit a list of the men who in his judgment are incapable of doing police duty. This will be particularly aimed at the upper office.

8 *TOWN TALK*

Money not Always a Blessing

The heiresses of the late Jacob Z. Davis do not find the possession of unlimited wealth an unalloyed delight, I understand. First they had to go through the valley of the shadow of a will contest, and since then they have been beset by bills that should never have been brought against the estate. The heiresses are Mrs. John M. Curtis and Miss Elizabeth Muir. They live in Post street, in the old Davis house, and they would be free from life's slings and arrows if it were not for mercenary minded doctors and other annoyances.



First, there was the account of ten thousand dollars filed against the estate by a woman physician who attended the late Mrs. Jacob Z. Davis. The woman doctor had pleaded to be allowed to serve Mrs. Davis in her professional capacity, and had said her desire was inspired out of pure friendship. Therefore, when Mrs. Davis died her husband out of gratitude gave the physician three thousand dollars, for her friendly services. However, no sooner had Mr. Davis been laid beneath the sod when his heirs were sent an account for ten thousand dollars from the medico woman for services rendered. The heirs refused to pay and the woman brought suit for the amount. Besides this, they were asked to pay four thousand dollars to another physician, for consultation or some such service.

During Mrs. Davis' illness, her physician prescribed for her apple juice and beef juice as a means of sustenance. The apples were squeezed through one machine and the beef through another, and the professional nurse was very careful not to mix the squeezers. But one day, she happened to be out when sustenance was required and the servant girl was asked to attend to the job. She made a mistake in the machines, and trying to press heavy beef through the more delicate apparatus a piece of iron flew up and hit her in the eye. It destroyed the sight of the organ, I am told, but Mr. Davis had everything possible done for her. He paid her doctor's and oculist's bills, and also assisted her largely in a financial way. Yet this servant, when Mr. Davis died, came to the fore with a suit for three thousand dollars personal damages against the millionaire's heirs.

BURYING A FORGERY.

End of the Famous Old Von Tiedeman Case in Judge Belcher's Court.

The old Christy-Von Tiedeman forgery case was finally buried in Judge Belcher's court yesterday by the issuing of an order quieting title to the property in the Richmond district which was mentioned in the forged deed.

The suit was brought by Harriet P. Christy against Horace George Pratt, Alonzo Thayer and the fictitious Harriet P. Christy, who were the ones who floated the forged deed. She prayed that the forged deed be set aside and that she be declared the sole owner of the property affected.

Lee D. Craig, the notary before whom the deed was sworn to, told the story of how the woman representing herself to be Harriet P. Christy came before him and swore to the deed conveying the property to Pratt and Thayer, and then Mrs. Christy told of the after events by which the forgery was discovered.

SAN BENITO ADVANCE

HOLLISTER, CAL., APR. 20, 1900

GEO. E. SHAW, - - - PROPRIETOR

County Official Paper.

Senseless Knocking.

The trial of the Mansfield libel case, which ended Friday in the Superior Court, developed an amount of "knocking" that would indicate the possession of mentality of meager calibre by the thrifty element of this community. This disagreeable trait developed early in the trial, and continued with unabated rigor until its close, and will perhaps continue until the incident of the anonymous letters is legally closed. The wildest kind of stories concerning the expense to the county have been floated, many of them by persons who knew better, but preferred falsehood to truth, and by others who seek to trim their sails to every freshening breeze. To begin with, this trial was initiated by a grand jury, men of fair mind selected from near and remote parts of the county. After a patient, searching investigation, nineteen of these men decided that the facts ascertained by them warranted an accusation against the person accused. Having found indictment, it became the duty of the District Attorney to prosecute the indictments to trial, and to the lasting credit of Mr. Hudner, be it said he performed his plain simple duty, faithfully and well. It is not every District Attorney that can stand up to the rack against a manufactured public sentiment, but in this instance every fact or circumstance that could throw any light on the transaction, was laid before the tri l jury without fear or favor. It may as well be understood now, as at any time that when grand juries arrive at a conclusion that warrants indictment, such indictment carries with it the order for trial, no matter who the District Attorney may be. It is not within the province of any prosecuting officer to set aside the solemn finding of nineteen citizens unless their be legal flaws in their proceedings.

Upon the question of expense, this county has been singularly free from the cost of expensive criminal trials. Nearly two years had elapsed since a criminal trial had occurred in the Superior Court, against an expense that is constant and enormous in neighboring counties. The total expense of the Mansfield trial barely reached $1600, and sober reflection will convince any fair minded citizen that this money has been wisely expended. Hereafter the person that puts pen to an anonymous letter, can do so with the knowledge, that if detected, he will be prosecuted to the fullest extent of the law. This anonymous letter business has been a crying evil in this county for some years past, and if a stop is now put to it, who can say that the result has not been cheaply obtained.

Courts, however, are erected and maintained for the protection of the people, alike for the poverty-stricken and the heaviest tax-payer. Even, had the expense been ten-fold, the woman who is anonymously accused of wrong, the man whose sacred feelings are outraged, the children whose natural ties are trampled upon and held up to ignominy, are entitled to the protection that citizenship or residence beneath the American flag guarantees them. And the thrifty soul who would deny it to them, would be among the first to involve the county in expense, if some neighbor's horse trespassed upon his grain, or some estray cow broke a few pickets in his fence. If the question of punishing crime is to become a matter of expense, then let every wronged person become his own defender, and vindicate himself and family with the contents of a shotgun. It is to prevent such a state of affairs, however, that Courts are instituted, and around the humblest citizen, is thrown the mantel of protection. Only the guilty have any fear of submitting to the jurisdiction of a Court, the process of which is open alike to accused and accuser. The question of expense has no place in the temple of justice. Better that the country should be bankrupted than that the meanest, most contemptible of crimes should go without investigation, and the criminal allowed to continue unwhipped of justice in the most nefarious of practices.

In this particular case the trial jury was undoubtedly swayed by public sentiment, openly and publicly manifested. Nor is it the first time that such has been the case in this community.

Public sentiment or clamor should have naught to do with the juror who enters a jury box with a solemn oath to do his duty.

"RIGI"

PHOTO BY KYTKA

Mar 8 1900 Chron

Democrat

WOODLAND, CALIFORNIA, TUESDAY EVENING, MAY 22, 1900.

DEFEAT FOR THE DELGER ESTATE.

ITS DEMURRER FAILS TO LAMPING'S CLAIM.

AN ANSWER WILL NOW HAVE TO BE RETURNED TO HIS SUIT.

Another Chapter of Litigation in Which an Ex-Confidential Agent Is Accused of Forgery.

Oakland Branch Office of the "Chronicle," 1151 Broadway, corner Ninth street.

OAKLAND, May 7.—The attorneys for the Delger estate were unable to-day to knock out by means of a demurrer the claim of J. J. Lamping which he backs up with a purported promissory note which he claims the late Frederick Delger gave him, not only as a reward for faithful service, but in consideration that he would not for a certain specified time engage in the employment of any one save Delger.

The matter came up to-day in Judge Ogden's department of the Superior Court on motion to strike out certain features of Lamping's complaint. The greater part of the day was spent in argument, and several paragraphs of the complaint were stricken out. This disposed of, the demurrer of the Delger attorneys was considered, the attorneys making an extended argument, but it was overruled, and answer will now have to be made to Lamping's suit.

The litigation was commenced early in last year by an action on the part of Matilda Brown and E. F. Delger as executors of the estate and against Lamping to restrain him from offering the note for sale or in any way negotiating it, claiming that if the note was ever signed by the late Frederick Delger, it was done by a mistake, while in another clause of the complaint it was alleged that the signature was a forgery. The Court was asked to have the note declared a forgery and canceled.

Lamping won in this preliminary skirmish, and when the note became due he instituted a suit to collect it. He had in the meantime presented his claim against the estate. This claim was in March of last year rejected by E. F. Delger, one of the executors, but the point was made to-day by William R. Davis, the attorney for Lamping, that the claim had never been rejected by Mrs. Brown, the other executor, and that for aught the Court might know, she held the claim to be a valid one.

Lamping claims that Frederick Delger, by whom he was employed for many years in the capacity of confidential agent, presented him with the note on consideration that Lamping continue in the future, as he had in the past, in the employ of Delger. The note was given shortly after the time, Lamping claims, when he had negotiated the purchase of property at the corner of Fourth and Market streets in San Francisco, and had made a bargain which was worth at least $50,000 to Delger, the amount invested being over a quarter of a million dollars.

Metcalf & Metcalf and H. A. Powell, attorneys for the Delger estate, ridicule this statement, and the charge is made that the Lamping note is a rank forgery and that it has been so pronounced by a number of handwriting experts to whom it has been submitted. Lamping on the other hand insists that it is genuine and says he will demonstrate the truth of his statement in the courts. A hotly contested legal battle is almost a certainty, as both sides are amply supplied with money to carry on the litigation, and furthermore, are convinced that they are certain of victory.

THE JOHNS NOTE.

Trial of an Alleged Forgery Case Commenced.

Experts Kytka and Eisenschimel on the Witness Stand Most of the Time Today.

The contest over the John estate was commenced this morning. There was a formidable array of counsel, but there were few people in the courtroom, other than those interested in the case.

Miss Mary Gregory was the only one present interested on the side of the executors. Tandy Allen, of the contestants, was also present, but Mrs. Friel was not there. Young Allen's father and uncle were also interested spectators.

Neither of the executors was present. J. C. Ball, A. A. DeLigne and Hiram Johnson were present as counsel for the contestants. N. A. Hawkins, W. H. Grant and Grove L. Johnson represented the executors. There were also present in the courtroom, D. P. Ames, an expert in handwriting, for the executors, and Experts Theodore Kytka and Carl Eisenschimel, who will testify for the contestants.

In order to understand the proceedings in this case a brief history of it is necessary. G. W. Johns died in November, 1898. He left a will naming his daughter, Mrs. Elizabeth Gregory, and her son, Geo. W. Gregory, as executors without bonds. By the terms of his will, property of the probable value of $100,000 was to be distributed equally among his children. No provision was made for Miss Mary Gregory and her brother, George W., grandchildren of the deceased. In June of the following year a note purporting to be executed by deceased in favor of Mary and George W. Gregory was presented and allowed by Mrs. Gregory, one of the executors, and after hearing testimony, the court approved the allowance of the claim.

On February 9, 1900, Tandy Allen, a grandson of the deceased, and Polly Ann Nancy Friel began a contest, disputing the claim, alleging that its allowance was fraudulent and the signature to the note a forgery. They also presented a petition asking the removal of the executors. The court made an order suspending the powers of the executors until the question of the genuineness of the signature of the note is determined, and appointing J. D. Lawson special administrator.

That was the status of the case when court convened this morning.

Judge Grant stated that Geo. W. Gregory and wife are detained at home on account of a very sick child. Their testimony may be necessary and it may not be. It may be necessary later to ask for a continuance until their attendance can be secured, but no continuance is asked at this time. Judge Gaddis stated that he had notified attorneys on both sides that the testimony must all be in by next Saturday night. If the taking of testimony is not concluded by that time the case will have to go over until September, or to suit his convenience.

On motion of Judge J. C. Ball Hiram Johnson was entered as counsel for the contestants. On motion of N. A. Hawkins W. H. Grant and Grove L. Johnson were entered as associate counsel for the executors of the estate.

Judge Grant, Hiram Johnson and Grove L. Johnson made an argument in regard to the method of procedure. The point at issue seemed to be the advantage of the opening and closing argument. Attorneys for the executors claimed the right to present the claim as allowed by the court. Upon the contestants would rest the burden of proving that the claim is not a just or legal one, but that does not give them the right to close. The executors occupy the affirmative because they must make a prima facie case, showing that the claim had been presented and allowed by the executors and the court.

The court held that it is incumbent that the petitioners should open and ... numbered by the clerk.

The first witness called was Expert Kytka. Mr. De Ligne conducted the examination. After the preliminary questions were asked and answered Mr. Kytka was handed the original note, which he identified. He then presented negatives of photographs of the note and all the various signatures of the deceased which had been offered as exhibits. These negatives were numbered from 53 to 57 inclusive. The witness next produced all the prints made from the negatives. Mr. Johnson objected to their introduction on the ground that the executors had not been furnished with a copy. The objection was overruled and Mr. Johnson noted an exception.

Witness next introduced a screen showing the enlarged signatures of deceased, one supposed to have been written June 30, 1898, one on July 7th and another July 26th of the same year. The signature of July 7th is the note signature. The same signatures were exhibited on glass or porcelain.

Counsel for the executor objected to the introduction of these exhibits on the ground that the originals are the best evidence. The court overruled the objection, and an exception was noted. Witness explained the process of reproducing these photographs on various scales and claimed that they are exact copies.

Counsel for contestants wanted to withdraw witness for the present, to be recalled again as an expert in handwriting. Counsel for contestants objected, but the objection was overruled and another exception was noted. There was no cross-examination.

Expert Eisenschimel was next called. He testified that he had examined all the various exhibits and concluded that the signature to the note is a broad, clumsy forgery. He came to that conclusion because the signature shows none of the natural habits of the handwriting of the deceased. It contains not less than thirty-five indisputable points going to prove it a forgery. He found evidences of tracing in the heavy down strokes. Witness illustrated some of his methods of making examinations by blackboard drawings. He used a glass photograph for making examinations. Witness explained that three special strokes of the pen, in a changed position, were made to give the first downward stroke in the letter W the desired length. He said Mr. Johns wrote his signature, while the forgerer or simulator drew the signature. No man can write his signature twice alike, but there are certain characteristics found in all signatures written by the same person. Witness then analyzed the signature, claiming that from beginning to end it showed none of the permanent habits of the signatures written by the deceased. Witness claimed that certain portions of J and O had been erased with a rubber. Before the expert's testimony was concluded the court ordered a recess until 1:30 o'clock.

At the afternoon session Mr. Eisenschimel again occupied the witness stand. He resumed his statement by correcting some errors in his testimony given in the morning. He concluded that it was impossible for G. W. Johns to have signed the note on account of one permanent habit. In all the signatures that are admitted to be genuine there are evidences of labored effort due to palsy, and these evidences are more palpable as the signatures progress, on account of loss of control of the nerves.

The witness focused a microscope upon the base of the letter W to show the three distinct divisions in finishing the first down stroke. He caused a ripple of laughter by remarking that it was very plain—to those who wanted to see. He criticised Expert Ames' position in attempting to look through the microscope. He said he persisted in standing in his own light, as though he did not wish to see.

During the course of the examination Judge Grant remarked that these divisions were too fine for his eye. "Yes, they are fine," replied Mr. Eisenschimel, "but it is a part of the duty of the expert to find them. Those who do not want to see them can shut one eye and sometimes both."

Mr. Johnson conducted the cross-examination. He requested the witness to put the S in exhibit 44 under the microscope. Mr. Johnson requested witness to say whether there is any difference in the fluency in the letter S in and put both under the microscope for the purpose of showing the difference in the efforts of producing them.

Witness said it made no difference in the appearance of writing on account of the pen or ink used, but the character of the paper might make some difference. No matter what the difficulties are under which a writer signs his name the characteristics of the writer will always crop out.

Witness explained that the signature to the note was made by tracing. A paper containing a genuine signature was procured and over this the note was laid and the tracing made.

Mr. Johnson concluded his cross-examination by asking if the health of the writer, the age, his condition as to having taken recent violent exercise made any difference as to the appearance of the writing. The witness answered yes as a general proposition.

The court ordered a recess of fifteen minutes.

Chr May 23

SAID TO BE A FORGERY.

Contest Over a Ten Thousand Dollar Note at Woodland.

WOODLAND, May 22.—The Johns note contest is in progress in the Superior Court, Judge E. E. Gaddis presiding. Certain heirs of the estate of the late G. W. Johns are attacking the validity of a $10,000 note purported to have been made by the deceased in favor of Mary and George Gregory, the latter of whom is an executor of the estate. To-day's session was taken up with the testimony of Eisenschimel and Kytka, expert handwriting witnesses, the former of whom declared the note a "clumsy forgery."

Call May 23

EXPERTS TESTIFY THAT FORGERY WAS DONE

Special Dispatch to The Call.

WOODLAND, May 22.—A sensational case was commenced in the Superior Court here to-day. It involves the moral character and the integrity of people who have heretofore borne a good reputation in Colusa and Yolo counties as well as the disposition of a large slice of the estate of an old resident who died in Woodland in November, 1898, and who left an estate of the probable value of $100,000.

When G. W. Johns died he named Mrs. Elizabeth Gregory, his daughter, and her son, George W. Gregory, as executors without bonds. He directed that his property be divided in equal shares among his children. No provision was made in the will for his grandchildren, George W. Gregory and his sister, Mary Gregory. In June of the following year a note for $10,000 purporting to have been executed by the deceased in favor of these grandchildren was presented as a claim against the estate and allowed by Mrs. Gregory, one of the executors, and after hearing testimony the court approved.

On February 9, 1901, Tandy Allen, a grandson of the deceased, and Mrs. Polly Ann Nancy Friel, a sister of deceased, began a contest, disputing the claim, alleging that its allowance was fraudulent and the signature to the note a forgery. They also presented a petition asking the removal of the executors. The court made an order suspending the powers of the executors until the question of the genuineness of the note is determined and appointed J. D. Lawson special administrator. Since that time experts have been making examinations for both sides and distinguished counsel has been engaged by both the executors and the contestants. When court convened this morning W. H. Grant and Grove L. Johnson were entered as associate counsel on motion of N. A. Hawkins, attorney for the executors, and Judge Ball and A. A. de Ligne had Hiram Johnson entered as counsel for contestants. Theodore Kytka and Carl Eisenschimel, experts for the contestants, were on the witness stand nearly all day. Both testified with much positiveness that the signature to the note is a very clumsy forgery. Mr. Johnson conducted a long cross-examination. D. T. Ames, another expert, will testify for the executors.

Record Union May 23 - 1900

Johns Note Case.

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Case Commenced.

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The court held that it is incumbent that the petitioners should open and close the case. Attorneys for the executors noted an exception to the ruling.

Mr. De Ligne offered in evidence the note, which he desired marked exhibit "A." He announced that in all there were 52 exhibits, including checks, agreements, receipts, leases, mortgages, etc. These were read and the deceased which had been offered as exhibits. These negatives were numbered from 53 to 57 inclusive. The witness next produced all the prints made from the negatives. Mr. Johnson objected to their introduction on the ground that the executors have not been furnished with a copy. The objection was overruled and Mr. Johnson noted an exception.

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The witness focused a microscope upon the base of the letter W to show the three distinct divisions in finishing the first down stroke. He caused a ripple of laughter by remarking that it was very plain—to those who wanted to see. He criticised Expert Ames' position in attempting to look through the microscope. He said he persisted in facing in his own light, as though he did not wish to see.

During the course of the examination Judge Grant remarked that these divisions were too fine for his eye. "Yes, they are fine," replied Mr. Eisenschimel, "but it is a part of the duty of the expert to find them. Those who do not want to see them can shut one eye and sometimes both."

Mr. Johnson conducted the cross-examination. He requested the witness to put the S in exhibit 44 under the microscope. Mr. Johnson requested witness to say whether there is any difference in the fluency in the letter S in exhibits 44 and 39. Witness answered that there is no difference. "Where were you born?" asked Mr. Johnson. "In Germany; I am an Austrian by birth, but an American, true as steel," replied witness.

Witness next selected an S in an admitted genuine signature that nearest resembled the S in the note signature, the order in which a writer signs his name the characteristics of the writer will always crop out.

Witness explained that the signature to the note was made by tracing. A paper containing a genuine signature was procured and over this the note was laid and the tracing made.

Mr. Johnson concluded his cross examination by asking if the health of the writer, the age, his condition as to having taken recent violent exercise made any difference as to the appearance of the writing. The witness answered yes as a general proposition.

The court ordered a recess of fifteen minutes.

Chr May 23 ...

SAID TO BE A FORGERY.

Contest Over a Ten Thousand Dollar Note at Woodland.

WOODLAND, May 22.—The Johns note contest is in progress in the Superior Court, Judge E. E. Gaddis presiding. Certain heirs of the estate of the late G. W. Johns are attacking the validity of a $10,000 note purported to have been made by the deceased in favor of Mary and George Gregory, the latter of whom is an executor of the estate. To-day's session was taken up with the testimony of Eisenschimel and Kytka, expert handwriting witnesses, the former of whom declared the note a "clumsy forgery."

Call May 23 1901

EXPERTS TESTIFY THAT FORGERY WAS DONE

Special Dispatch to The Call.

WOODLAND, May 22.—A sensational case was commenced in the Superior Court here to-day. It involves the moral character and the integrity of people who have heretofore borne a good reputation in Colusa and Yolo counties as well as the disposition of a large slice of the estate of an old resident who died in Woodland in November, 1898, and who left an estate of the probable value of $100,000.

When G. W. Johns died he named Mrs. Elizabeth Gregory, his daughter, and her son, George W. Gregory, as executors without bonds. He directed that his property be divided in equal shares among his children. No provision was made in the will for his grandchildren, George W. Gregory and his sister, Mary Gregory. In June of the following year a note for $10,000 purporting to have been executed by the deceased in favor of these grandchildren was presented as a claim against the estate and allowed by Mrs. Gregory, one of the executors, and after hearing testimony the court approved.

On February 9, 1901, Tandy Allen, a grandson of the deceased, and Mrs. Polly Ann Nancy Friel, a sister of deceased, began a contest, disputing the claim, alleging that its allowance was fraudulent and the signature to the note a forgery. They also presented a petition asking the removal of the executors. The court made an order suspending the powers of the executors until the question of the genuineness of the note is determined and appointed J. D. Lawson special administrator. Since that time experts have been making examinations for both sides and distinguished counsel has been engaged by both the executors and the contestants. When court convened this morning W. H. Grant and Grove L. Johnson were entered as associate counsel on motion of N. A. Hawkins, attorney for the executors, and Judge Ball and A. A. de Ligne and Hiram Johnson entered as counsel for contestants. Theodore Kytka and Carl Eisenschimel, experts for the contestants, were on the witness stand nearly all day. Both testified with much positiveness that the signature to the note is a very clumsy forgery. Mr. Johnson conducted a long cross-examination. D. T. Ames, another expert, will testify for the executors.

Record Union May 23 - 1900

Johns Note Case.

WOODLAND, May 22—The Johns note contest case is in progress in the Superior Court to-day, Judge E. R. Addis presiding. Certain heirs of the estate of G. W. Johns, deceased, are attacking the validity of a $10,000 note purported to have been made by the deceased in favor of Mary and George Gregory, the latter of which is an executor of the estate. To-day's session was taken up with the testimony of [illegible] Emenschimel and Kilka, the [illegible] handwriting witnesses, the for[illegible] whom declared the note a forgery. The executors have Mr. Ames as a writing expert. He will testify to-morrow.

BLOWING UP SHAG ROCK, SAN FRANCISCO HARBOR, APRIL 30, 1900.

THE SUNDAY CALL MAGAZINE SECTION
MAY · 6 · 1900

Criminals I have Known

BY CAPTAIN BEN BOHEN

But others joined Borgs, and Rattlesnake Dick's day had come. The widow Harmon, looking from her window, saw him reel in his saddle and fall. The Sher-

THERE are as many different kinds of criminals as there are leaves on a tree. I think I have met most of the grafters in the business during my forty years' service on the San Francisco police force. In looking back over my experiences there are a few figures that stand out clear and distinct from the shadowy mass of crooks and thieves. If they have their prototypes to-day the police are not aware of their existence. Times have changed, and the criminals have changed with them.

I went on the police force in 1860. In all my years of service I never made a memorandum. Blessed with a memory that I have never seen surpassed, I could keep accurate account of places, dates, names, of anything. In fact, without even making a note. Several years ago a severe illness blunted this wonderfully keen memory, and since then names and dates occasionally slip my memory. But there are characters who go to make the most blood-stained pages in our history of crime that to forget were impossible.

Charley Mortimer is one of these. He swung long since on the gallows, but his desperate deeds still live in the minds of the "old guard." I first saw Charley Mortimer in 1861, the year of the flood at Sacramento. Sacramento was inundated and San Francisco was flooded with Sacramento people. We were short on the police and I was completely worn out.

Late one night I stepped into a doorway to rest for a moment. I saw three men, walking single file, Indian style, turn the corner of Jackson and Dupont streets and go up toward Washington. One man I recognized as Conrad Fister, who drove a water supply cart, the other was a soldier and the third unknown to me. The unknown passed the soldier and pressed closer to Fister. I noticed in the dim light that Fister was carrying a small bag. Suddenly the pursuer grabbed him, struck out and Fister fell to the ground. I was ready with a six-shooter, and I piped it to him in the mouth. The thief threw the bag into the street and said "There it is." The game didn't work. Had I stooped for the bag a blow would have laid me out beside Fister.

I tooted my whistle and Jim Bovee came running up from the next beat. "Jim, grab this fellow," I said. "He's a hitter from Hitterville." I started to pick up the bag when Fister rolled over and grabbed me. He was coming to, and mistook me for the thief. Fister would have made an elephant look like a postage stamp, and it wasn't exactly pleasant to bear his weight. When we were disentangled we examined the contents of the bag—$950 rolled up and tied with a string.

Jim and I took the thief to the station, where he gave the name of Charley Mortimer. He was tried before old Judge Blake, and a sound for surprised ears it was to hear Mortimer plead his own case. The evidence against him was complete, but he gave them a speech that got him off with one year at the penitentiary. No blubbering or grand stand play. Mortimer in a simple manly way said he had lost everything he owned at Sacramento, that he was starving here, and not knowing the man was carrying money he had attacked him in the hope of getting provisions. The Judge swallowed this fairy tale.

Mortimer was an exemplary prisoner during his year in the penitentiary. When he was set free he came back here and I saw him frequently, always with a hard crowd. From the first I had made up my mind that Charley Mortimer was a thoroughbred in his line—as bad as they make them. Now in the light of his afterdeeds I realize how richly he deserved it. We watched him pretty closely, but could fasten nothing on him.

One morning we woke up to hear that Charley Wiggins, the Mayor's clerk, had been robbed in broad daylight while yet in bed. Wiggins roomed at the house of a man named West, who lived on Stevenson street. The morning of the robbery a man called at the house and told the servant girl that he wished to go up to Mr. West's room. "I brought him home last night," he added. "Why, sir, you mean Mr. Wiggins," said the girl. The stranger explained that the name West on the doorplate had confused him and walked upstairs into Mr. Wiggins' room. He left Wiggins unconscious and minus all his money and jewelry.

The night before Wiggins had been in a saloon and had casually remarked that he had a sack of money he was going to send home to his parents. Bystanders said a man who answered to Mortimer's description was drinking at the bar at the time, but evidently paid no attention to Wiggins and left immediately.

We could see Mortimer's smooth finger-tracks right through the job. He had heard Wiggins talk and he hung around outside the early morning, when Wiggins left the saloon. Mortimer followed him home, and later in the morning he boldly called, mixed up the names, but landed the money and jewelry all right.

We tried for months to find a trace of Mortimer, but he had completely disappeared. There was a crook named Hoott who offered to lay for him for $100. Hoott was the sort of man who would have murdered a hundred men for that price, providing he didn't have to risk his own miserable neck by so doing.

One night Hoott came to me in great excitement. He had just left Mortimer, who was in a thieves' den, covering a dozen or more crooks with a pistol.

"We didn't recognize him at first," said Hoott, "he had on a pair of green specks. He just stepped into the room and said, 'I've left something in this place and I'm going to get it. I'll shoot the first—man who tries to leave it.' I was near the door and out before he finished saying it," concluded Hoott.

We went to the den, but our bird had flown. Mortimer afterward told me that he heard Hoott had been in the room and knew he had gone to tell me. "Ben," said Mortimer, "if I'd had time that night I'd have waited a little longer, and if you had come up the other side of the street, I think, Ben, my boy, I'd have given you a bullet."

At last we had a clew to Mortimer. The night that William H. Coleman spoke on the old plaza we saw Ellen Brenn in the crowd. Ellen was Mortimer's pal, and we knew he couldn't be far away. Following up the clew we traced Mortimer down to Belmont. A man named Rose went down there to trap him, but Mortimer was the smarter rogue of the two. Rose knew Mortimer had robbed Myers' pawnshop, and Mortimer agreed to show Rose where the booty was buried. He took him out to a protected spot, and while Rose was digging for the treasure Mortimer knocked him senseless.

"We've got to get that fellow, and we'll start right now," Lees said as soon as we heard it. John Connolly, Jim Bovee, Lees and myself boarded an engine and went down there. I was something of a dandy in those days and had a pretty extensive and expensive wardrobe. Well, I had on the best of the lot when Lees tumbled us on that engine. We got off at Belmont and hunted him through the chaparral.

At the first trace of him we separated and I made south and took up guard against a tree, with a six-shooter ready for him, for we thought he had to come that way. I held up that tree all night, and at daybreak made for a roadhouse, kept by a Dutchman, where Mortimer might probably have taken refuge. I knocked at the door, and found the Dutchman, his one eye glaring, standing in the middle of the floor, a revolver in his hand.

"Who let dat?" said the Dutchman.

"The San Francisco police," said I.

"Ach tank Got!" said the Dutchman, and he fell on my neck and blubbered, for he had feared the coming of Mortimer. He gave me a cup of coffee, and I never drank anything in my life that touched the spot like that Dutchman's coffee. I had had a pretty hard day and night of it.

In the meantime Lees and the others had found Hamilton, a pal of Mortimer's, who gave them a tip which afterward proved to be straight. Mortimer had seen us get off the train from the brush where he was hiding with Hamilton. "There's every detective from San Francisco who's worth a rap," he said, "so I'm going back to San Francisco. There are too many of them to shoot and besides, Ben Bohen's dressed to the queen's taste, and I'd hate to spoil his pretty clothes."

Mortimer himself afterward told me that he did make those remarks, and then started for San Francisco, leaving me to "spoil my pretty clothes" in the brush.

Finally he got a fraction of his just deserts in Ukiah. He was arrested for a petty crime and sentenced under the name of Foster, to a year's imprisonment. The first night in jail he broke through, and people used to say that he tore down the jail so that the Sheriff could only find pieces of it in the morning. The posse caught him and brought him back to town. Fortunately, the clerk of the court had not yet written down the sentence, and the Judge changed it from one year to fifteen.

He served his time and as soon as he was out got his hand into practice by killing a woman called French Caroline. Mortimer was not immediately found out for this murder, and unmolested he went to Sacramento. There was a woman called Mrs. Gibson, who kept a liquor shop on the outskirts of the town and sold liquor to Indians. I believe every thief who ever came out of the penitentiary had the idea of killing old Mrs. Gibson and getting the money which she was supposed to have. Mortimer was the man who did it.

She was found dead, and Mortimer, who was boldly going at large, was arrested, handcuffed, and protesting innocence was taken to the cabin. The woman was lying in a pool of blood, one blood-soaked hand clutching a tuft of clotted hair. The Sheriff raised the hand with the tell-tale hair to Mortimer's shaven chin. "That hair will hang you," he said. "You had a beard yesterday."

It did hang him, but not before his brother, who came out here all the way from Massachusetts to break into the jail and rescue him, was shot and killed by the Sheriff.

Mortimer was the worst example of one kind of desperado of the early days. I have related his crimes known to the police, but undoubtedly there were as many more of which we were not aware. He was a murderer and thief, as bad an all-round criminal and as hard a one to catch as ever swung on the gallows.

There was a nobler sort of desperado who stalked this country in the days of old—the stage robber. There was a prince of stage robbers called Rattlesnake Dick and he died as game—but that's anticipating.

Rattlesnake Dick was first seen around Rattlesnake Bar, and that's how he got his nickname. He made up his mind that there was an easier way of getting gold than digging for it, and he took to holding up stages for a living.

Rattlesnake Dick and a fellow stage robber called George Taylor started from Trinity Mountain to hold up a six-mule train loaded with gold. When they came upon the mules they found that others of their ilk had already relieved the animals of their burden of gold.

The posse of men hunting for the thieves and believing them the guilty ones gave them chase and fired at them. Rattlesnake and his companion made their way unharmed through the storm of bullets until they came to old English Ellen's, who kept a road house—and anything else she could get. Here George Taylor drew rein and turning to Rattlesnake Dick said: "Old fellow, we've been shot at by every man we've met since we left Trinity Mountain. I'm sick of it, and I'm going to quit the business." Many a time afterward did Taylor tell me this story.

Rattlesnake Dick picked up a fellow named Sam Beaver. Near the Widow Harmon's they met John Boggs and three deputy sheriffs. Boggs put his hand under his ulster as if to draw a revolver, but in a second three shots rang out from Rattlesnake Dick's six-shooter. One officer fell dead and two were wounded. Rattlesnake Dick dug his spurs into his horse and shouting, "You will never get me in prison while a six-shooter will keep me out," rode swiftly after his retreating comrade.

... joined Boggs, and Rattlesnake Dick's day had come. ... Harmon, looking from her window, saw him reel in his saddle and fall. The Sheriff and his men picked up the dead body of Rattlesnake Dick, shot by his own hand when he saw capture before him. Pinned in his gauntlet they found a slip of paper with these words clearly written: "Rattlesnake Dick dies, but never surrenders, as all true Britons should. If Boggs is dead I'm happy." They also found a letter—a letter which I have to this day—and the most beautiful letter I ever read in my life. It is headed "Home, Sweet Home," and begs him to give up his dishonorable pilfering. It is signed "Your loving sister, Harriet Barter."

I met old John Boggs on the street the other day and we talked over old times. "Rattlesnake Dick was dead game, if he did want to kill me," he said. Boggs told me that his reaching under his linen duster for a weapon was merely a bluff, as he was really unarmed and had met Dick and his companion unexpectedly.

George Taylor, who had quit Dick just before the Boggs affair, was arrested on reaching San Francisco and sent to the penitentiary. His story of leaving Dick was not believed, though it was afterward proven true and Beaver identified as the companion who was with Rattlesnake Dick. Taylor had his own ideas of honor and he never budged an inch from the rule he set down for himself. Many a time when I've asked him to tell me something he'd say: "Ben, I can't do it. I never did give way on anybody and now that I've quit the business I'd be the meanest cur living to do it." If Taylor didn't want to talk he'd frankly tell you so and whatever he did say you could bank on it.

"Ben," said George Taylor to me on the day he came out of the penitentiary, "there is a little woman up in the country who is an angel out of heaven. She hid me once when the Sheriff was hunting me. Her husband's the meanest hound that ever went unwhipped and I've got a mind to go up and kill him." I don't think he did kill him, but I heard that the man died and George married the widow and left the country to begin life over again.

Rattlesnake Dick and George Taylor were two of the best men who ever went into a bad business.

Of all the burglars I have ever met I had the most respect for a fellow named Pete. He was another man who would never give way on a friend or foe. Once only did he give information and then he took me to a place where I captured a crook for whom there was a reward of $250. I offered Pete half, but no amount of persuasion would make him take it. "I'd steal first," said Pete. "I told because he was a sneak who peached on the other boys in the penitentiary and got them beatings they never deserved. But I won't touch the money."

Pete never robbed the poor people. He went in for big steals, but like all his kind, he finally lost his grip. Lees saw him several years ago leaning against a lamppost in St. Louis. He was in the last stages of consumption and his rags were but little protection against the bitter cold. Lees forced $20 into his hand. "I've known the time when I wouldn't have taken this," said Pete, "but the grass is pretty short now."

Now and then criminals reform and walk the straight road for the rest of their lives. I know one man, an ex-thief, who is now a day laborer, making an honest living and is a square, industrious man.

"Sure-thing" gamblers are often liberal fellows with streaks of goodness in their make-up. And the best men I've ever met in my life were straight gamblers. They were honest, would play for any stake, but played square. ... one of the best known gamblers of the early days ... was the most honorable, most generous gambler who ever ... a deck of cards. He was robbed of two thousand dollars and ... the ... of the man who took it. "I know him," he said. "Why?" I asked. "Why," he answered, "then if he had he'd just have ... me for it."

In forty years' experience with criminals I've never met or heard of one who didn't sooner or later reap as he had sown. A criminal is a fool. If he put the same amount of industry, energy and daring into anything else he'd have a long bank account.

"You will never get me in prison while a six-shooter will keep me out."

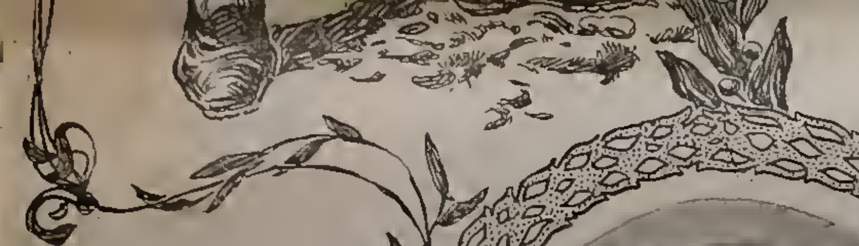
CRACK SHOTS OF CALIFORNIA

JAMES E. GORMAN, PISTOL

CLARENCE NAUMAN, SHOTGUN.

fornia Wing Shooting Club. He began shooting five years ago.

Nauman has won the all-comers' fifty-bird record match on the Empire grounds at Alameda point four times out of six, his best record being 47 out of 50. He won the Olympic Gun Club high average for the season of 1898 and for the season of 1899. He won the State high average at San Jose in 1898 for blue rocks with a record of 90.4 per cent, and again in 1899 at Antioch with a record of 92 2-9 per cent. He holds the Gold Dust medal for live birds, having won it in the season of 1899. He won the high average medal in the Lincoln Gun Club in 1898 and again in 1899. In the State live bird shoot in 1898 he made 94 per cent for the three days' shooting.



ADOLPH STRECKER, RIFLE.

FRANK E. MASON, RIFLE.

M. OTTO FEUDNER, SHOTGUN.

CHARLES M. DAISS PISTOL.

THE LIFE-LONG practical marksmanship of the Boers has made an unmilitary aggregation of farmers a formidable foe for the most skillful and valiant soldiers of Europe. It is a convenient national trait; some time it may be the test of the permanence of this Republic.

In California, where climate and space and game are all incentives to the development of good shots, live some of the best marksmen in America. There are about 3000 men regularly participating in shooting matches in this State. They make up the active list of about thirty rifle clubs, with more than 1500 members; about twenty gun clubs, with about 1000 members, and about ten pistol clubs, with about 500 members. Altogether, these crack shots spend about $300,000 annually for guns and ammunition and other things connected merely with practice and prize shooting. Hunting of game is entirely apart from this, though it concerns some of these and a very large number of lesser shots.

The prospective triennial meeting of the United States Shooting Bund, to be held here for a week about the 4th of July of next year, has rearoused interest in rifle shooting. Five hundred of the best shots in America will be here then, to compete for cash and trophies aggregating $25,000 in value. At the same time the American shooting king will be named, an honor that was won for San Francisco twenty-six years ago by Adolph Strecker, who holds American and world's records, and expects to make a strong try for the greatly coveted title.

Strangely enough, all the very best rifle, gun and pistol shots in the State, and probably on the Pacific Coast, reside at present right here in San Francisco, and all six of the crack shots whose pictures appear on this page have gray eyes, the eye of coolness and steadiness.

Adolph Strecker, expert rifle shot, was born in Zduny, Russian Poland, 49 years ago. He arrived in New York in 1870, and in 1871 came to San Francisco. For twenty-five years he has been senior member of the firm of Strecker & Kern, barbers, on Post street. He is a member of the California Schuetzen Club, which he and Jacobi founded, and of the Golden Gate Rifle and Pistol Club. He is also a member of the Eintracht Verein. He began shooting in September, 1871. For twenty-eight years he has participated in five or six big competitions annually, receiving scores of trophies and cash prizes, none of which he has kept, and he has won the shooting king medal of California fifteen times. Sometimes he did not compete. At other times he was behind with an old muzzle loader. Then he secured a Winchester and again forged to the front. Recently he has been left behind with the out of date Winchester in competition with rivals using the most improved modern Pope barrel, one of which he expects soon to receive from the factory and again assert his claim to leadership.

In 1874, when but 22 years old, Strecker was crowned shooting king of America at the United States Shooting Bund in Baltimore, where he contested with 2000 of the best shots in the whole country. His return to this city was the occasion for an ovation. At Philadelphia, in 1876, he was a member of the American champion rifle team, and he was ahead of all comers for three days in the individual championship and then collapsed physically from an earlier siege of typhoid fever, William Hayes alone beating him out.

When he won the shooting king medal here in 1894 he established the most phenomenal day's shooting record ever made by man, a marvelous score that probably will never be equaled. From all parts of the world have come appeals for the detailed score in that wonderful shoot, but never until now has that world record been presented to the public. He fired 365 consecutive shots in one day from a 14-pound, 32-caliber Winchester rifle, with hair trigger and globe sight, without cleaning it once and without having a single trial shot at the 12-inch target set up 200 yards away. In the 365 shots Strecker hit the very center part, the size of a little butter plate, 69 times, hit in the next ring, the size of a small tea saucer, 149 times; hit the rest of the black or the size of a dinner plate 123 times, and fell just outside the black but 5 times. His 360 shots all lodged in an area scarcely larger than a man's face a block and a half away. Here is the matchless score, 3 meaning within 1½ inches of the needle point center, 2 within 3 inches of the needle, 1 within 6 inches of the needle point, and 0 meaning a rawhorse or off the 12-inch black bullseye:

TICKET.	1	2	3	4	5	6	7	8	9	10	Total
One	1	1	3	2	[illegible]	[illegible]	1	1	0	1	13
Two	2	1	1	3	1	3	1	0	3	1	16
Three	1	2	1	[illegible]	[illegible]	1	2	1	3	1	15
Four	1	1	[illegible]	2	2	1	[illegible]	2	1	[illegible]	16
Five	3	2	[illegible]	[illegible]	[illegible]	3	1	3	1	3	22
Six	[illegible]	2	1	1	1	3	[illegible]	1	[illegible]	1	16
Seven	2	2	3	2	[illegible]	2	1	1	1	2	18
Eight	2	1	1	2	1	2	1	[illegible]	1	3	16
Nine	1	2	2	[illegible]	3	2	1	3	1	[illegible]	21
Ten	[illegible]	[illegible]	[illegible]	[illegible]	1	1	2	1	1	2	18
Eleven	1	3	3	1	[illegible]	0	1	1	2	1	15
Twelve	[illegible]	1	[illegible]	2	1	1	1	2	3	1	16
Thirteen	3	[illegible]	2	3	2	[illegible]	[illegible]	1	[illegible]	2	22
Fourteen	2	1	0	1	2	3	1	[illegible]	3	1	16
Fifteen	[illegible]	3	2	2	2	3	1	1	3	1	21
Sixteen	[illegible]	[illegible]	3	[illegible]	3	[illegible]	1	3	1	1	22
Seventeen	3	1	1	[illegible]	2	[illegible]	[illegible]	2	1	1	17
Eighteen	[illegible]	1	3	1	1	1	[illegible]	3	1	1	16
Nineteen	2	1	[illegible]	[illegible]	[illegible]	3	[illegible]	[illegible]	1	1	18
Twenty	1	1	[illegible]	3	2	2	3	2	2	3	21
Twenty-one	3	[illegible]	3	[illegible]	3	1	[illegible]	1	1	2	20
Twenty-two	1	2	1	1	1	1	3	[illegible]	3	[illegible]	17
Twenty-three	[illegible]	1	[illegible]	1	[illegible]	[illegible]	[illegible]	3	2	3	19
Twenty-four	[illegible]	1	[illegible]	1	1	[illegible]	[illegible]	1	[illegible]	3	21
Twenty-five	[illegible]	1	3	[illegible]	[illegible]	1	[illegible]	3	1	3	20
Twenty-six	1	[illegible]	[illegible]	3	3	[illegible]	3	[illegible]	2	[illegible]	23
Twenty-seven	3	[illegible]	1	[illegible]	[illegible]	3	1	[illegible]	[illegible]	3	25
Twenty-eight	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1	[illegible]	3	20
Twenty-nine	1	[illegible]	[illegible]	[illegible]	[illegible]	3	[illegible]	3	[illegible]	3	18
Thirty	[illegible]	[illegible]	[illegible]	3	[illegible]	3	3	1	3	3	23
Thirty-one	3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1	[illegible]	[illegible]	23
Thirty-two	1	1	1	[illegible]	[illegible]	3	1	1	3	[illegible]	18
Thirty-three	1	1	2	2	[illegible]	3	1	2	3	2	19
Thirty-four	1	1	2	3	[illegible]	3	2	1	1	2	19
Thirty-five	3	1	1	1	1	1	2	[illegible]	[illegible]	1	15
Thirty-six	3	2	1	2	3	2	2	2	1	1	19
Thirty-seven	1	1	[illegible]	3	2	..	..	..	..	..	9
Total in 365 shots											[illegible]

The record for the first 200 shots of this score was equaled last year by William Hayes and Fred Ross, two Eastern cracks, but they used Pope barrels, had trial shots and took four days to the task.

Frank E. Mason, expert rifle shot, was born in San Francisco forty-five years ago. He is engineer at the Sutter-street Railway Company's power-house. He is a member of the California Schuetzen Club and the Golden Gate Rifle and Pistol Club. He is also a member of the Ancient Order of Workmen. He began shooting four years ago.

Mason holds a record of 2194 rings out of a possible 2500 in a 100-shot match in regular competition. His highest score in practice is 2271 rings out of a possible 2500 in 100 shots, and was made at Shell Mound Park in August, 1899, in a 100-shot match with McLaughlin, and it is probably the greatest score ever made in the United States. The highest ten-shot score ever made at Schuetzen Park, 237 out of a possible 250, was made by Mason. At Shell Mound Park in February, 1900, he tied Rodgers' twenty-shot record of 461 rings out of a possible 500 On Sunday, April 22, 1900, at Shell Mound Park, Mason made in a limit of four rounds of ten shots each the remarkable scores of 226, 226, 227, 226 out of a possible 250 for each ten shots on a twenty-five-ring target at 200 yards, a performance not known to have been equaled in many years anywhere.

M. Otto Feudner, expert with shotgun at live birds and blue rocks, was born in Dixon, Cal., thirty-two years ago. He came to San Francisco six years ago and is a salesman for Clabrough, Golcher & Co., on Market street. He is a member of the California Wing Shooting Club, the Olympic Gun Club, the Lincoln Gun Club, the San Francisco Gun Club and the Empire Gun Club. He is also a high Mason, a member of the Mystic Shrine and of Golden Gate Camp, No. 64, Woodmen of the World. He began shooting at the age of 13, and, like many another country boy, took every possible opportunity to get out early or late and shoot at something. He made his first public appearance when a lad of 16 in a clay-pigeon shoot at Woodland and broke fifty-five straight. He spent three seasons, from 1890 to 1892, in the Behring and Okhotsk seas hunting otter and fur seal, and was shipwrecked on Elizabeth reef, all hands being finally saved.

Feudner's first public appearance here was in the Midwinter Fair shoot. He has competed in practically every meet since then, and has between twenty and twenty-five fine medals. He holds the Coast record of ninety-six out of 100 blue rocks, made April 16, 1896, in wind and rain, and has a special medal for the performance presented by the Olympic Athletic Club. At Wheatland in 1895 at the Native Sons' tournament he broke ninety-seven blue rocks out of 100. At the opening of the Olympic Gun Club grounds as scratch man at thirty-one yards rise he vanquished more than forty opponents and won the F. R Webster silver cup with a score of 17 out of 18. He holds the Marysville Gun Club blue-rock medal that he won in 1897 and permanently won in 1898 with a score of 39 out of 40. He won the Fay diamond medal twice for the live-bird championship of California. In 1896 he killed forty-four live birds straight and won a diamond button, won the Olympic medal in the live-bird championship and the joint high average prize for blue rocks in the Olympic Gun Club. In the five years he has been a member of the California Wing Shooting Club he has won four of its championship medals and one second medal. In the season of 1898 he killed 81 out of 84 live birds in a California Wing Shooting Club match. And in the season of 1899 he killed 95 out of 97 live birds.

Clarence Nauman, expert with shotgun at live birds and blue rocks, was born in San Francisco twenty-three years ago. He travels for the local agency of the Remington Arms Company. He is a member of the Lincoln Gun Club, the Olympic Gun Club, the San Francisco Gun Club and the Cali- [illegible] Gun Club in 1898 and again in 1899. In the State live bird shoot in 1898 he made 94 per cent for the three days' shooting.

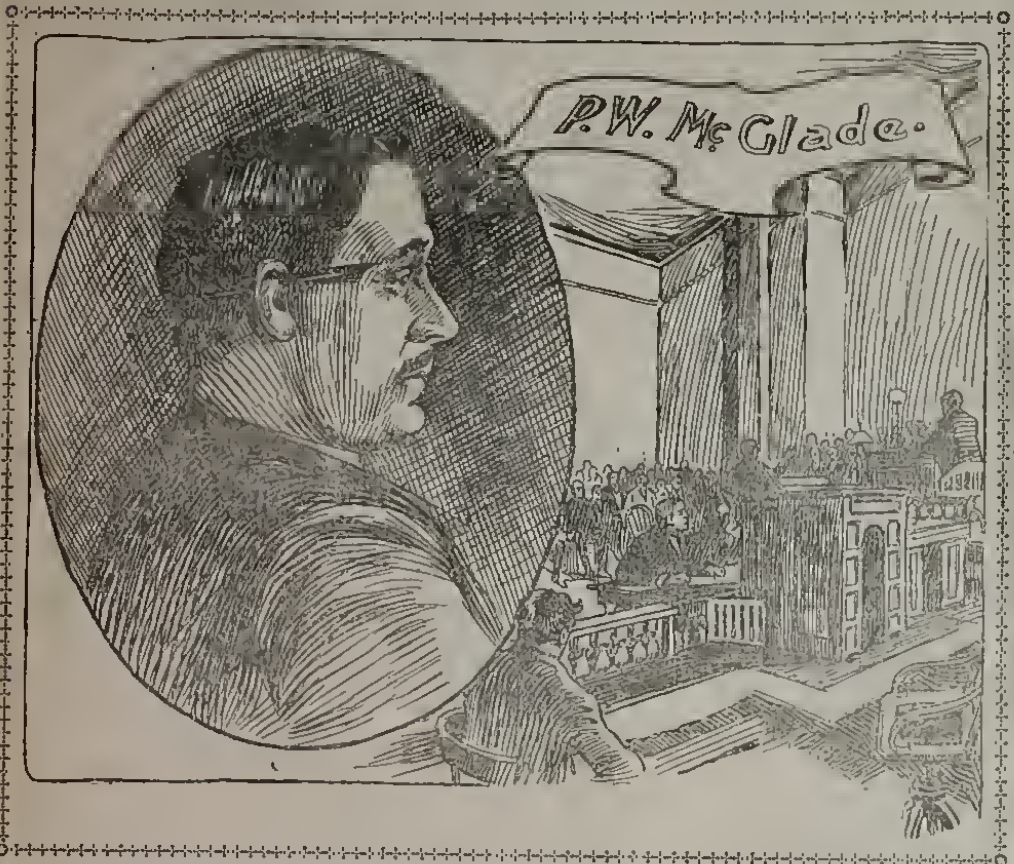
James E. Gorman, expert with pistol and revolver, was born in Boston, Mass., forty years ago. He came to San Francisco twenty-three years ago. He learned and practiced the trade of blacksmithing until twelve years ago, when he lost his right eye. Since then he has been engaged in the newspaper distribution business, and owns a "Chronicle" and a Report route in this city, and latterly has also been engaged in the liquor business at 400 Eddy street. He was a member and a champion of the Columbia Rifle and Pistol Club from 1895 until last year, when it became disrupted; was one of the founders last year of the Golden Gate Rifle and Pistol Club, is its secretary and treasurer and its champion pistol shot, and is a member of the California Schuetzen Club. He is also a member of the Ancient Order of Foresters, of which he has been financial secretary for the past ten years. He began shooting five years ago.

Gorman began using standard targets only last year, but as soon as he did his performances attracted attention all over the country, though he was doing no better shooting than he had been regularly scoring for four years on the little recognized but admirably arranged Columbia target. He already holds the world's record on the standard American target, with a score of 171 out of a possible 500 in fifty shots, made February 11, 1900, when he beat the 469 score made by E. E. Partridge of Boston. He made 939 out a possible 1000 in 100 shots, which is 10 better than the American amateur record, and 3 better than the American professional record made by Bennett ten years ago. While he was a member of the Columbia Rifle and Pistol Club and used only the Columbia target he made 12 in six shots, which is equivalent to hitting a dollar six times in succession with a pistol at a range of 150 feet, or nearly half a block away. In 1895, his first season, he won the first-class medal in the Columbia Rifle and Pistol Club; in 1896, 1897 and 1898 he won the championship of the club with a pistol; in 1896, 1897 and 1898 he also won the revolver championship. He holds the world's record of 29 out of a possible 10 in ten shots on the Columbia target, the middle bullseye counting but 1.

Charles M. Daiss, expert with pistol and revolver, was born in San Francisco twenty-eight years ago. He is a jeweler with Joseph Schweitzer, on Kearny street. He is a member of the Columbia Pistol and Rifle Club. He is also a member of National Parlor of the Native Sons of the Golden West.

In 1894, 1895 and 1896 he won the Gordon Blanding pistol medals in the annual contests open to all comers. In 1897 he won the Columbia ten-shot diamond pistol medal for that year. In 1899 he won the all-comers' Siebe pistol medal. He holds the Coast record on the standard American target with a score of 90 out of a possible 100 in ten shots. He tied the world's record for ten shots on the Columbia target with a score of 29, which is equivalent to hitting a ring 7.9 inches in diameter ten times in succession at a range of fifty yards. He holds the best [illegible] target record of eight-inch bullseye ever made on this Coast in fifty shots, scoring 46 out of a possible 50, using a big 44-caliber Russian model revolver, with open target sights, three-pound pull on the trigger and factory ammunition.

SIX MORE JURORS SECURED FOR THE TRIAL OF "PETE" M'GLADE.



THE FOLLOWING six additional jurors were secured yesterday in Department 12 of the Superior Court for the trial of Peter W. McGlade on a charge of forgery: Clarence Musto of 706 Battery street, E. P. Sachs of 635 Leavenworth street, J. B. Williams of 142 Fourteenth street, F. E. Shafer of 3511 Twenty-third street, H. F. McGurren of 1304 Market street, and Fred Dieling of 853 McAllister street. Four jurors were selected last Tuesday, but one of them, M. Eckenstein, pleaded that he would suffer much pecuniary damage if obliged to serve during what may be a protracted trial and he was excused. There are three empty seats in the jury box yet to be filled, and the Sheriff was given the names of twenty-five citizens, whom he was to notify to be in court at 2 o'clock this afternoon, when the examination of men called to the box will be resumed.

The District Attorney and the Court were not satisfied with the manner in which the order for a special venire of forty citizens was carried out yesterday by the Sheriff. The Court said that the Sheriff probably turned over to his deputies the work of summoning jurors, although he had been appointed to choose the names put on the venire. He was criticised because a considerable number of the twenty-nine men who were brought into court under the order were not taxpayers, and therefore were not eligible as jurors. Some talesmen had not resided here long. One of them, M. de Motte, a salesman, said he had come to this city only a few weeks ago.

The defense showed a disposition yesterday, as on the previous day, to reject well known business men. Attorneys Lennon & Hawkins, representing McGlade, used yesterday seven of the ten peremptory challenges which the defense was allowed to get rid of the following citizens, whose responses to the questions showed that they were qualified to act as jurors in this case: C. E. Miller of Miller, Sloss & Scott; William McPhun, manufacturer; F. P. Hoe of Charles F. Hoe & Co.; Samuel Lubin of Lubin & Sons; J. L. Levison of J. L. Levison & Co.; George H. Coyert, manufacturer; A. Newmark, plumber. The defense has one peremptory challenge left. The prosecution was restricted to five peremptory challenges and used three on Tuesday. It employed the other two challenges yesterday, and was afterwards unable to excuse any juror who answered the questions satisfactorily.

One of the jurors sworn in, H. F. McGurren, stated that he is a brother-in-law of former Street Superintendent Ackerson, under whom McGlade served as bookkeeper. He has a saloon on Market street, and was a First Lieutenant of the California Volunteer regiment that went to Manila. He said that he had had a dispute with McGlade, but it had left no ill-feeling. Some of the men who appeared yesterday were excused because of physical ailments, some for business reasons, and one because he did not understand English well.

Parker Jones, who was employed in the Registrar's office when McGlade was a deputy there, and who helped to conceal McGlade from the police last year, was with the defendant in court, and took a list of the names of the twenty-five citizens drawn from the jury box yesterday.

M'GLADE ON TRIAL AGAIN.

Charge of Forgery Must Be Disposed of First.

MUCH DEPENDS ON THE SELECTION OF JURORS.

TALESMEN ARE WARNED THAT THE CASE IS OF THE GREATEST IMPORTANCE.

Prosecution Exhausts Three Out of Its Five Peremptory Challenges to Clear the Jury Box.

Peter W. McGlade's trial for forgery was begun in Department 12 of the Superior Court yesterday. Assistant District Attorney Deuprey and Otto Wise, the special attorney for the prosecution, asked that the charge of obtaining money by false pretenses be first taken up, as in that case the evidence was simple and they expected a conviction beyond doubt. Attorney J. H. Lennon objected for the defense, and Judge Cook ruled that the forgery charge, at the head of the calendar, would have to be disposed of first. A witness for the prosecution in the forgery case is the deputy sheriff who arrested McGlade in New Mexico. Deuprey said that he could be brought here by May 22d from Deming, to which place he returned last week after the cases were continued, against the wish of the District Attorney.

The indictment was read. It charged McGlade with forging three names on a demand on the city treasury for $100. The names were those of T. Dwyer, in whose favor the demand was drawn in October, 1898; Deputy Street Superintendent Clark, who certified to the correctness of demands for work done, and T. B. McGinnis, a deputy clerk of the Board of Supervisors. The demand was discounted by Bier & Regensburger, brokers, who paid $95 for it. Deuprey said to the men who were called to the jury box: "I will read the names of the witnesses in the case, so that you may tell whether you know them. This is a case of public importance, as it involves the stealing of public funds. I ask you to weigh well your answers to the questions to be asked you." Deuprey and Wise asked the men in the box if they were acquainted with McGlade's former attorneys, Reddy, Campbell & Metson, and former Supervisors Sheehan, Brill and Rivers. Attorney Lennon asked them if they knew Bier & Regensburger.

The prosecution used three of its five peremptory challenges to exclude from the jury Jesse Galland of 342 Geary street, D. P. Carter of 847 Market street, and R. H. Neubauer of 2768 Pine street. The defense, which has twenty peremptory challenges, used two on George Clark of 12 Spear street and Fred T. Feisel of 1579 Mission street. W. E. Hess was excused because his opinion was formed, E. D. Morgan because of business, and W. F. Schultz on account of deafness. The following four jurors were accepted: M. Eckenstein of 1809 Dupont street, F. L. Guntz of 5 City Hall square, H. Grove of 2121 Pacific avenue and R. J. Hancock of 723 Broderick. The list of citizens in attendance being exhausted, another venire was ordered and a continuance taken until today.

Bull May 23

PETER McGLADE is again on trial on a charge of forgery, of which he should have been acquitted many months ago or for which he ought now to be doing a large chunk of time. Doubtless Peter, who during the long interval has been a man considerably 'round town, feels that the trial is nothing more than a formality and a bore.

WITNESSES COULD NOT REMEMBER

McGlade Case Proceeds With Indifference and Little Show of Interest.

The trial of Peter W. McGlade has, for the time being, lost all claim upon public excitement. It has passed into a consideration of figures and accounts, and for several days, at least, will draw no more than passing attention.

The transition from sensation to dull routine is due to apathy on the part of the witnesses for the prosecution. It will be remembered that McGlade fled from the city when his defalcation was discovered, thus morally admitting his guilt. He was captured in Texas. On the first trial he escaped conviction. The second trial, which commenced last week, was begun with considerable display. Otto I. Wise, who was employed to assist in the prosecution, exhibited considerable pugnacity in selecting a jury, but with all his show, did not succeed in obtaining a jury satisfactory to the prosecution. When he discovered his ill-success he sought to have the jury discharged. He alleged various irregularities in the selection of the different jurymen, but made such an indifferent showing that the court refused to sustain him.

In deciding that the jury must continue Judge Cook held that as the honor or honesty of the jury was not attacked, it could not be discharged. An alleged irregularity in its selection was, he said, far from sufficient to warrant extraordinary action.

Wise was given an opportunity to carry the investigation further in the form of a charge of contempt of court against Clerk Tolle and Deputy Sheriff Dasher, who summoned the jury, but he declined to take that step.

Instead he proceeded with the trial. This morning he produced ex-Superintendent of Streets Ambrose as his first witness. He attempted to prove forgery on the part of McGlade, but Ambrose would give no such testimony. He was not even sure of his own signatures. He could not distinguish the alleged forged writings from those admitted to be correct. After an hour of fruitless examination Ambrose was dismissed from the witness-stand and Harry Piper was called upon to identify his signature to McGlade's commission. He was formerly Deputy County Clerk, but that was so long ago that he has forgotten his own signature. He could not positively identify his name at the foot of McGlade's commission. When the court adjourned Joseph Goddard, now Chief Deputy County Clerk, was under examination. He is expected to identify the signatures in McGlade's commission and thus prove the regular employment of the latter in the service of the city.

SIGNATURE IDENTIFIED.

County Clerk Deane Swears to the Writing of Former Deputy Harry Piper.

In the trial of Peter W. McGlade on a charge of forgery, County Clerk Deane testified yesterday that he identified the signature of Harry Piper, a former deputy in the office of the County Clerk.

In order to establish McGlade's official character as a deputy in the office of the Superintendent of Streets, where the forgery is said to have been committed, a paper purporting to be his oath of office was offered in evidence. The oath appears to have been acknowledged by McGlade before Piper. When Piper was asked to identify the signature and just said to have been written by him, he said that the writing looked like his, but it was a long time ago and he was not sure that he wrote it; he must really decline to express an opinion in a matter of such uncertainty.

Mr. Deane had no such trouble as was experienced by Piper. As soon as he saw Piper's signature he recognized it and identified the McGlade oath of office as one of the original documents on file in his office.

M. M. Regensburger and J. E. Bier testified positively to the identification of McGlade's signature to several papers which were admitted as exemplars of the defendant's handwriting.

When Deputy District Attorney Deuprey offered the McGlade oath of office in evidence objection was made by Attorney T. J. Lennon, representing the defendant. After argument Judge Cook ruled that the document should be admitted, subject to a motion to strike out if the prosecution should not legally complete the connection between the defendant and the alleged forgery.

Theodore Kytka, an expert in handwriting, produced a number of photographs to show that the writing on the documents alleged to be forged were by McGlade.

The trial will be resumed to-morrow.

Chronicle May 20 - 1900

COOK SEES MRS. BOTKIN AND SAYS, "THAT IS THE WOMAN."

JUDGE CARROLL COOK, with Sheriff Lackmann and Chief Deputy Sheriff Hare, visited Branch County Jail No. 3 yesterday afternoon. After seeing Mrs. Cordelia Botkin, first in her quarters in her indoor dress and then in the office of the jail, attired in her street costume, Judge Cook declared that he was more than ever convinced that he saw her with a male companion on an in-bound Guerrero-street car on Sunday, April 22d. He said that he would be unwilling positively to identify any man, but that Guard William Nixon, who was presented to him during the investigation at the jail, answered the general description of Mrs. Botkin's escort, both as to features and dress. Jail Superintendent J. F. Kincaid, Matrons Rose C. Kincaid and Mary Condon, and Guards William Nixon and John Gillespie reiterated their sworn statements that Mrs. Botkin was not absent from the jail on the day in question.

Superintendent Kincaid offered the suggestion to Judge Cook that perhaps he had seen Mrs. Georgiana Thompson of 219 Hermann street, who he had been told by a number of people bore a striking resemblance to Mrs. Botkin. The Judge stated that he could easily tell whether Mrs. Thompson was the woman who was on the car, and instructed Kincaid to take her, if she were willing, to his chambers to-day.

Mrs. Thompson was seen by a "Chronicle" reporter later in the day and declared that she did not ride on a Guerrero-street car on Sunday, April 22d. Other women have also often been taken for Mrs. Botkin, but none of them, so far as is known, were in the vicinity of Guerrero street two weeks ago Sunday.

That Mrs. Botkin was in the Parrott building on April 18th was admitted by Superintendent Kincaid to Judge Cook. Kincaid had driven her down to a dentist's office at 6?? Sutter street, and as they were returning by way of Powell street he went to the Parrott building with her to the offices of Knight & Heggerty, her attorneys. According to Kincaid's statements, he was at no time farther than an arm's length from his prisoner. He said that Attorneys Knight and McGowan talked with Mrs. Botkin for a while, and that he and she then resumed their journey to the jail. Judge Cook directed the Sheriff to have the attorneys in his court at 10 o'clock to-morrow, when the investigation will be resumed.

The investigation at the jail yesterday was somewhat informal, but still thorough.

Guard William Nixon was first brought forward and Judge Cook looked at him steadily for a moment. "That man's face is just like the face of the man in the car," he said, "and his figure is similar, too, but a little tall. The man I saw wore a grayish-colored suit and I can't tell his exact height, but he seemed smaller than the woman."

Nixon admitted that he wore a suit of this color on April 22d, but stated that he was in the jail all that day.

At the solicitation of Captain Kincaid the party paid a visit to Mrs. Botkin in her "cell." With an eye to dramatic effect she had placed the sleeping child of another prisoner on her bed and was bending over it when the party entered.

"What is the meaning of this intrusion," she demanded theatrically, and then seeing Judge Cook she exclaimed, "Oh, his highness," and subsided. She stood side by side with Guard Nixon, but Judge Cook confessed that in the dress she wore he looked too tall beside her to have been her escort in the car. He suggested that a high hat and street clothes might equalize their heights. Mrs. Botkin was requested to dress in that way.

The party adjourned to the superintendent's office and awaited the prisoner's coming. Her entrance was Botkinesque in the last degree. With her head thrown back and wearing a nobby tailor-made dress the murderess entered and swept across the room to within a few feet of Judge Cook. He looked at her sharply for an instant.

"I am convinced that that is the woman," he said; "you may take her away."

NEW JURY IS WANTED

Unusual Motion May Be Made in McGlade's Case.

THE DISTRICT ATTORNEY FAR FROM SATISFIED.

HE INTENDS TO ASK THAT THE TWELVE JURORS BE DISCHARGED.

Most of Them Acceptable, but This Course Must Be Followed to Get Rid of the Others.

District Attorney Byington and his assistant, Eugene Deuprey, who, with Otto I. Wise as special counsel, are conducting the prosecution of Peter W. McGlade in Department 12 of the Superior Court, are not satisfied with the jury that was sworn in last week to try the case, and the District Attorney will probably make an effort to-morrow to have the present jury discharged and a new one chosen. The motion to dismiss the jury, if it be made in accordance with the intention which the District Attorney had formed yesterday, will be an unusual one. The twelve jurors are:

F. L. Guntz, secretary Gantner & Guntz, Undertaking Company, 3 City Hall square.
B. Grove, 2121 Pacific avenue.
R. J. Hancock, real estate, 323 Broderick.
Clarence Musto of the Neapolitan Paste Company, 705 Battery.
E. A. Sachs of Martin Sachs Company, real estate, 615 Leavenworth.
J. B. Williams, 142 Fourteenth.
F. E. Shafer, California Milk Company, 3671 Twenty-third.
Harry F. McGurren, saloon, 1238 Market.
Frederick Dieling, solicitor, 163 McAllister.
John Corbett, 1014 Lombard.
Adolph Hiller, stationery, 421 Chestnut.
M. E. Willis, 504 Eddy.

Only to some of these men does the prosecution object, but in order to get them out of the jury box the motion to discharge must apply to all of the twelve. The motion will be made on the ground that the jury was not summoned in exact conformity with the provisions of the law. District Attorney Byington had a conference with Sheriff Lackmann on this subject yesterday.

The securing of a good jury was considered by McGlade's prosecutors as a highly important part of the court proceedings. As McGlade had long been in politics and had political connections as well as many friends among the men about town, it was desired that citizens who would not be influenced by political acquaintances, and who could be trusted to decide the case on the evidence should compose the jury. The prosecution was limited under the law to five peremptory challenges, however, and after these were exhausted the District Attorney could find no means to get more jurors excused, though he did not like to accept some of them. The defense had ten peremptory challenges, and these were employed to send away well-known business men who had been summoned by the Sheriff.

The first six jurors were obtained from the regular panel of the court, which was then exhausted. A special venire was thereupon issued for forty citizens. Out of the forty summoned by the Sheriff's deputies twenty-nine appeared, and from these the next three jurors—Shafer, McGurren and Dieling—were selected. Then twenty-five names were drawn from the regular jury-box, and from this list the last three jurors were secured. The objection which the prosecution contemplates making relates to the special venire. Not all of the forty citizens who were ordered to appear in court did so. It will be contended that the special venire should have been exhausted in the regular way before another list was drawn.

McGlade is being tried on one of the indictments for forgery which were presented against him on account of his alleged manufacturing of warrants on the city treasury while he was a bookkeeper in the Street Superintendent's office under William F. Ambrose. He is out on a bond in the sum of $1500 on each forgery charge. At his first trial last year he was acquitted. At that trial it was necessary to produce evidence as to handwriting, and Ambrose and Harry Piper, who were called as witnesses, were reluctant to testify as to writing of which only they had personal knowledge. Ambrose will have to be called as a witness at this trial also, and it is said that he still sympathizes with McGlade.

Post May 21. 1900

CHARGE OF FRAUD IN M'GLADE CASE

The Prosecution Makes a Savage Attack on Clerk Oscar Tolle.

Attorney Otto Irving Wise, special counsel retained in the prosecution of Peter McGlade before Judge Cook, sprung a decided sensation when the case was called this morning by entering a motion that the entire jury be dismissed and by filing an affidavit in behalf of that motion.

He charges that Clerk Oscar Tolle has been guilty of criminal interference in the case and that by his unlawful manipulation of the jury ballot box, men have been chosen to decide the case who are not competent to sit in the jury box and whose decision can be readily foreshadowed as favorable to the defense. The motion and charges caused a stir in the court room and is being widely and excitedly discussed now.

Attorney Thomas Lennon for the defense moved, as soon as Attorney Wise had closed his arraignment, that the matter be laid over until to-morrow so that he might have a chance to prepare a counter motion.

The motion which Attorney Wise recited in court this morning was preceded by a concerted demand from Jurors A. Hiller, John Corbett and J. B. Williams that they be relieved, owing to the fact that charges of irregularity had been made in connection with their selection.

Attorney Wise arose then and asked that the entire jury be discharged. He filed an affidavit at once which set forth that when a special venire of 40 men had been exhausted, 25 more names were drawn from the regular jury panel in the County Clerk's office and 8 from the court's venire.

Wise declares then in his affidavit that he later inspected the jury ballot box and that he there discovered that Clerk Oscar Tolle had failed to revolve the box at all, and that he had the ballots so arranged as to enable him to pick from either the 25-name stack or the 8-name stack, at will. Of the 8 men whom the clerk is said to have drawn, it is claimed, one works in the streets, one was taken from a milk wagon and induced to serve, one was picked up in the City Hall corridors and one had only just arrived in the city from Los Angeles. Wise then named several of the jurymen who are not on the assessment roll.

The defense was plainly staggered by the procedure, but got in the counter motion and the case went over. Tolle claims he was guilty of no fraud and Judge Cook says he is at sea in the matter for the present, as there is no parallel case on record in this State showing the dismissal of a jury after it had been completed, and under these circumstances.

The jury now under a cloud is made up as follows:

A. Hiller, John Corbett, M. E. Willer, Fred Dierling, H. F. McGuenen, F. E. Shafer, J. B. Williams, E. D. Sacks, Clarence Musto, R. J. Hancock, D. Grane and F. L. Quintz.

Bulletin - May 21 - 1900

SCANDAL DEVELOPS IN THE M'GLADE CASE.

The McGlade Trial This Morning.

Jury Alleged to Have Been Irregularly Drawn==Clerk Tolle Implicated.

Accusations of irregularity and fraud envelop the trial of Peter McGlade, charged with forgery. The jury impaneled to determine his guilt or innocence is involved in the scandal and may be dismissed from further consideration of the case.

Nearly a week was consumed in drawing the jury. The twelfth man was obtained Friday. He, with his two predecessors, were drawn from a special venire issued Wednesday. The venire in question was returned Thursday, when all but eight men responded. Attachments were issued for the delinquents and on Friday they were produced in court by the Sheriff. At the same time twenty-five additional talesmen were returned from the regular panel. To complete the jury but three men were required. They were selected by the Court Clerk, Oscar Tolle, from the eight men returned by the Sheriff. They were A. Hiller, John Corbett and M. E. Willen. The selection of these men was approved by the court and an adjournment was taken until today.

When court convened this morning Otto I. Wise, employed with Assistant District Attorney Deuprey in the prosecution of McGlade, created a sensation by asking that the jury be dismissed. He alleged that the special venire from which the majority of the jurors were selected had been improperly drawn. In an affidavit he swore that several members of the venire had been taken from the public streets. One man was summoned by Deputy Sheriff Dashiel from a milk wagon which he was driving along Market street. Another was hailed on Sansome. He had been in San Francisco but six weeks. Several others proved not to be upon the assessment roll.

Wise supplemented his accusations against the methods pursued by the Sheriff with a direct charge of misconduct against Clerk Tolle. He alleged that on Friday Tolle placed the names of eight men returned by the Sheriff in one corner of the jury box and the names taken from the regular panel in another corner. He did not revolve the box, and when called upon to draw the three jurors needed to fill the box he selected them from among the eight men. Wise discovered the trick after the jury had been completed, but too late to use it in objecting to any individual juror. He reported the matter to Judge Cook, who advised that affidavits setting forth the misconduct of the clerk and the Sheriff be filed to-day.

Upon presenting his affidavits this morning Wise asked that the jury be discharged, and was about to argue his motion when Thomas Lennon of Lennon & Hawkins, attorneys for McGlade, forced a postponement until to-morrow in order to obtain time in which to file counter affidavits.

The position taken by Wise is unusual. In the criminal history of California there is no record of an order discharging a jury once completed. It is contended by Lennon & Hawkins that if the McGlade jury were dismissed now the court would be compelled to discharge the defendant, he having been once in jeopardy. The jury which Wise desires discharged is made up as follows:

A. Hiller, John Corbell, M. E. Willer, Fred Dirling, H. F. McGuenen, F. E. Shafer, J. B. Williams, E. D. Sacks, Clarence Music, R. J. Hancock, D. Grave and F. L. Quintz.

McGlade was formerly a bookkeeper in the Street Department. While employed in that capacity he cashed a number of salary warrants to which he is said to have forged the names of his fellow employes. When accused of forgery he fled to Texas, where he was subsequently arrested. In all, three charges stand against him.

May 23 1900

CHARGES OF FRAUD UNDER INVESTIGATION.

Judges Cook, Lawlor and Dunne Inquire Into the McGlade Jury.

Assistant District Attorney Asks That Jury Be Discharged, But No Action Yet Reached.

The demand of District Attorney Byington for the dismissal of the jury impaneled to try Peter W. McGlade was today submitted to Judges Cook, Lawlor and Dunne for decision. As it involves varied questions of law and fact it may remain undetermined for several days. Though two hours were consumed this morning in arguing into the various issues raised, no decisive steps were taken by either the court or the attorneys interested in the scandal.

When Judge Cook and his associates took their places upon the bench Assistant District Attorney Deuprey asked that the jury be discharged, pending a decision as to its validity. Attorneys Lennon and Hawkins, representing McGlade, objected to the proposal. They were sustained and the jury was ordered to remain in attendance during the argument.

The objection of the defendant to any interference with the jury was then renewed by Attorney Lennon. He attacked the sworn statement made yesterday by Attorney H. L. Wise, and in a lengthy argument attempted to show that the affidavit did not demonstrate that such an emergency existed as would warrant the dismissal of the jury.

He contended that the conduct of Lennon ... assertions made by Wise. Tolle swears that the jury was regularly drawn. He denies that the slips upon which the names of the different jurors were written were in any way separated. "The slips were thrown into the box in the usual way," said Tolle to-day, "and the box was revolved. It was a mere accident that the men selected were drawn from the special venire."

PETER W. M'GLADE.

JUDGE CARROLL COOK.

CLERK OSCAR TOLLE

Judge Cook has so far refused to comment upon the case. He has neither affirmed nor denied the statement that Wise called his attention to the manner in which the names of jurors were drawn from the box. It is probable that he will leave the facts to Judges Lawlor and Dunne for decision. He is inclined to give his attention exclusively to the questions of law.

W. & J. Sloane & Co.
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PROSECUTION OBJECTS TO THE M'GLADE JURY.

Discharge of the Panel Demanded—Irregularity in Drawing Names Alleged.

When the case of Peter W. McGlade, charged with forgery, was called in Department 12 of the Superior Court yesterday morning one of the jurors, J. B. Williams, arose in the jury-box and said he wished to be excused from serving at the trial. He referred to an article that was published last Sunday in which it was stated that the attorneys for the prosecution were dissatisfied with the jury, and that on Monday morning they would move to have it discharged and a new jury chosen. Williams did not desire to stay on the jury in view of this dissatisfaction. John Corbett and A. Hiller also arose and said that for the same reason they would like to be excused. Otto I. Wise, special attorney for the prosecution, who has been engaged by Bier & Regensburger, the brokers, who were defrauded by the bogus warrants on the city treasury which McGlade was accused of manufacturing, moved that the request of these jurors be granted. The defendant's attorneys, Lennon & Hawkins, objected. Lennon said the jurors merely felt intimidated by the publication concerning them. As the jurors had been sworn in Judge Cook would not excuse them unless a good reason was shown. Thereupon the following motion in writing, signed by District Attorney Byington and his assistant, Eugene Deuprey, was offered:

Now come the people of the State of California, complainants therein, and hereby move this honorable Superior Court to forthwith discharge the alleged jury had and obtained herein, as the said people of the State complain, against the law. Your complainants allege as the grounds for this motion:

That section 204, Code of Civil Procedure, concerning the drawing of the Grand Jury and trial jurors, has provision for the selection thereof, and that the following sections to and including section 211, Code of Civil Procedure, also relate thereto.

That the requirements of the law for drawing jurors for courts of record are set forth in sections from 211, Code of Civil Procedure, to and including section 220.

That sections 225 to and including 228 provide for the manner in which jurors for courts of record shall be summoned.

That the alleged jury obtained for the trial of the following action has not been had in accordance with the provisions of the law as hereinbefore specified, but has been impaneled in mixed form—first, from an alleged regular selection from names taken originally from names of citizens selected for the twelve Superior Judges of the Superior Court for the city and county of San Francisco, State of California, in January, 1900, second, from a special venire ordered by the court and violated in summoning in this—that a large portion of said special venire was summoned from people in the street and from a milk wagon, the driver thereof being summoned, and that such summoning under order for special venire was in part from bystanders and not from the body of the county, third, in seeking to obtain a part of said alleged jury had herein from names of twenty-five citizens whose names were drawn from the trial jury box containing the names of talesmen selected by the Judges of the Superior Court in January, 1900, fourth, that these summoned as trial jurors under the order for special venire herein were summoned irrespective of whether they were residents, citizens, taxpayers or competent.

That the said alleged jury had herein has been summoned and selected for qualification to serve as trial jurors in violation of the law and against the interest of justice.

Said motion herein will be made upon all the records and minutes of the cause herein and upon the affidavit of O. J. Wise hereto annexed.

"This is an unusual motion," remarked Judge Cook. Lennon termed it a most remarkable one, and said he never knew of such a motion emanating from the prosecution in any other criminal proceeding. He declared the motion came too late, as the jury had been impaneled and none of the jurors could then be challenged. Deuprey remarked that the prosecution was ready to argue that point as soon as the affidavit was presented. Wise then read his own affidavit, in which he said:

In Department 12 on Tuesday, May 15, 1900, at which time this cause was marked ready for trial and the empaneling of a jury was proceeded with, the clerk proceeded to draw the names from the jury box of those last attendant upon the court, and when said list appeared to be exhausted an order was made by the Court directing that a special venire of forty jurors be drawn out of the body of the community for service as trial jurors in this cause. The Court then adjourned proceedings until Wednesday, May 16, 1900, at which time the said special venire was made returnable and the empaneling of the jurors then proceeded from said special venire. On the afternoon of said date the special venire seemed to be exhausted and the Court ordered that twenty-five names be taken from the regular jury list, and those taken to be made returnable on Thursday, May 17, 1900, at 2 P. M. The Court then adjourned proceedings for the day. On Thursday, at 2 P. M., the Court ordered that the said twenty-five names be placed by the clerk of the court in the jury box, together with such additional names from the special venire of persons who had not responded at the call when said special venire was returnable and against whom attachments had been issued.

At that time and in open court I inquired of the Court whether both the list [...] either side of the jury box and each carefully placed so that an intermingling of the names was absolutely impossible. The two packages were at least two inches apart and each package was carefully piled up. I called the attention of the Court to this proceeding, but presently the clerk had sworn the jury, closed the box and revolved the same.

I further depose and say positively that at no time before this, during that session of the court, did the clerk revolve the box, for I took special notice. Immediately after the adjournment of the court I went to the office of the Sheriff of the city and county of San Francisco and ascertained that when the special venire was issued, four deputies were assigned to serve subpoenas and that their instructions from the Sheriff were to serve only the best citizens obtainable; that Deputy Metzner did serve the following persons: Messrs. Armstrong, Cardall, Smith, Townsend, Covert, Deardorf, Lundy, Brener, Brady and Glendanem, all of whom were excused. The second deputy employed by the Sheriff to serve subpoenas, Jenny, served the following men: Hahn, Purry, Roslah, Gullixon, Levison, Beresford, Kearney, Kragen and Kelleher. Out of this list only one name was called, to-wit, the name of J. L. Levison, who was excused. Another deputy, Mr. McCarthy, subpoenaed the following men: Messrs. Kronberg, Demot, Darling, Rall, Lee, Bezaro, Wright, Bill and Smith; out of these names none were called except Mr. Demut, who was excused as a non-resident, and Messrs. Rall, Lee and Bill, all of whom were excused.

The remaining deputy was one Dasha, who is also the bailiff of Department 12 of the Superior Court, and said Dasha subpoenaed the following names: Corbett, Dreyfuss, Dieling, Fitzgerald, Fitch, Levy, Watkins, Willis, Birch, Cleary, Walback, Horton, Hiller, McGurren, Newmark and Shafer, out of this list subpoenaed by said Dasha, Messrs. Fitzgerald, Fitch, Levy, Watkins, Birch, Cleary and Horton were not called, and Messrs. Corbett, Dieling, Willis, Hiller, McGurren and Shafer were called and accepted as jurors by defendant.

Said Dasha was sent for by Sheriff Lackmann, and I questioned him, said Dasha, in the presence of Under Sheriff Hare. Dasha stated at that time that he did not know and had never seen before Messrs. Corbett, Willis, Hiller, Dieling, Shafer and McGurren, and that he served them in the following way. He stated that he was walking on Kearny street and met Hiller, whom he had never seen before, and that he did not know said Hiller's name or his address or business, and that he then served a subpoena on him. He made the same statement as to Messrs. Corbett and Willis. The said Dasha further stated that he served Mr. Dieling on Sansome street, and that he met him as the said Dieling was leaving a building, that he did not know said Dieling or his residence or his business. He further stated that he served Mr. Shafer as follows. That he was walking along Tenth street when he saw a milk wagon approaching, and he served the driver of said milk wagon, whom he did not know and had never seen before. He further stated that he served Mr. McGurren in a saloon on Market street near the City Hall.

Lennon objected to further consideration of the motion. "Taking this affidavit as true, there is nothing in it which would justify the discharge of the jury at this time," he said. Judge Cook overruled the objection and stated that his attention was called by Wise to the alleged separation of the slips only after the names of the last jurors had been drawn from the box. Wise said "That is correct," and, as no other evidence was offered, he began the argument.

"As your honor said, this is a most unusual motion," Wise remarked. "It is a proper motion now, however, as it is made before the taking of any testimony."

Judge Cook interrupted and said that any evidence which the defense had to present in relation to the motion should be offered before the arguments.

"I cannot be expected to answer that affidavit this morning," Lennon responded, "although to my mind it does not state facts sufficient to justify action. I am willing to let the prosecution present its argument, and, if I cannot convince your honor on the authorities which I have here that this motion should be denied, I will then submit such evidence as may be necessary."

Judge Cook observed that in fairness to the prosecution the evidence of the defense should be put in before the arguments. Lennon stated that he asked the District Attorney last Saturday to let him see the affidavit that was to be filed, so that he could answer it. To give the defense time to prepare counter affidavits an adjournment was taken until this morning.

Judge Cook, when dismissing the jury, said: "If you see anything in the newspapers relating to this case it is your duty to pass it by and not give it any attention. No one has any right to make any communication to you concerning this case outside of the courtroom."

Lennon stated after adjournment that Wise had taken charge of the prosecution, and that it was simply on account of Wise's inexperience in criminal cases that he did not secure jurors who might have suited him better. "He has said that the solid business men who were summoned were challenged by the defense," Lennon remarked. "The fact was that he played into our hand. He questioned good business men and found out from them that they had formed an opinion in the case, which was based on reports that they read in the newspapers. An experienced prosecutor would have passed such citizens over to the defense and might have [...]

GENERAL MARKETS.

M'GLADE'S SECOND TRIAL IN A FAIR WAY TO BECOME A FARCE.

Blunder of the Prosecution and Active Sympathy of the "Push" Contribute to Save the Sporty Bookkeeper From State's Prison.

BLUNDERS on the part of the prosecution and the ardent sympathy of the [illegible] "push" [illegible] that Peter W. McGlade [illegible] will never be punished. It will be remembered that McGlade ran away when evidence was discovered in the Street Department and laid at his door, and thus, morally at least, confessed his guilt. On the first trial he "beat the case," as his admiring friends say, and now his second trial begins to have the appearance of a mere farce.

The District Attorney's office put the special prosecution of the case in the hands of Otis I. Wise, representing a firm of warrant shavers who were losers by McGlade's irregular transactions. It is current talk in City Hall circles that Wise, with whom Assistant District Attorney Deuprey is nominally associated in the prosecution of the case, passed jurors who on their own statements were friendly to the defendant and related to his political associates. Then they secured a jury who no one familiar with the matter believes will convict. Disagreement if not acquittal is freely predicted.

Deuprey allowed the proper time for challenge to pass, although reminded of it by Judge Cook, and then after the jury had been impaneled and sworn, moved that it be discharged. This motion was supplemented by an affidavit by Wise that Court Clerk Tolle and Bailiff Dasha had been guilty of irregularities—charges of fraud being carefully avoided in the paper—in the securing of a special venire and the drawing of the talesmen from the jury box.

Wise took the somewhat novel position that he did not question the honesty and good character of the members of the jury, but merely the irregularity of the manner in which they were secured.

Three Judges, Cook, Lawlor and Dunne, occupied the bench yesterday and held the scales of justice. There was an unusually large crowd of lawyers and politicians in attendance, the interest arising from the defendant's wide acquaintance and to the fact that the case is without parallel in this State or in any other, so far as the trial lawyers could ascertain.

After hearing arguments the trio of Judges unanimously declined to entertain the motion to discharge the jury, but left the charges in the affidavit for trial by the proper tribunal. This is probably the [illegible] of the [illegible] that resulted in charges [illegible] wrong later.

District Attorney Lennon, when asked if [illegible] could read any proceeding [illegible] "It is my disposition to do so, but [illegible] already [illegible] counter affidavits."

Clerk Tolle and Shorthand Reporter Joseph P. Stevens [illegible] filed with the court two affidavits [illegible] to discredit all the essential allegations of the Wise affidavit. There is another affidavit by Bailiff Dasha, [illegible] three to one.

Before proceeding with the argument Assistant District Attorney Deuprey asked that the jury be excused and instructed to withdraw from the courtroom pending the argument. This request was denied.

Lennon next presented his objections to the motion to dismiss, or challenge of the jury. He began to attack Wise's affidavit, whereupon Judge Lawlor suggested that he address himself to the motion to discharge the jury. Wise claimed that the motion was indefinite and uncertain and that it came too late, having been made after the jurors had been sworn and given charge of the case. He then read from the affidavit of complaint. When he reached that part in which Wise claimed to have seen two separate piles of slips containing names in the jury box and that he called Judge Cook's attention to that fact, Judge Cook interrupted and stated that he wished it understood that when his attention was called to the box the jury had been completed and no more jurors were subsequently drawn.

Lennon continued that the affidavit merely contained general statements of fact. The statement that "the jury was taken principally from a milk wagon and not from the body of the county" was absurd. The affidavit itself showed that the jury was taken from the highways and byways, even if they were on coal carts and milk wagons.

Deuprey interposed that he had entered an objection as to the right of the Court to call a special venire.

This brought a sharp contradiction from Judge Cook, who said, "The objection was not made at that time or in that manner." The Judge explained that the objection was made after the venire was returned. "I then told you," he continued, "that you could challenge the whole venire in the usual way, but you declined to so exercise your right of challenge and the record will so show."

Lennon said that he gave the District Attorney's office credit for not having drawn the Wise affidavit, for he thought that office had a slight knowledge of the English language.

Lennon was informed that Deuprey was the author of the affidavit, but he [illegible] expunge anything [illegible]." He called the [illegible] and dwelt upon its [illegible].

Wise said that he thought the allegations of the affidavit were sufficient. "I have nothing to say against the jury as to its honesty," he continued, "but I do say that the conduct of the officers of this court was fraudulent and corrupt."

Wise repeated his statement of having seen two separate bunches of names at least two inches apart in the jury box. "When the clerk returned," he said, "he gave the box a whirl and mixed them all up again. When I had noticed what I did notice I called the attention of the Court and of Assistant District Attorney Deuprey to it. I then went to the Sheriff's office, and he told me it was his intention to secure the best citizens on juries. Further investigation showed that Bailiff Dasha went down Market street taking men off milk wagons or wherever he could find them. If what I have said is true, then this court must not be prostituted to such methods. I cannot believe that the law intends that a jury tainted with fraud shall be retained to try a case."

At the afternoon session Wise and Deuprey submitted authorities holding that the Court, under certain conditions, might discharge a jury at its discretion, but admitted that there had been no parallel to the case, either in California or elsewhere.

Again the Judges consulted, and Judge Cook announced:

"The Court is unanimously of the opinion that this motion cannot be entertained. The jury has been impaneled and sworn, and all the proceedings of record are regular. The affidavit does not state that the acts of either the Sheriff or the clerk were fraudulent, merely saying that they were done, and that is not sufficient ground for dismissing the jury. The Court has no power or jurisdiction to entertain the motion at this time. The allegations in the affidavit may be presented in an independent proceeding and the persons charged given an opportunity to reply to them."

The Court sustained the calling of a special venire to fill a jury, when the regular panel was exhausted, as both customary and regular. The demurrer of the defense to the motion to dismiss the jury was sustained.

The three indictments against McGlade for forging Street Department laborers' warrants were read to the jury and the trial ordered to proceed at 10 o'clock this morning.

Call May 30 - 1900

PICKING TO PIECES M'GLADE'S WRITING

An Afternoon With Theodore Kytka and His Plates, Prints and Blackboard.

The McGlade case has reached the expert point and Kytka, with his potbooks and blackboards, his negatives and prints and comparisons, is doing his turn before the jury. An attenuated "B" and a more than usually rotund "e" were claiming the attention of the jurors when court adjourned. Kytka is showing where the forged name of [illegible] on the Dwyer demand resembles specimens of McGlade's writing.

During the morning there were more signatures of McGlade identified by M. M. Regensburger and J. E. Isler. Ambrose was called to see if he had remembered anything more about his signature, but he had not. He would not admit any signature shown him to be his, and finally he came down from the stand and wrote his name five or six times. These signatures were put in evidence and will be used by the expert.

The case went over until to-morrow morning.

RING BACK OF M'GLADE

City Hall Gang Comes to the Forger's Aid.

SOME WITNESSES WITH CONVENIENT MEMORIES.

"BILLY" AMBROSE REFUSES TO IDENTIFY HIS OWN SIGNATURE.

Harry Piper Will Not Swear Either Way—Important Witness for the Prosecution Is in the East.

The professional holders of political jobs held a field day yesterday in the courtroom of Superior Judge Carroll Cook. The feature of the exhibition was the concerted effort of the "push" to clear Peter W. McGlade, sometime bookkeeper of the Street Department, of three charges of forgery and one of obtaining money under false pretenses—crimes for which he was indicted by the Grand Jury.

The farce was so broad that even the members of the jury laughed and made merry among themselves over the antics of the crooked politicians assembled in a common defense. The defense bore all the earmarks of preparation by the City Hall ring, and the lubricating of adverse conditions is said to have been attended to by a soda water man who associates on the "tenderloin" with McGlade.

A leading feature of the judicial performance was the elastic and convenient memories of the "push" assembled to sweat their old chum in office-holding out of his difficulties. Ex-Superintendent of Streets and present Grand Juror Ambrose, in whose office the several felonies were committed, could not remember his own signature nor anything else. Still another accommodating memory was that of ex-Deputy County Clerk Harry Piper, who, also, was unable to identify his own signature.

Much confusion was caused by the painful deafness of Assistant District Attorney Deuprey, who repeated many questions that had been asked by the Judge, and failed, seemingly, to get a proper conception of the answers to questions that he asked himself.

In his opening statement Deuprey selected for this trial the indictment charging forgery of a demand for $96 wages for T. Dwyer, a fictitious sewer laborer, in August, 1898. The names forged were those of William F. Ambrose, T. B. Maginnis, assistant clerk of the Board of Supervisors, and Thomas F. Clark, deputy superintendent of streets.

Grand Juror Ambrose was the first witness called. He said that he could not give from his own knowledge the routine of a laborer's demand for wages. He said it was merely hearsay with him.

"Was P. W. McGlade authorized to certify to the correctness of demands in your office during August and September, 1898?" Ambrose was asked.

"I don't remember."

"Who did have that authority?"

"I don't remember."

"Was it a fact that P. W. McGlade had authority to certify to those demands?"

"I don't remember."

"Could you refresh your memory by reference to your books?"

"I might, but I couldn't swear to it."

Then the witness with the elusive memory was shown his own signature to his appointment of McGlade to the position of bookkeeper, but he was as shifty as ever when asked to identify it.

"I don't know whether it is or is not," was his reply.

Neither did this witness know the signature of McGlade when it was shown him. So nimble was he in his evasive answers that members of the jury chatted and laughed among themselves as the farce proceeded. The only admission gained from Ambrose was that he had not employed any one named Thomas Dwyer in the Street Department during the months of August and September, 1898.

Otis Wise, who is retained as special counsel in the case by a firm of City Hall warrant shavers, made special inquiry as to whether Ambrose ever delegated to any one authority to sign demands as correct. His evident intention was to lay the groundwork for a civil action against Ambrose, but that worthy, scenting danger of an attachment being levied on the big house he acquired while he was Superintendent of Streets, was equal to the emergency and gave the following elastic answer:

"If the deputy was authorized by me to certify for me that the demands were all right then he had the power."

Ambrose was next shown an official record of the Street Department kept during his term of office—1897-98—and asked to identify it.

"I would not swear whether it was or not," responded the agile Ambrose. "I have no recollection of those particular items."

Then the prosecution gave him up and the well-pleased defense said, "No cross-examination," and thanked the man with the convenient memory for his testimony.

Harry Piper, who was chief deputy [illegible]

As Piper did not know his own signature, Joseph Goddard, chief clerk to the County Clerk, was called to identify it for him. Goddard said: "This signature is the signature of Harry Piper." After recess, however, the witness reversed his testimony, and said he could not identify the writing, as he had no personal knowledge of it. Neither could he swear, he said, that the paper in question was McGlade's official oath or that there ever was such an official oath, the paper having passed out of the custody of the office.

Piper was recalled, but his memory was still balky. He was shown a batch of oaths of office indorsed by him, but he declared:

"I would not swear it was my signature or that it was not."

Policeman Thomas Gibson swore that he got the paper from the County Clerk's office during the last trial and gave Deputy Johnson a receipt for it. Inquiry for Johnson disclosed the fact that he was very sick and could not appear.

Thomas F. Clark, a deputy under Ambrose, testified that he had not written his name in the bogus Dwyer salary demand, nor authorized any one else to sign it. No man named T. Dwyer had been employed by or had done any work for the Street Department in the period mentioned. The witness said it was his duty to certify to all underground work, and he had always done so.

Juror McGuerren, a brother-in-law of Superintendent of Streets Ackerson, under whom McGlade served two years, asked the witness several questions.

It was developed by the testimony of Clark that J. G. Cathcart, assistant bookkeeper to McGlade and an important witness for the prosecution, had gone East. The witness had seen Cathcart at the ferry last Saturday with a ticket in his hand.

Ambrose was recalled and shown several books of record of his administration, but he refused to identify them.

John Ryan, assistant clerk of the Board of Supervisors, showed by the record that McGlade had signed for the bogus demand. Ryan said that he saw McGlade write his name.

On cross-examination the defense brought out that at the time in question Ryan had not taken the oath of office, and therefore his acts were not official.

The wretched farce of trying McGlade will be resumed this morning.

Call May 23-1901

Post May 22-1901

NO FREEDOM FOR McGLADE'S JURY

It Must Stay to Try the Case of Forgery Against the Defendant.

The Question of "Once in Jeopardy" Would Arise if the Panel Were Let Go.

THERE will be no change in the jury to try McGlade, a fact that was decided yesterday by the three Judges of the criminal departments of the Superior Court. It took the morning and a good part of the afternoon to reach the conclusion, for counsel for each side argued the matter thoroughly.

Judge Cook had invited Judge Lawler and Judge Dunne to sit with him to hear the point argued. It was a new one to the lawyers of this city, and perhaps elsewhere, for when Otto Wise was asked to present authorities on the discharge of juries after they had been sworn, he admitted that so far as he knew it was a motion which, under the existing conditions, was without precedent.

Matters were made much easier for the court by the admission of Mr. Wise that there was nothing about the personnel of the jury to which he took exception, and the burden of the remarks of T. J. Lennon, counsel for the prisoner, in his answering argument was that if the prosecution was sure the jury was fair and honest, they had secured just what the law endeavors to guarantee them, and so any motion for its discharge could not be maintained.

Lennon opened proceedings in the morning with a demurrer to the motion. For nearly an hour he argued that the jury was properly summoned and properly drawn. He argued that the filling of the jury box by means of a special venire was right and proper and good according to all custom in the courts. The prosecution had objected to it, but Lennon took occasion to say that it was a custom well known to all Judges, most lawyers and some District Attorneys. Whereat the bailiff rapped for order. Lennon also criticized the English in the motion, said the meaning was obscure in some places and absent in others. He was generally sarcastic and caustic regarding the motion to discharge.

Wise opened for the prosecution. He asked the Judges not to confound the question of jeopardy with their right to dismiss. He admitted the proceeding was without precedent, but claimed that the court had discretion in extraordinary cases to discharge the jury when it became apparent that it had not been properly drawn. In saying this he was careful to explain that he cast no reflection upon the jury. He said he thought the jury eminently fair and impartial, but he did blame the officers of the court, and for their irregularities he asked that the jury be discharged. He said the question of jeopardy was not relevant at the time, but might come up later, a statement that Judge Lawler took up quietly with the remark, "Then it might be too late."

Deuprey then followed with arguments upon the special venire and why it should not have been ordered. Judge Lawler asked if the prosecution had any authorities in support of the motion to discharge, even under the circumstances that the allegations were all true. They had none handy, and so the court took a recess until 2 o'clock, at which time the prosecution submitted a formidable list that was afterward ruthlessly set aside. Lennon was asked to close, and he confined himself to the two points—first, that there was no fraud alleged against the court officials, and secondly, that the jury being so entirely satisfactory to the prosecution, there could be no reason in a motion to discharge it.

Judge Cook spoke for the court. It was the unanimous opinion of the Judges, he said, that the motion to discharge could not be entertained. No actual fraud had been alleged, and so what had happened could be looked upon only in the light of an irregularity. As to the objection to the special venire, it could not be considered, as without special venires the general jury box would always be empty. As to the allegations, he said, they could be brought before the court upon application and in another and independent proceeding.

Judge Lawler delivered the dictum of the court upon the subject of jeopardy. Unless it was clearly shown that the question of jeopardy would not attach itself to the case, he said, the jury sworn could not be discharged. A prisoner is on trial and consequently in jeopardy, he continued, when the jury is impaneled and sworn, and in support of this he quoted the opinion of Cooley in his "Constitutional Limitations."

In conclusion Judge Lawlor said it should be distinctly understood that the court did not pass upon the merits of the allegations, only upon the question of law involved.

That ended the matter and the case against McGlade was set for trial this morning.

As the question of fact had not arisen in the proceeding before the three Judges affidavits made by Oscar Tolle, clerk of the court, and Stevens, the court reporter, were not read. In Tolle's affidavit he maintains that he dropped the names into the box in an "indiscriminate mass," and that he twirled the box and drew them in the proper way. He denied also that there were any packages of names in the box or that it was possible for him to tell one name from another. Stevens swore that he saw the clerk shuffle the name slips after he dropped them into the jury box one by one, and that there were no packages of names segregated in the box. He avers that he was in a position to see the box and its contents, and he knows there was no irregularity in the drawing of the jury.

"I have not as yet decided whether or not the charges against Clerk Tolle and Bailiff Dasha will be prosecuted further," said District Attorney Byington after the court adjourned yesterday. "In the face of their affidavits, two against one, it is difficult to formulate plans for further investigation of the case. I have my individual opinion, but that would not assist the Grand Jury in an investigation of the alleged frauds. The Grand Jury requires evidence on which to act. I shall endeavor to back up my individual opinion by obtaining more evidence. I will consult with Mr. Wise, and if the conditions warrant I will lay the matter before the Grand Jury."

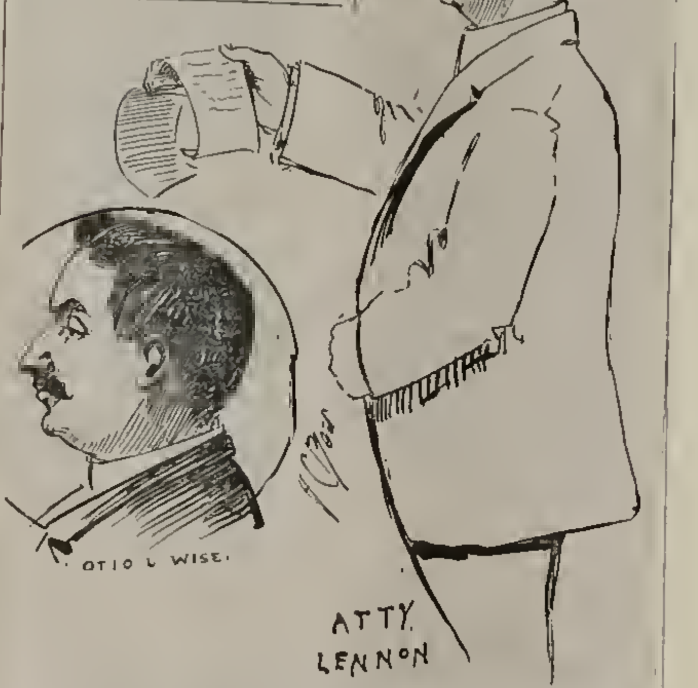
COLD FACTS ARE REQUIRED

The McGlade Scandal Bids Fair to Fail.

Three Judges Demand Proof of Attorney Otto Wise.

It is more than likely that the sensational charges brought by Attorney Otto Irving Wise against Clerk Oscar Tolle, in the McGlade perjury case, before Superior Judge Cook yesterday, will go up in thin air.

Mr. Wise must prove his charge and the jury will not be dismissed unless cold facts are brought out showing that Deputy Sheriff Dasha secured jurors irregularly, and unless it can be shown



that Tolle actually juggled with the ballot box.

Judges Cook, Dunne and Lawlor of the Superior bench sat in banc this morning when the matter was brought up. Deputy District Attorney Deuprey asked at once that the motion to dismiss the jury be brought up and considered.

Attorney Thomas Lennon for McGlade promptly protested, and declared that the court could not take any action unless facts were presented showing that such a procedure would ge warranted. Mr. Lennon then declared that none of the facts suggested in the Wise affidavit of yesterday had been proven and that mere allegations could not demand recognition from the court. Mr. Lennon then declared that the deputy Sheriff had conformed to the law in taking men from the highway.

"The law specifically states," said Mr. Lennon, "that the jurors shall be taken from the body of the county, and if the highway is not in the body of the county, then what does the law mean?"

Lennon then attacked the Wise affidavit. He claimed that a dismissal of the jury at this juncture would effect a miscarriage of justice, and then Mr. Wise had an inning.

Decisions were read in support of yesterday's motion, although counsel admitted that there was no case of record in California where a jury had been thus dismissed.

A counter argument was made, and Judge Lawlor then ended the arguments by ruling that facts would have to be presented in absolute proof of the charge made, and that the court would have to look into the alleged fraud, probing for the facts and seeking to ascertain if it really had authority to act if the charges were proven. The matter was then adjourned until a late hour this afternoon.

Three affidavits await the next attack from Mr. Wise. One is made by Clerk Oscar Tolle, pointedly denying Mr. Wise's charges, one is made by Deputy Sheriff Dasha and another by Stenographer Stevens. They all deny the fraud alleged.

Call May 22-1900

CHARGES OF IRREGULARITY AGAINST THE McGLADE JURY

Sensational Affidavit Filed by Otto I. Wise and a Motion Asking for the Discharge of the Jurors.

Principal Actors in the Latest Court Scandal.

THE McGlade case before Judge Cook came to a sudden and unexpected stop yesterday. Three jurors demanded that they be excused from the panel. Counsel for the defense refused to entertain an excuse for the cause they alleged and counsel for the prosecution moved that the whole jury be discharged and that the case start over again.

The three jurors asked for their liberty on the ground that it had been stated that they had been irregularly drawn. They declared it was a reflection upon them and they did not wish to serve under the circumstances. Then Otto I. Wise, special counsel for the prosecution, came forward with an affidavit to the effect that the jury was irregular and making charges of irregularity against Oscar Tolle, the court clerk who drew the jury. There was a hot argument for a few minutes, when it was decided to allow the matter to go over until this morning, when it will be heard before the three Superior Judges of criminal departments, Judge Lawlor, Judge Cook and Judge Dunne.

J. B. Williams was the first juror to demand his release. He was followed in his plea by John Corbett and then by A. Hiller, but their prayer was not heeded. Then Mr. Deuprey, the assistant District Attorney, rose and suggested that, as what he had to say was not exactly proper for the jury to hear, it be ordered to withdraw from the courtroom. T. J. Lennon, who represents McGlade, objected on the ground that the jurors, having heard so much, had better hear the remainder. His objection to their absence prevailed. Deuprey moved that the jury be discharged on the ground of irregularity and read an affidavit sworn to by Otto I. Wise.

The fore part of the affidavit related to the drawing of the first nine jurors. The panel had been exhausted on May 15 and the Judge had ordered a special venire of forty to be returned by the Sheriff. This panel also was exhausted on May 16 and the court ordered twenty-five names to be drawn from the general jury box. He also ordered attachments against eight of the special venire of forty, who had failed to respond. These were returnable on May 17. The affidavit then picks up the case on May 17 and goes on to relate:

At that time but three vacant chairs remained in the jury box and the clerk proceeded to impanel the balance of this jury. That from the list he drew the names of Corbett, Willis and Hiller, all of whom had been subpenaed by order of the court for the special venire, and no names from the list of twenty-five ordered by the court were called. I then went to the desk of the clerk upon which the jury box was placed and looked into the said jury box where I saw that the names of jurors upon the slips of paper were not placed in the box to comply with custom and the law, but that there were two separate and distinct packages, one on either side of the jury box, and each carefully placed so that an intermingling of the names was absolutely impossible. The two packages were at least two inches apart and each package was carefully piled up. I called the attention of the court to this proceeding, but presently the clerk had sworn the jury, closed the box and revolved the same.

I further depose and say that at no time before this during that session of the court did the clerk revolve the box, for I took special notice.

Continuing his affidavit Wise goes on to say that immediately after the adjournment of the court he went to the Sheriff's office to investigate. He found that four deputies were ordered to summon the special venire and to serve summons only upon the first citizens obtainable. Deputy Sulzner served ten, out of which but three were called, and all were excused. Deputy Jenny served nine, out of which one was called and excused. Deputy McCarthy served nine, of which four were called and excused. The fourth deputy was William Dashn, bailiff of department 12, where McGlade is under trial. He summoned sixteen, out of which six were called and accepted by the defendant. These were Corbett, Delling, Willis, Hiller, McGurren and Shafer.

Dashn was called and questioned in the presence of Sheriff Lackmann and Under Sheriff Hare. He said he had never seen the men mentioned before. He said he was walking along Market street when he met Hiller. He had never seen him before, did not know his name, residence or occupation, nor anything else about him, but he served a subpena on him. He pursued the same tactics in the cases of Corbett and Willis. In the case of Delling, he said he met the juror on Sacramento street just as he was leaving a building. He knew nothing about Delling. As to Shafer, Dashn said he was walking along Tenth street when he saw a milk wagon approaching, and he served the driver of the wagon, whom he did not know and had never seen before. And as to McGurren, he was served in a saloon on Market street near the City Hall.

Upon this statement of facts the District Attorney made his motion for the discharge of the jury. In his motion he made the following points:

That the alleged jury obtained for the trial of the foregoing action has not been had in accordance with the provisions of the law as hereinbefore specified, but has been impaneled in mixed form.

First—From an alleged regular selection from names taken originally from names of citizens selected for the twelve Superior Judges of the Superior Court for the city and county of San Francisco, State of California, in January, 1900.

Second—From a special venire ordered by the court and violated in summoning in this: That a large portion of said special venire was summoned from people in the street and from a milk wagon in summoning the driver thereof, and that each summoning under order for a special venire was in fact from bystanders and not from the body of the county.

Third—In seeking to obtain a part of said alleged jury had herein from names of twenty-five citizens whose names were drawn from the trial jury box containing names of talesmen selected by the Judges of the Superior Court in January, 1900.

Fourth—That those summoned as trial jurors under the order for special venire herein were summoned irrespective of whether they were residents, citizens, taxpayers or competent.

Lennon opposed the motion on the ground that it was made to intimidate the jury and to prejudice them against the defense. He was asked by the court if he had any counter affidavits, and he replied by asking for time to prepare arguments in the matter. It was then ordered that the case come up again this morning.

Oscar Tolle, the clerk, made a statement to the County Clerk in regard to his connection with the affair. He said he drew the jury as he had drawn every jury for the past fifteen years that he has served in the County Clerk's office. He said the names of those jurors attached, as well as the twenty-five new ones, were all put into the box together and shaken up. He declared that the names drawn were drawn properly and regularly. As for any heaps of names in the box, he said if there were any he did not see them.

Dasha made a statement to the Sheriff in which he described the manner in which he secured the jurors for his part of the special venire of forty. He said he went out as he always did and took the first likely looking men he met on the street and that the three other deputies did the same.

As it stands, the case is one of veracity between the court officials and the prosecuting counsel, but it may be that there has been so much said that the Judge today may consider it better to let the jury go and start again. The defense makes no secret of its theory in regard to the whole affair. The challenges of the prosecution had been exhausted and they were powerless to stop objectionable jurors, so the defense believes this method was resorted to to secure a more satisfactory jury. The prosecution maintains, however, that the question of challenges never entered into the controversy, for they were exhausted long before any irregularity was discovered in the drawing of the names. It is also the theory of the defense that the prosecution has allowed the matter to go too long and having allowed the jury to be sworn without objection it must accept it without further complaint.

The matter will be settled one way or the other this morning.

Those on the jury are F. L. Guneiz, D. Gruve, R. J. Hancock, Clarence Musto, E. D. Sachs, J. B. Williams, F. E. Shafer, H. F. McGurren, Fred Delling, E. Willis, John Corbett and A. Hiller.

News Letter May 26-1900

THE trial of Peter McGlade has from the first presented many of the aspects of a merry farce. While it is in progress comment as to the guilt of the defendant is of course withheld, but it is safe to say that if an unfixed jury were to declare him not guilty, he would immediately die of surprise.

Chron May 25 1900

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BIG LEGAL GAPS ARE YAWNING IN McGLADE'S CASE

Principal Witness Gone and the Indictment Found to Be Faulty.

Jack Cathcart Has Skipped East After Being Summoned to Appear and Testify Against the Prisoner.

After only one day's testimony the McGlade case has developed holes big enough to drive a coach and four through. There is an error in the indictment that brings a smile to the faces of the defendant's counsel every time the instrument is referred to. John J. Cathcart, the principal witness against the defendant, is missing, and the last heard of him he was checking his trunk for a journey East. The Deputy Sheriff who arrested McGlade has telegraphed to the prosecution that he has broken his arm and cannot attend, and Clarke, the man who had charge of the sewer gangs of the Street Department, may be ruled out as a witness altogether, because his name is not properly given in the accusation.

The absence of Cathcart may prove a serious blow to the prosecution, for he is the only man who can prove McGlade's signature, and proof of this and also of McGlade's handwriting must be the basis for the expert testimony connecting McGlade with the forgeries. Cathcart has been in court at almost every session at which the McGlade case came up, but he has not been in attendance this week. His absence was not noticed until Thomas Clarke told Tom Gibson, the detective, that he met Cathcart at the ferry depot Saturday evening, and Cathcart said he was going East to take charge of the business of some firm. Gibson at once started a hunt for the elusive witness, but his search was in vain. He has not been able to find Cathcart anywhere, and the chances are that by now he is well out of the way of any process from this State.

Phillips, the Deputy Sheriff who arrested McGlade, was up here some days ago when the case was called in Judge Cook's absence. It was announced that the case would go on, anyway, but when it was called it was put over until the return of Judge Cook. Phillips went back home to Arizona, and now he has sent word that a broken arm will keep him from attending the trial.

As to the error in the indictment, it may work the prisoner's liberty before the defense has done with it, although to an everyday man, with no sense of the law, it seems trivial. McGlade is being tried for the forgery of the name of Thomas Dwyer in a fraudulent demand for payment for work done on the city's sewers. In addition it is charged that all the other signatures certifying to the demand are forged, and Clarke was one of those whose duty it was to keep track of the men working on the sewers and indorse their demands. His name was one of those said to be forged, but in the indictment he is described as Thomas Y. Clarke, while on the stand he swore he was Thomas F. Clarke.

Immediately Attorney Lennon objected to any of his testimony on the ground that he was not the man described in the indictment, and it looked for a while as if the court would sustain the objection. He finally overruled it, however, on the ground that the man's name was Thomas Clarke, anyway, and there is a long line of decisions which says the middle initial is not material, but these do not bear upon indictments, and there is a case on record where the Supreme Court of this State reversed a conviction because the indictment charged "larcey" as the crime instead of "larceny." In overruling the objection the court did so on the understanding that the District Attorney would be responsible, a risk which Mr. Deuprey took upon himself.

The testimony itself is bringing into the light a strange and wonderful collection of short memories. W. F. Ambrose, who was Superintendent of Streets at the time McGlade was in his financial prime, could not identify his own signature on McGlade's certificate of appointment, nor could he say it was McGlade's signature that was signed to the acceptance. It was so long ago that he really could not attempt to say if the signature was his. Later on he took hold of the "blotter," timebook and payroll of the office of the Superintendent of Streets for his term, but he could not say if they were the books of his administration. He kept books, and the books were the same as those handed to him and the entries were the same and they were strangely familiar, but he could not say that the books were his, and no amount of questions would persuade him to do so.

Then Harry Piper was called to show the surprising shortness of his memory. He was shown McGlade's oath of office. It was signed by him as Chief Deputy County Clerk, but he did not know it, nor could he say more than that the signature looked like his signature.

Joe Goddard, the present Chief Deputy County Clerk, was then called, and he identified Piper's signature, getting a scowl from the McGlade friends in the courtroom for his pains. He was also called on to identify the oath, but he would not do it, nor would he say more than that it looked like an official document. It was afterward identified by Gibson, who got it from the County Clerk.

Thomas F. Clarke, after springing the middle letter of his name and telling what he knew of the flight of Cathcart, swore that he had all the sewermen under his charge, that he had to keep their time and certify to their demands, that he had no such man as Thomas Dwyer working for him at the time the Dwyer demand was presented and paid, nor before nor after, and that he never certified to any demand for Thomas Dwyer. But he knew nothing of McGlade's writing or his signature.

John Ryan, the only man with a good memory called during the day, swore that three receipts for demands in his record book were written and signed by McGlade. He is a clerk in the office of the Board of Supervisors, and his duty is to look after the demands. He declared that the Dwyer demand never passed through his hands.

The plan of the prosecution was to prove McGlade's handwriting, and for that reason the day was spent dickering over signatures. If Cathcart could be got at he could perhaps be made to swear to some of McGlade's writing, but as it seems now no one will admit he ever saw enough of McGlade's writing to know it again and the slender thread of Ryan's evidence and the few words in the demand record book may be all the experts will have to work on.

Richardson, Estelle Grace Robin, Eugene Wellington Roland, Evangeline Sale, Fannie May Sanborn, William Beaumont Schaw, *Karl Schluss, Milton Henry Schwartz, Florence Margaret Scott, Elizabeth Mitchell Seupham, Paul Selby, Charles Robert Seesdon, Walter Samuel Seeston, William James Shaw, Hiram Franklin Sheldon, Mary Southern Shiree, Paul Marlin Sinsheimer, Elizabeth Jackson Skinner, Howard Hughie Smith, John Stanislaus Soares, Michael Charles Specht, Mrs. Marion Cummings Stanley, Jesse Henry Steinhart, Robert Pettinger Stephenson, Theresa Viola Stone, Fannie May Sumner, Amy Tabbott, Taishi Tanabe, Irene Taylor, *Ollie Lord Taylor, Edith Bruce Thatcher, Helena Pearl Thomas, Mabel Winifred Thomas, Margaretta Louise Thornton, Edward Ingram Tillow, Margaret Todd, Richard Walton Tully, *Grace Abbie Terrell, Mary Winifred Tyrrell, Amy Henriette Van Deetlin, Lillian Claire Verssloten, Mosebeth Vargeman, Elly Jay Wager, Albert Morton Walsh, Anna Florence White, Howard Collins White, Louise Huckley Whitehead, Ellen Wilkinson, Mabel Lucinda Williams, *Flora Wilson, Andrew McLellan Wellenden, Miriam Mae Wollner, Alice Bowman Wright, Otto Charles Zinns.

The students whose names are marked with stars completed last Christmas the work required for graduation, but by a rule of the faculty are considered as graduating with the entire class.

To Teach Without Pay.

OAKLAND, March 8.—At the meeting of the Board of Education to-night it was announced that the teachers of the High School would teach next week without pay, hoping to be remunerated some time. Then for the week following that, from March 18th to 25th, the mid-term vacation will be declared. This will give the Council two weeks in which to transfer to the High School fund sufficient money to keep that department going until the end of the school year.

CLASS ATHLETES WILL STRUGGLE FOR HONORS.

Freshmen and Sophomores to Hold Their Field Day at Berkeley To-Day.

BERKELEY, March 8.—Freshmen and sophomores of the University of California are to meet to-morrow afternoon in the great interclass event of the college year, their annual field day. The contest is to take place on the campus cinder track, beginning at 1:30 o'clock. With several men in the entries capable of breaking university records there is every chance of an exciting meet. Athletic rivalry is running high between the two classes, and each has had a squad of lively sprinters and jumpers in close training for a month. Both classes expect to win. The second year men have the advantage of the most experience and can undoubtedly take the sprints, but the baby class claims the points in the field events. The hurdles and the distance runs are expected to prove the debatable events in which the result of the day is to be settled.

The best man in the field day is Cadogan, the little runner who is supposed to be yards better than any other sprinter in college. He is expected to win all the dashes for the sophomores. Townsend of the same class is picked to finish second in the 220-yard and the 440-yard events. For the 100 and 220 the freshmen have Stephen Ashli and Ligda, both cracks of the Academic League last year. Freshman Cheek, a long-limbed youngster from Oakland, is first choice in the hurdles. He, with Freshman Cooley, should win the jumps. Wilcox and Starr, both of the baby class, have been vaulting better than any others. In distances the sophomores have Bailey and Clifford, while the freshmen have entered Woods and Graves.

Later in the afternoon the varsity nine is to cross bats with the Alumni team for a second baseball game. The graduates are to be strengthened by the addition of McLaren '99, Krug '98, Cheesebrough '93, "Cub" Baer '99 and Fuller '02, all former varsity stars, who have promised to be on hand to-morrow. Swindells of Stanford is to catch and Pete Kaarsberg to twirl for the Alumni.

FATHER MADE GOOD DAUGHTER'S DEFICIENCY.

Postmistress at San Quentin Short in Accounts, Which She Claimed Was Due to Robbery.

SAN QUENTIN, March 8.—Last December Postal Inspector R. H. Munro men-

WILL DENOUNCED AS A FORGERY.

Attorney Stevens Says Four Witnesses Committed Perjury

HE ALSO IS ACCUSED OF DESIRING MONEY.

ARGUMENT IN THE CONTEST OVER LEROS ERICKSON'S WEALTH.

Conduct of Mrs. Annie J. Armstrong, Who Was Named as Sole Legatee, Is Criticised in Unsparing Manner.

The persons interested in having the will of Leros Erickson admitted to probate were severely denounced yesterday by Martin Stevens, whom Judge Troutt appointed as attorney for the absent heirs. Attorney John J. Scrivner made an argument in favor of the admission of the will, but Stevens insisted that it was a forgery, the temptation to manufacture it being the $[illegible] that the old man left. Erickson died on December 31, 1900, at the Cosmopolitan House, on Sansome street. Adrian Cabrol, one of the proprietors, and his partner, Frederick Delmas, suggested to the aged Erickson, who had no relatives or particular friends here, that he should leave his bank deposits to them, and they had an assignment drawn up by an attorney for him to sign, but it was not signed. The will was shown four days after Erickson's death. It gave his estate to Mrs. Annie J. Armstrong of 625 Pine street, because of friendship. It bore a cross mark for Erickson's signature and was witnessed by Delmas and Cabrol. H. E. Thomas of [illegible] Pine street testified that he wrote the ink copy of the will from a penciled draft furnished by Mrs. Armstrong, who said that the draft was dictated by Erickson.

"My friend, Mr. Stevens, blames Delmas and Cabrol for wanting a little of Erickson's wealth," Scrivner remarked in his argument, "but he would not object to having a little of it himself. He would get some of it if he could; is that not so? They knew that it would escheat to the State unless it were given to some one."

"Did they know that?" asked Stevens.

"They knew that it would go to the State or to the attorney for absent heirs," responded Scrivner. "Now, tell me, as an honest attorney for absent heirs——"

"There is no such attorney," said Stevens sarcastically, interrupting.

"Tell me why, if Cabrol and Delmas forged this will, they did not forge Erickson's name to the assignment?" Scrivner continued. "Then they would have had no need to divide the money with others. I ask your honor to admit this will to probate, for within a year that action can be revoked and if there be any such wrongdoing as has been alleged it will be made manifest before the expiration of a year."

Stevens, in replying, said: "We claim that Thomas, Mrs. Armstrong, Cabrol

WANT FLAT TAX RATE FOR PARKS

Commissioners Think They Are Not Given Full Justice

PUBLIC LIBRARY HAS SIMILAR COMPLAINT.

LAWYERS SAY CLEAR INTENT OF CHARTER HAS BEEN IGNORED.

Fixed Apportionments in the Budget In Place of a Tax Levy Are Held to Be Not in Accordance With the Law.

The Park Commission has been hampered this year by an insufficient appropriation, and in canvassing the possibilities for more money next year it has raised the question whether it was treated fairly in the last apportionment. Its conclusion, backed by the opinion of Reuben H. Lloyd and other attorneys, is that it should have received more money from the tax levy than was allowed it. In support of this contention it quotes section 11, article 14 of the charter, which reads as follows:

> The Supervisors shall provide all necessary money for the maintenance, preservation and improvement of said parks, squares, avenues and grounds, and to that end shall annually levy a tax on all property in the city and county not exempt from taxation, which shall not be less than 5 cents nor more than 7 cents upon each $100 assessed valuation of said property.

The Supervisors made their apportionment for the current fiscal year on the assumption that the total valuation of property for assessment purposes would be $315,000,000, and the amount allowed for parks was $245,000, which was a fraction less than 6.634 cents on each $100. The assessment roll actually amounted to considerably over $400,000,000, and if the Supervisors had allowed the rate agreed on, instead of apportioning a fixed sum, the Park Commission would have profited by the increase in the assessment roll. As it was, it made no difference what the roll might amount to, as the appropriation was fixed. It is claimed that the charter requires a tax rate of not more than 7 nor less than 5 cents, and that this tax shall be levied on all the assessable property, which was clearly not done this year. The same contention is made by the Board of Library Trustees. Under the heading "Public Library and Reading-rooms," article 7, chapter 1, section 2, the charter says:

> The Supervisors shall, for the purpose of maintaining such library and reading-rooms, * * * annually levy a tax on all property in the city and county not exempt from taxation, which shall not be less than [illegible] cents nor more than [illegible] cents upon each $100 assessed valuation of said property. The proceeds of said tax shall be credited to the library fund.

There was allowed this year for the library the sum of $59,600, which would have been increased materially had the Supervisors fixed a rate for the library instead of apportioning a specific sum.

Auditor Wells has had this matter called to his attention, and he will bring it to the notice of the Supervisors when

...sity to Send Out ...gest Class in May.

March 8.—As a result of [illegible] increase of late years in entering students the University will graduate next [illegible] class it has ever sent out [illegible] young men and women are [illegible] forth from the regular course at the coming commencement, fifteen or twenty more [illegible] graduate department. The [illegible] last year had 221 members [illegible] of 1899 contained 2[illegible] Sutton gave out to-day the prospective graduates [illegible] be a few additions. Those who will receive their [illegible] in May will be as follows:

[illegible]

[illegible] postoffice, which was forwarded to Washington, that the cash of the Postoffice, of which Miss Ebella Edwards is Postmistress, failed to agree with the books to the amount of $[illegible]. The shortage had been promptly met by Miss Edwards' aged father, who refunded the amount to the Government in full, and since that time no action further than reporting the matter to Washington has been taken.

Miss Edwards claims that some time previous to the shortage a thief entered her house at night and robbed her of the missing cash which she had taken home with her. She says she confided the facts of her loss to her father, who came forward and gave her sufficient money to meet the deficiency. The Postmistress failed, however, to report the matter to the Postoffice Department until the arrival of the inspectors, when she claims she made an open statement of the whole affair and handed them the cash before they commenced working on her books. This explanation would seem plausible enough did it receive the support of Miss Edwards' father, but the aged man refuses to stand back of it. When interviewed today he burst into tears and gave the following story:

"I am going to the poorhouse to-morrow morning because every cent I had in the world has been given to protect my daughter's name. I have lain sick and alone in my house when neither my son nor my daughters would come to see me, but because Ebella bore her mother's name I have sacrificed myself to save her. This morning she threatened me if I talked she would commit suicide, but the whole truth is better than the suspicions with which this whole affair is now regarded. On the 15th of last December Inspector Monroe of the Postoffice Department came to me and told me my daughter's accounts were short $[illegible] and asked me who her bondsmen were. I said to him: 'You will not need the bondsmen, for every cent of that deficiency I will make good.' At that time all I had left in the world was $[illegible] in bank and the little chicken ranch from which I gained support. I drew out the $[illegible] and borrowed $[illegible] more, and every cent of it I gave to square my daughter's name on the books. Later I sold my chicken ranch to pay back the money I borrowed, and to-day I have left not a cent in the world. I believe my daughter gave most of the missing money to her brother, who has been my undutiful son. After the death of my wife my son and daughters drove me from my home so that I have had to live on the little chicken ranch which I have been obliged to sell."

Miss Edwards' friends, however, deny her father's story. They say he has a large amount of money in bank and that he was not obliged to sell his chicken ranch to make good her loss. They say the $[illegible] was undoubtedly all stolen and that the father made the deficiency good with the knowledge that he would be paid back. Later the father himself admitted that the Postmistress had out of her own meager savings made up a small portion of the deficiency.

Band of Mercy Choral Society.

The children comprising the choral section of the Bands of Mercy met yesterday afternoon at the residence of Miss Katherine Black, teacher of music in the public schools. Besides practicing the numbers which will be sung at the entertainment and lecture to be given next Wednesday evening at the Academy of Sciences, the little people had a feast, provided by County Clerk William [illegible] Deane, whose wife is deeply interested in humane work. They had all the ice cream, cake and candy they could eat and spent a very happy few hours.

[illegible] witness stand. I stand here as a friend of the Court. On December 31st Cabrol told Mr. [illegible] that Erickson left no will, and the conduct of everybody concerned in this conspiracy agrees with the idea that the will was not written in ink until after Erickson's funeral. Mrs. Armstrong had done nothing for Erickson before December 3, 1900. She only had a speaking acquaintance with him before that date. If Erickson had bequeathed his estate to her and she knew it, she would have shown more interest in him. She would have called in a doctor and sought spiritual consolation for him on his deathbed. She would not have made merely a casual visit to the Coen House on the morning after his death, but have treated the news of it indifferently. She would have assisted in the funeral arrangements and put on mourning.

Stevens criticised her testimony that she had not intended to go to Erickson's funeral on being first informed of his death. He first called this statement "a monstrous proposition" and then "a faux pas." He referred to Mrs. Armstrong as "a $4 a month seamstress, a female nondescript, who was neither a widow, a wife nor a divorcee." He did not spare condemnatory words in picturing her. She sat in the courtroom while he spoke.

Stevens said of Cabrol: "He graduated from the kitchen of the Bohemian Club to be the keeper of a cheap lodging-house. He was shifty and evasive on the stand. He would venture a little out of his hole and then, with a whisk of his tail, dart back into the opening. His physiognomy betokens the daring criminal. He is of a type with the men whose heads ornamented the baskets at the foot of the Parisian guillotine. He and his accomplice, Delmas, robbed the room of their tenant, Erickson. Mrs. Armstrong made no inquiry as to when the funeral would be. She went to the funeral with Cabrol, but, although he had the will in his pocket while they were in the carriage, as he testifies, he did not deliver it to her until after the funeral, when he appeared at 625 Pine street and handed it over with a spectacular display. Since Erickson's death she has not paid a visit to his grave."

Scribner stated that her reason for not going was that for three weeks she was sick, and he could testify that she was sick. Stevens said that the fact that Scribner armed himself in advance with affidavits concerning the making of the will showed that he doubted its genuineness. Attention was directed to words and figures in the will to support the theory that it was forged. The case was submitted for decision.

MARRIAGE LICENSES.—The following marriage licenses were issued yesterday: [illegible] Haskell, [illegible] Minnesota street, aged 21, and Ada [illegible] Caton, [illegible] Minnesota street, 20; James H. White, [illegible] Mission street, 28, and Sadie Willie, [illegible] Mission street, 21; Charles [illegible] [illegible] street, 33, and Margaret [illegible] Nelson, [illegible] street, 22; Jacob Marks, 47 [illegible] street, 21, and [illegible] [illegible] street, 29; [illegible] street, 18; Frederick [illegible] [illegible] street, 20, and [illegible] street, 2[illegible], and [illegible] [illegible] street, 2[illegible].

[illegible] penditures on the first Monday in May, as required by law.

SERVICES BY THE BRIGGS BROTHERS.—The services for men only at the Young Men's Christian Association Auditorium, Mason and Ellis streets, conducted during the month of March by the Briggs brothers, will be especially interesting to-morrow. Rev. Herbert F. Briggs will give the address and the Oakland Quartet will render several selections. The service commences at 3 o'clock and is open free to all young men.

MISCELLANEOUS.

Straighten up. Why do you wash in the hardest possible way? Use PEARLINE, there's no bending over the tub, no back kinks, no work to speak of, no wear and tear from rubbing. Millions use PEARLINE. No matter how or when you use PEARLINE, or however delicate your hands or the fabric, it is absolutely harmless. 636

SICK HEADACHE

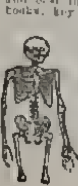
Positively cured by these Little Pills.

They also relieve Distress from Dyspepsia, Indigestion and Too Hearty Eating. A perfect remedy for Dizziness, Nausea, Drowsiness, Bad Taste in the Mouth, Coated Tongue Pain in the Side, TORPID LIVER. They Regulate the Bowels. Purely Vegetable.

Small Pill. Small Dose. Small Price.

MEDICAL BOOK FREE

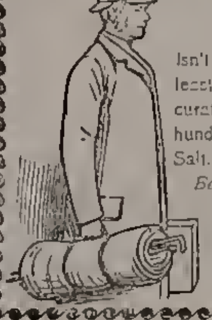
[illegible]



Visit DR. JORDAN'S Great Museum of Anatomy [illegible]

DR. JORDAN—Private Diseases. [illegible]

Philosophy of Marriage. MAILED FREE.



Going to Carlsbad

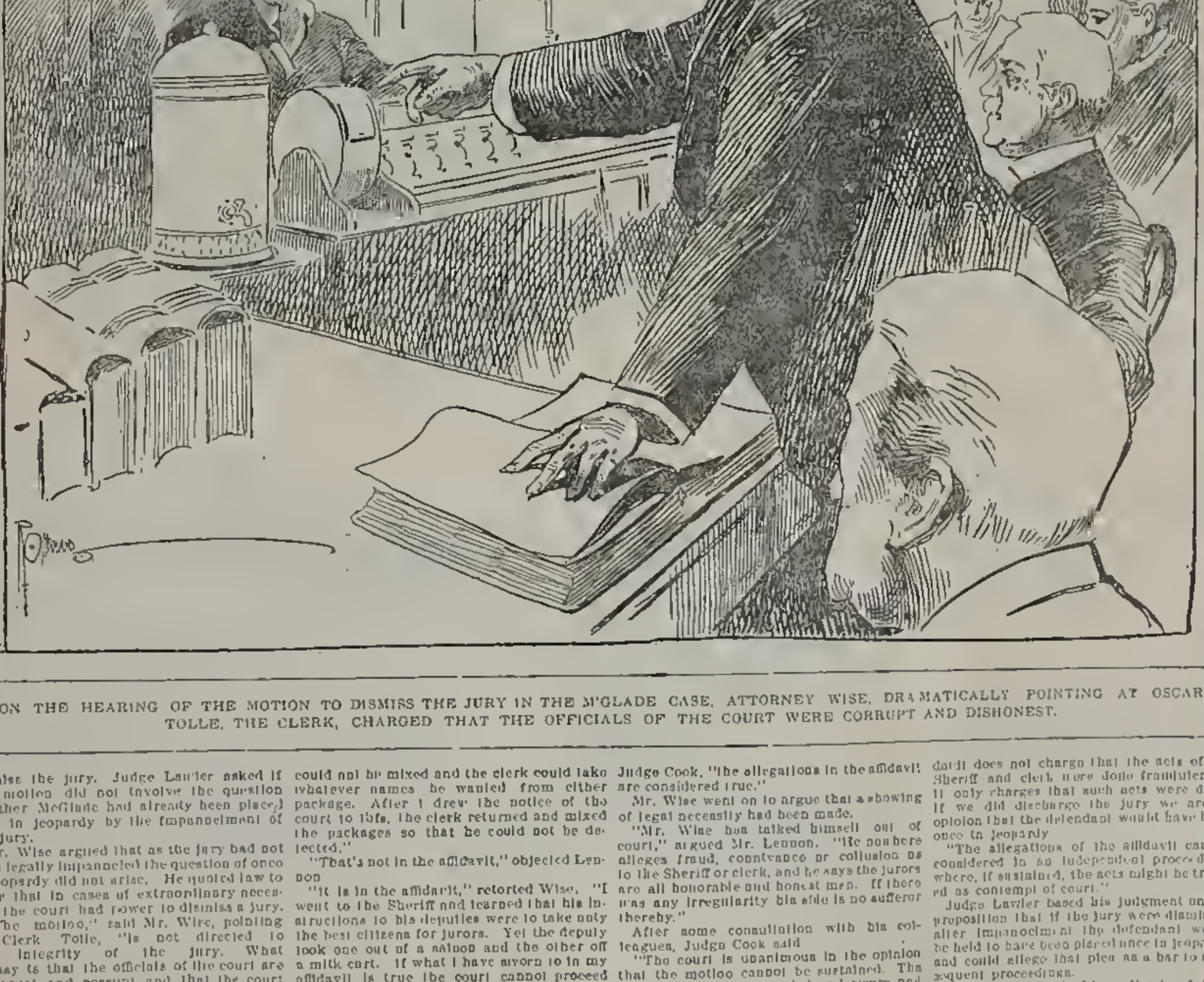
Isn't necessary now. Carlsbad is coming to you. At least, the health-giving part of it is. You get every curative quality that has made the place famous for hundreds of years, in the Carlsbad Sprudel Water and Salt. That is, if you get the genuine.

Beware of the so-called "improved" or "artificial" salts offered in the market. The genuine has the signature of "Eisner & Mendelson Co., sole agents, New York," on every package. Write for pamphlet.

THE EXAMINER, SAN FRANCISCO WEDNESDAY MORNING, MAY 23, 1900.

LEGAL FENCE ERECTED TO SAVE TOLLE AND DASHA FROM INVESTIGATION FOR THE FRAUDS CHARGED BY WISE

Court Holds That to Dismiss the Jury After Impanelment Would Be to Place McGlade Once in Jeopardy.



ON THE HEARING OF THE MOTION TO DISMISS THE JURY IN THE M'GLADE CASE, ATTORNEY WISE, DRAMATICALLY POINTING AT OSCAR TOLLE, THE CLERK, CHARGED THAT THE OFFICIALS OF THE COURT WERE CORRUPT AND DISHONEST.

A FROWSY huddle of politicians gathered in Judge Cook's courtroom yesterday morning and nudged and whispered in sympathy with the men under fire—Oscar Tolle and Bailiff Dasha. It seemed as if every man who had ever held a job by the grace of Buckley or Kelly or Crimmins had assembled to lend moral support to the defense. It was in the air that nothing would be done and the prophetic sense of the "push" was sound. Nothing was done. The thing began in fizzle and ended in smoke—legal smoke.

For one thing the attack admitted itself out of court almost at the start when Attorney Otto Wise laid his hand on his heart and with his best bow to the jurors vowed he would rather perish than insinuate anything that might reflect on their honesty. They were all honorable men. Now, this certificate of good moral character—put up by the dozen—elicited a reply like this:

"Wherefore, then, O wise guy, do you object and where does your kick come in? Suppose Tolle, the clerk, has monkeyed with the wheel of justice and suppose that Dasha, the bailiff, has called on his friends of the push to be officers of the court—what then? You say that you have twelve good men and true in the box. Go to. You are a trifler. You are wasting the valuable time of the court and are therefore no gentlemen."

Perhaps this was not the exact language, but if you spread it out over about three hours' talk it will come to nearly the same thing.

The language was not always polite. Lawyer Lennon, who, as counsel for Peter McGlade, undertook the defense of Tolle and Dasha, introduced a whiff of melodrama at the start by charging that the whole thing was a dark and midnight conspiracy, hatched in the District Attorney's office. He rather disappointed hope, raised to the tiptoe of expectancy, by neglecting to say how he had discovered the foul plot and who did the hatching and where were the eggs, but he was certain that the averment that the Sheriff's deputy ought to know whether he was summoning unfit persons to the jury was an "asinine allegation."

A deputy could not be expected to pass on the qualifications of talesmen. Then District Attorney Byington retorted that if Mr. Lennon would present more facts and less vituperation it would be to the purpose.

The court sat in bank, Judges Cook, Lawler and Dunne constituting the bench. The merits of the case and the facts were not touched in the way of proof. The argument went only to settle the point whether there was legal ground to entertain the motion to dismiss the jury. Judge Lawler asked if the motion did not involve the question whether McGlade had already been placed once in jeopardy by the impanelment of the jury.

Mr. Wise argued that as the jury had not been legally impaneled the question of once in jeopardy did not arise. He quoted law to show that in cases of extraordinary necessity the court had power to dismiss a jury.

"The motion," said Mr. Wise, pointing at Clerk Tolle, "is not directed to the integrity of the jury. What we say is that the officials of the court are dishonest and corrupt and that the court cannot proceed with the trial. I saw in the box two packages of names so that they could not be mixed and the clerk could take whatever names he wanted from either package. After I drew the notice of the court to this, the clerk returned and mixed the packages so that he could not be detected."

"That's not in the affidavit," objected Lennon.

"It is in the affidavit," retorted Wise. "I went to the Sheriff and learned that his instructions to his deputies were to take only the best citizens for jurors. Yet the deputy took one out of a saloon and the other off a milk cart. If what I have sworn to in my affidavit is true the court cannot proceed with this trial."

"For the purposes of this motion," said Judge Cook, "the allegations in the affidavit are considered true."

Mr. Wise went on to argue that a showing of legal necessity had been made.

"Mr. Wise has talked himself out of court," argued Mr. Lennon. "He nowhere alleges fraud, connivance or collusion as to the Sheriff or clerk, and he says the jurors are all honorable and honest men. If there was any irregularity his side is no sufferer thereby."

After some consultation with his colleagues, Judge Cook said:

"The court is unanimous in the opinion that the motion cannot be sustained. The jury has been impaneled and sworn and the proceedings were regular. The affidavit does not charge that the acts of the Sheriff and clerk were done fraudulently. It only charges that such acts were done. If we did discharge the jury we are of opinion that the defendant would have been once in jeopardy.

"The allegations of the affidavit can be considered in an independent proceeding, where, if sustained, the acts might be treated as contempt of court."

Judge Lawler based his judgment on the proposition that if the jury were dismissed after impanelment the defendant would be held to have been placed once in jeopardy and could allege that plea as a bar to subsequent proceedings.

After the motion had been dismissed, District Attorney Byington was asked if he would proceed in the manner indicated by Judge Cook, to bring the clerk and bailiff before him for contempt of court. Mr. Byington said he was not certain what course to pursue, but he feared such a proceeding would be useless.

"The attaches of the court would simply do as they have done in this case—that is, swear that everything had been done honestly and rightly. It would result in an inconclusive conflict of testimony."

County Clerk Deane was asked if he would take cognizance of the affidavit concerning the conduct of his deputy, Oscar Tolle.

"I have known Mr. Tolle for a great many years," said Mr. Deane. "He swears that he did not do the acts alleged by Mr. Wise, and I believe him."

Sheriff Lackmann said he hoped the matter would be investigated further by the court.

The trial of McGlade goes on to-day with the same jury.

Ex. June 1-1900

Kytka Testifies Against McGlade.

In the case of Peter W. McGlade, charged with forgery, on trial before Judge Cook and a jury, Theodore Kytka testified yesterday that the disputed document was written by McGlade. He identified McGlade's signature on several papers alleged to be spurious.

Bulletin May 31 1900

EXPERT KYTKA PASSES ON THE M'GLADE FORGERIES.

When the trial of Peter McGlade was resumed before Judge Cook to-day, Theodore Kytka, the writing expert, was placed upon the witness stand. He testified that McGlade wrote the forgeries charged to him. His opinion was founded upon the resemblance between the defendant's genuine signature and the spurious writings.

Post May 31 1900

KYTKA ON THE STAND.

Small Interest Shown in the McGlade Forgery Case.

Expert Theodore Kytka was placed on the witness stand in the McGlade perjury proceeding before Judge Carroll Cook of the Superior Court this morning in a further effort to positively identify McGlade's handwriting. Up strokes, down strokes, dashes and curved lines have been the sole topic of to-day's session, Kytka endeavoring to clearly define his theories as to McGlade's chirography and then apply them so far as the submitted specimens were concerned.

Lax interest and a small attendance at court were features of the trial to-day.

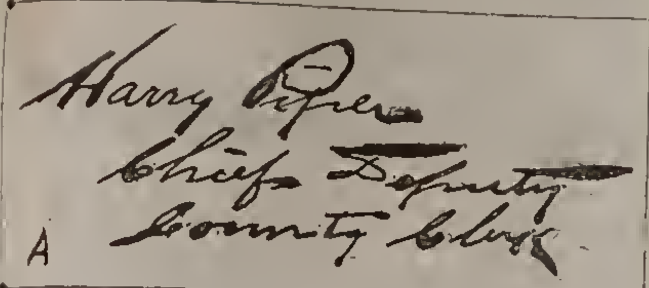
Jun 1-1900.

Theodore Kytka, the handwriting expert, was the only witness in the McGlade forgery trial yesterday. He identified various signatures of the defendant and pointed out the difference in the characteristics manifested in his handwriting and that of Clerk T. B. McGlade.

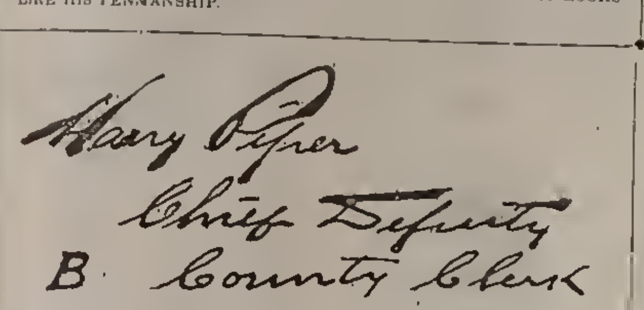
Ex. May 24 1900 Ex May 24 1900

FORMER CITY OFFICIALS SAY THEY FORGET THEIR OWN SIGNATURES

Harry Piper, Ex-Deputy County Clerk, and W. F. Ambrose, Ex-Superintendent of Streets, Claim to Be Afflicted With Amnesia.



THE EXHIBIT MARKED "A" IS A FAC-SIMILE OF THE SIGNATURE WHICH HARRY PIPER SAYS HE CANNOT IDENTIFY; THAT HE DOESN'T REMEMBER WHETHER HE WROTE IT OR NOT, BUT THAT IT LOOKS LIKE HIS PENMANSHIP.



THE EXHIBIT MARKED "B" IS A REPRODUCTION OF THE SIGNATURE WHICH THOMAS F. CLARK SWEARS HE SAW HARRY PIPER WRITE JANUARY 4, 1897.

IN the effort to save Peter W. McGlade from the consequences of the criminal acts charged against him, two men have been produced as witnesses. They are William F. Ambrose, the former Superintendent of Streets, who appointed McGlade, and Harry Piper, the Deputy County Clerk under Charles F. Curry, who accepted McGlade's oath of office. Both of these men say that they cannot identify their own signatures. It will be remembered that Ambrose was Superintendent of Streets during one of the most inefficient administrations of that office in the history of the city, and that Piper narrowly escaped indictment for selling one salary warrant to two different brokers.

Harry Piper (machine Republican), who was chief clerk in the County Clerk's office while Charles F. Curry was County Clerk, swore in Judge Cook's court yesterday that he was not able to identify his signature to the paper which purported to be Peter W. McGlade's oath of office as a Deputy Superintendent of Streets. William F. Ambrose (machine Democrat), a few minutes later swore that he could not identify his signature to the certificate of appointment naming McGlade as a Deputy Superintendent of Streets.

It became necessary to prove that McGlade had legally qualified to act as a deputy in the office of the Superintendent of Streets by taking the oath of office before proof could be adduced to show that McGlade had committed forgery by imposing a spurious claim for $96 for sewer work in the name of T. Dwyer on the city and county of San Francisco.

Piper looked at the paper which purported to bear his signature, and seemed to be puzzled. He rubbed his forehead and scratched his head as if trying to remember something, scrutinized the paper carefully, and then handed the document back to Deputy District Attorney Deuprey.

"Well, is that your signature?" asked Mr. Deuprey.

"It looks like my signature, but I am not sure that it is," replied Piper.

"Do you swear that it is not your signature?" was the next question.

"No, I don't swear that it is or is not my signature. It looks like my writing; that is all I can say," and Piper would go no further.

Joseph Goddard, the present Chief Deputy Clerk, produced a sheaf of documents purporting to be oaths of office sworn to by other deputies who served in the office of the Superintendent of Streets. All the papers purported to be signed by Piper, but Piper could not, for the life of him, say whether the signatures were written by himself or some one else. He admitted that the signatures looked like his handwriting, but he could not remember having signed the papers in question. He signed a great many papers, he said, and could not recall all that he signed.

Mr. Goddard had stated that he believed the signatures to be the genuine signatures of Piper. The oath of McGlade had been obtained from the County Clerk's office by a police detective for the purposes of this trial, and therefore Mr. Goddard could not positively identify it, since he did not produce it. The additional papers, he said, came directly from the files of the County Clerk's office, and he identified them as public documents.

Thomas F. Clark, who was a deputy in the office of the Superintendent of Streets, swore that he took his oath before Piper on January 4, 1897, the same date that appeared on McGlade's oath of office, and that he saw Piper sign his name to his (Clark's) oath. The signature on Clark's oath appeared to be almost identical with that on McGlade's oath and as Detective Thomas Gibson swore that he obtained the oath of McGlade from the office of the County Clerk for the use of the District Attorney the disputed paper—that is, McGlade's oath of office—was admitted in evidence. It required three hours of hard work to secure this much for the prosecution, as technical objections to receiving the paper were urged by Attorney T. J. Lennon, representing the defendant, at every step of the procedure.

William F. Ambrose testified that he appointed McGlade to a deputyship in the office of the Superintendent of Streets in January, 1897. The oath of office over which there had been so much contention was shown to Ambrose. On the face of the paper there appeared a certificate that Ambrose had appointed McGlade a Deputy Superintendent of Streets, but Ambrose swore that he was not able to identify his signature. His recollection was like Piper's memory, he was not sure whether he signed that particular paper or not, and he was afraid to be too positive in a matter when there was a possibility that he might be mistaken. After the manner of Piper, Ambrose said he would not swear the signature was not written by himself. It looked like his writing, but how could he remember a little thing like that for so long?

As in the case of Piper other witnesses will be called to prove the genuineness of Ambrose's signature to other appointments, after which experts will be called to prove that the hand which wrote the other certificates of appointment to deputyships in the street department office also wrote McGlade's certificate of appointment. Ambrose's amnesia will cost the prosecution some time and trouble, but Deputy District Attorney Deuprey says he has no doubt of being able to prove that Ambrose actually did sign the certificate of appointment that gave McGlade his position in the office of the Superintendent of Streets.

Witness Clark swore that the claim presented by McGlade in the name of T. Dwyer for $96 was unauthorized, for the reason that no such person as T. Dwyer was employed in the street department at the date for which the money was drawn by McGlade. Clark was asked what had become of John J. Cathcart, who was McGlade's assistant in the office of the Superintendent of Streets, December 21, 1898, the date of the issue of the claim for $96, alleged to be spurious.

"I saw Mr. Cathcart at the ferry depot last week. He was checking his trunk and told me he was going East," said Clark.

John H. Ryan, assistant clerk of the Board of Supervisors, swore that he delivered the Dwyer claim to McGlade, and that McGlade signed for it in his presence. He identified McGlade's signature on the paper.

Mr. Lennon called in question the right of Ryan to administer an oath at the time of the issuance of the Dwyer claim to McGlade on the ground that Ryan had not at that time taken his oath of office. Ryan promised to look up the record and report the result at the opening of court this morning.

Crimes Against the City.

The scandal that has arisen over the trial of Peter McGlade, on trial for frauds committed as an official of the Street Department, will strengthen the prevailing suspicions that unlawful means are used to protect thieves in public office. The charge has been openly made that Oscar Tolle, the Deputy County Clerk in Judge Cook's court, had tampered with the jury slips in such manner that he was able to pick out such jurors as he wished to complete the jury to try McGlade, and it is assumed that he did pick out jurors who would prevent a conviction.

If the charge made by the attorney for the prosecution is true, the deputy should be sent to the prison from which he tried to save McGlade. Tampering with a jury is one of the most serious crimes known to a free people. The jury is the safeguard of the individual against tyranny, the protection of society against those crimes that destroy it.

Attorney Wise, in his affidavit setting forth his discoveries, states that he found that the clerk had separated the slips in the jury box in such manner that he could select the jurors. The statement shows how easy it may be to name the jury that the clerk wants, unless the attorneys and the court are watchful of every detail in connection with its selection. In the absence of watchfulness, a conspiracy between the Deputy Sheriff who summons a venire from the body of the county, and the Deputy Clerk who draws the names from the box, would determine the membership of the jury.

There have been suspicions of this sort of work for a good while, and there is especial reason to look for it in the case of men who are prosecuted for stealing from the city or State. Few men who are prosecuted for such crimes are convicted, and there has been reason to suspect that just such tactics as are charged in the McGlade case have been used to rescue these criminals from the clutches of justice. If one of the men who are ready to commit a crime to save another criminal from justice has been caught, we trust that he will be put where he will be a warning to others.

Ex. Jun 2 - 1900

M'GLADE TRIAL JURORS HAVE NOT YET AGREED.

Locked Up for the Night by Judge Cook Because No Verdict Was Reported.

The trial of Peter W. McGlade, charged with forgery, was concluded in Judge Cook's court yesterday, and at 5 o'clock the case was submitted to the following jury:

F. L. Gunts, Secretary Gantner & Gunts Undertaking Company, 8 City Hall square.

B. Grave, merchant, 2121 Pacific avenue.

H. J. Hancock, real estate, 628 Broderick.

Clarence Musto of the Neapolitan Paste Company, 705 Battery.

E. A. Sachs of Martin Sachs Company, real estate, 615 Leavenworth.

J. H. Williams, 142 Fourteenth.

F. R. Shaler, California Milk Company, 3171 Twenty-third.

Harry F. McGurren, saloon, 1308 Market.

Frederick Dieling, solicitor, 953 McAllister.

John Corbett, collector, 1014 Lombard.

Adolph Hiller, stationery, 421 Chestnut.

M. E. Willis, 804 Eddy.

At half-past 10 o'clock last night the jurors reported that they had not agreed on a verdict and Judge Cook ordered them locked up until 10 o'clock this morning.

May 25 1900

KYTKA WORKED SIX LONG DAYS FOR NOTHING

He Has a Complaint Against His Prospects in the McGlade Case.

Another Tiresome Day Spent in Trying to Get Writings of the Prisoner Before the Court as Evidence.

There is a striker of the writing expert in the prosecution of Peter McGlade, and if he continues in his present frame of mind he will not testify to the pothooks with which McGlade used to decorate street department paper. Theodore Kytka is the expert the prosecution thought it had, but Kytka has been working for six days over what he thought Cathcart was going to identify, and now Cathcart has skipped and Kytka's six days of labor will have to go to his own satisfaction.

"I have forty-eight pages of photographs," he moaned, "and I will get not a cent for them. I do not like this, and I will not longer remain with the case."

In the anticipation that Cathcart would identify certain exemplars of the handwriting of McGlade, Kytka got his camera out and photographed them in all sorts of poses and situations, in all kinds of lights and shadows and on as many different kinds of plates as he could think of. Now the identification of all that he has been working on has become impossible and all his work has gone for nothing. And the worst of it all is that Kytka does not receive any pay unless he testifies, and if he cannot testify about his photographs, what can he testify to? Evidently nothing, or Kytka's woe would not be so deep nor so lasting.

There were some signatures let in yesterday, however, and these Kytka may work on, but the six days he has put in are irretrievably lost, and so his tale of woe resounds throughout the courtroom.

"It looks bad," he says, "but what can you do? An expert cannot testify to handwriting without preparation, and I have no time to make preparation. My work is lost and I will get nothing for it."

As for the disappearance of Cathcart it looks as if he were gone until next December, for a letter written to Judge Cook, but sent to the lawyers for the prosecution, says he will be away at least until that month. The letter is from M. J. Brandenstein & Co., and they volunteer the information that Cathcart has been waiting for a month for the trial to come on, that he has not been able to take up the territory in the vicinity of Omaha to which they have now assigned him and that in consequence they have lost much business. They say, too, in the letter that Cathcart had a conversation with Judge Cook in regard to his going. To this Judge Cook answers that he does not remember having spoken to Cathcart, and if he did he probably impressed upon his mind what he impressed upon the minds of the other witnesses—that they must not under any circumstances leave the city until allowed to do so by order of court.

The energies of the prosecution were directed yesterday to the introduction of exemplars of McGlade's signature and handwriting. In this they were successful only to the extent of a few signatures which he signed to notes in the possession of Bice and Regensberger. They were identified by Charles Trull, a bookkeeper for the firm, who swore he saw McGlade take his pen and write each signature.

During the morning three lawyers conducted the prosecution. Deuprey started, Wise followed him in an hour or so and Byington wound up the morning on J. J. Lyons, who, as assistant to McGlade when he was in the street department, was supposed to know a good deal more than he was willing to swear to. Lyons could not swear to McGlade's signature, his handwriting or anything that was his, and he further complicated matters by saying he frequently signed McGlade's signature for him. There were several more ex-employes of Ambrose who gave but little testimony during the morning, and in the afternoon T. J. Hastings and T. W. Rivers, ex-members of the Finance Com-

Bank of Chico

Chico, Cal. June 26th 1897

Pay to San Francisco Exch or bearer $ — Two thousand 00/100 — $ 2,000 00/100

and charge to account of

Alfred Fuller

$15000.00 Chico Cal. June 25th 1897

One year after date, (without grace) I promise to pay to the order of A. J. Landis

Fifteen Thousand Dollars,

for value received with interest at per cent per until paid, both principal and interest payable only in UNITED STATES GOLD COIN.

No.

Alfred Fuller

Chico Rec
May 9 - 1907

DELAYING TRIAL.

Interest Continues to Pile Up on the Fuller Note.

For some unknown reason there appears to be a determined effort on the part of the defense in the case of Dr. A. J. Landis against the estate of Alfred Fuller (the suit in which Landis sues to recover $15,000 and interest on a note alleged to have been given by Fuller to Landis) to prevent the case from coming to trial. So many times has this trial been continued on motion of Attorney Lusk, that it would appear that the defense is either confident of winning the suit or is willing to permit the heavy loss in the way of accumulating interest. However this may be, it is an illustration of the slowness of justice.

In justice to the estate and to the claimant against the estate, an early trial should be had. The court has been ready to hear the case for several months past, but the attorney for the defense has seen fit to cause repeated delays, so that at present there is no more prospect of its being tried than two years ago. Should Landis win, the estate will suffer by several hundred dollars.

M'GLADE IS FOUND GUILTY

And the "Pull" of Another Politician Is at an End.

At 10:30 o'clock this morning the jury in the case of the People vs. Peter W. McGlade returned a verdict of guilty. The verdict was, to say the least, unexpected. It has been a foregone conclusion from the first that the prisoner, who was at one time a politician of no mean influence, would be acquitted. Charges were made against the jury, and Judge Cook was asked to dismiss them after they had been impaneled, because it was alleged crooked work had been used in the selection of the supposedly twelve good men and true. Charges were also brought against Oscar Tolle, the clerk of the court, and Bailiff [illegible] for using undue influence in selecting the jurors. It was also openly declared though not officially, that Judge Cook was a party to the scheme, whose object was the acquittal of McGlade, and even Presiding Judge Dahrs had given the case to Department 12 with the tacit understanding that if the case were placed on the calendar of that court the criminal would be railroaded to freedom.

The case went to the jury last night about 6 o'clock. At 10:[illegible] in the evening they notified the Sheriff that they were unable to agree as yet, and were locked up for the night. McGlade was at liberty on a $[illegible] bond, which Judge Cook accepted last year. This morning, after the twelve men had begun to consider the case again, they took another ballot, with the result that the prisoner was found guilty as charged. McGlade bore the news stolidly, showing no visible signs of emotion.

The jurors were:

F. L. [illegible], secretary Gardner & Gantz Undertaking Company, 8 City Hall square.

D. Grave, Pacific avenue.

R. J. Hacurk, real estate, 923 Broderick street.

Clarence Musto of the Neapolitan Paste Company, 716 Battery street.

E. A. Sache of Martin Sachs Company, real estate, 135 Leavenworth street.

J. B. Williams, 14[illegible] Fourteenth street.

F. E. Shuler, California Milk Company, 3061 Twenty-third street.

Harry F. McGurren, saloon, 138 Market street.

Frederick Dieling, solicitor, 93 McAllister street.

John Corbett, 1014 Lombard street.

Adolph Hiller, stationery, 421 Chestnut street.

H. E. Willies, 504 Eddy street.

The prisoner was immediately ordered into custody. The two other charges pending against him, one for forgery and the other for obtaining money under false pretenses from [illegible] & Regensburger, will be called Monday, and one of these will be tried.

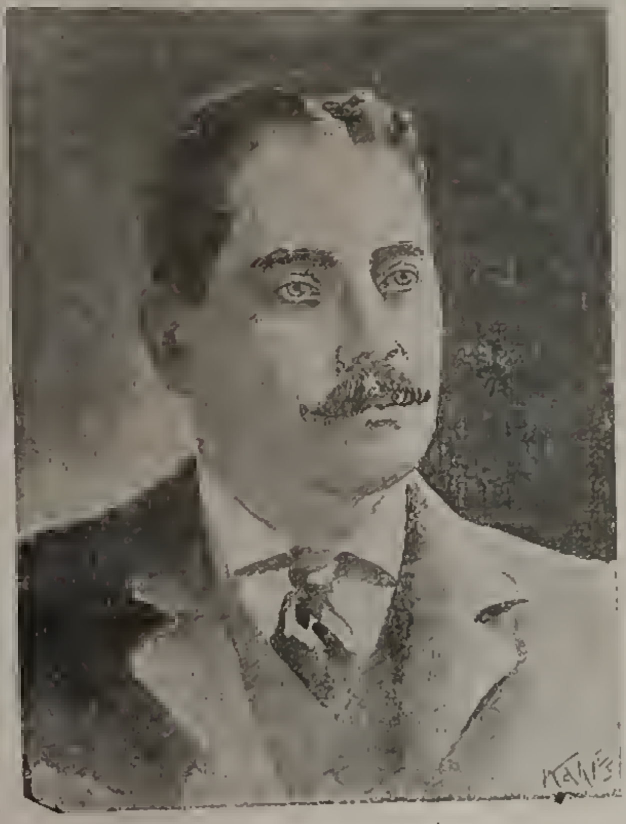
McGlade was tried upon an indictment accusing him of forging the name of T. H. McGlade, deputy clerk of the Board of Supervisors, on a demand in favor of Thomas Dwyer for $96 for underground work for twenty-four days in August, 19[illegible]. Dwyer was not employed in that department. His name and that of T. F. Clark were forged to the documents necessary to secure the money. Sixteen other orders similarly forged were found in the archives of the Street Department.

The case is one that has attracted the closest interest of the politicians of San Francisco. It has defined just how far certain politicians of this city may juggle with justice public funds and public records to meet their own individual ends.

June 2 – '00 Bull

June 2 – '00

PETER W. M'GLADE GUILTY OF FORGERY



Peter McGlade.

Verdict That Will Send the Well-Known Politician to the Penitentiary.

Peter W. McGlade, who, a few years ago, occupied a prominent place in the councils of the Democratic party, was convicted of forgery to-day in Judge Cook's Court. The question of his guilt or innocence was submitted to a jury at 5 o'clock yesterday afternoon. At midnight it was announced that the jury could not agree, but Judge Cook refused to consider the prospect of a disagreement, and ordered the jury locked up for the night. During the early morning the jurymen who differed from the majority modified their views and agreed to vote for conviction. At 10:30 o'clock this morning they presented their verdict to Judge Cook. It was immediately recorded and McGlade was placed in the custody of the sheriff.

McGlade received the verdict with some emotion. He expected, at least, a disagreement of the jury, and had a firm hope that he would be acquitted. His hopes disappeared, however, almost as soon as the jurymen took their seats. Their countenances pictured their verdict. McGlade read it in a glance, and sank back into his seat before the bar absolutely dejected. He failed to arouse when friends in the courtroom stepped forth and offered their sympathy. His attorneys, Lennon & Hawkins, though taken by surprise, did not lose their alertness, however, and, as soon as the verdict was recorded, entered a formal protest as to its legality, thereby laying a foundation for an appeal to the Supreme Court.

At the request of Lennon the jury was polled. Each juryman repeated his vote of guilty. The jurors were:

F. L. Guntz, secretary Gantner & Guntz Undertaking Company, 5 City Hall square.

B Grave, Pacific avenue.

R. J. Hancock, real estate, 923 Broderick street.

Clarence Musto of the Neapolitan Paste Company, 726 Battery street.

E. A Sachs of Martin Sachs Company, real estate, 616 Leavenworth street.

J. B. Williams, 142 Fourteenth street.

F. E. Shafer, California Milk Company, 3071 Twenty-third street.

Harry F. McGurren, saloon, 1236 Market street.

Frederick Dieling, solicitor, 933 McAllister street.

John Corbell, 1014 Lombard street.

Adolph Hiller, stationery, 421 Chestnut street.

M. E. Willis, 504 Eddy street.

The other cases pending against McGlade were postponed until Monday. A date for their trial will be selected at that time. It is probable that sentence will be imposed next Friday upon the verdict rendered to-day. Under the law McGlade may be committed to the penitentiary from one to fourteen years.

The indictment on which McGlade was tried charged him with forging the name of T. B. McGinnis, deputy clerk of the Board of Supervisors, on a demand in favor of Thomas Dwyer for $85. Dwyer's name and that of T. F. Clark, an employe of the street department, were also forged to the demand, Clark's name being used to indicate that the instrument had passed through the proper channels. The name of a clerk of the Supervisors was subscribed to the demand in order that it might appear that it had been sworn to when filed with the Board of Supervisors. It was shown that this demand and sixteen other similar forged warrants on the city treasury were in the bundles of street department demands for which McGlade receipted in the clerk's office, after the Board of Supervisors had passed on them and ordered their payment.

Theodore Kytka, the handwriting expert, testified that the forged signatures were undoubtedly the work of McGlade. He produced a number of specimens of McGlade's writing and by comparing them with the forgeries demonstrated the guilt of the defendant almost beyond any doubt.

McGlade was formerly one of the best known politicians in the city. He was once a deputy in the office of the Registrar of Voters and in 1894 he was a candidate for Clerk of the Supreme Court. Under Superintendent of Streets Ambrose he was a bookkeeper in the street department. It was while employed in that capacity that he committed the crimes that now carry him toward the penitentiary.

THE EVENING POST: SATURDAY.

PETER M'GLADE IS CONVICTED OF FORGERY

Jury Returned the Unexpected Verdict in His Case To-Day.

P. W. M'GLADE.

The unexpected has happened, and Peter McGlade has been convicted by a jury in Department 12 of the Superior Court of having uttered and passed forged paper.

The jury came into court at 10:30 o'clock this morning, after an anxious night had been spent by the defense, and the foreman read the finding of the jury without delay. McGlade sat with his lawyers just before the jurymen, and it was plain that he had not prepared himself for the verdict that was brought in. His countenance fell as the foreman addressed Judge Cook, and he turned appealingly to his counsel. Somebody whispered in McGlade's ear that an appeal would be taken, and the convicted man settled back in his chair, resigned and silent.

McGlade was taken into custody, and the court announced that on Monday a day for pronouncing sentence would be set. Attorney Thomas Lennon for McGlade announces that the case will be carried to the Supreme Court. The crime of which McGlade is convicted is punishable by a term of imprisonment not exceeding fourteen years and not less than one year.

The jury which found McGlade guilty today had been out since 5:15 o'clock yesterday afternoon when its decision was reached. Attorney Lennon made an effort to have the jury instructed to acquit before it retired, but a motion to this end was denied, and then followed strong arguments by Milo Irving Wise, special counsel for the prosecution, and Deputy District Attorney Eugene Deuprey. At a late hour last night the jury was unable to agree, and was locked up. The personnel of the body which has adjudged McGlade guilty was as follows:

F. L. Guntz, secretary Gantner & Guntz Undertaking Company, 5 City Hall square.

B Grave, Pacific avenue.

R. J. Hancock, real estate, 923 Broderick street.

Clarence Musto of the Neapolitan Paste Company, 706 Battery street.

E. A Sachs of Martin Sachs Company, real estate, 616 Leavenworth street.

J. B. Williams, 142 Fourteenth street.

F. E. Shafer, California Milk Company, 3071 Twenty-third street.

Harry F. McGurren, saloon, 1238 Market street.

Frederick Dieling, solicitor, 933 McAllister street.

John Corbell, 1041 Lombard street.

Adolph Hiller, stationery, 121 Chestnut street.

M. E. Willis, 501 Eddy street.

The trial has been rather one of mystery because of the apparent indisposition of witnesses to testify against the accused. Many days were passed in which signatures of McGlade and others were not identified, and there was an impression abroad that he would go free.

Today's conviction came like a bolt from an almost clear sky, and while McGlade and his immediate sympathizers are much cast down and completely amazed, the various cliques at the City Hall are stirred over the surprise meted out to them today, and the conviction is widely discussed in all departments of the city service.

McGlade was tried on an indictment charging him with having forged the name of T. B. McGinnis, a deputy clerk of the Board of Supervisors, to a demand drawn to Thomas Dwyer for $90, alleged to be due for underground street work. Dwyer did not even work for the Street Department, and several other names were forged to the order. Tiler & Regensburger, brokers, bought the paper and brought the action, McGlade being captured in New Mexico.

The convicted man, now surrendered into custody, has been out on $1500 bonds.

"The McGlade jury is locked up," says a morning paper. It is gratifying to state that we will be able to chronicle the same good news regarding Mr. McGlade at an early date.

Chronicle May 25-1900

JURY THINKS IT IS FUNNY.

Forger Peter McGlade and His Farcical Trial.

THE CITY HALL RING LOSES ITS MEMORY.

A BOOKKEEPER WHO DOES NOT RECOGNIZE HIS OWN WRITING.

Professional Officeholders Swear Their Hardest to Help Their Old Political Pal Out of Trouble.

The City Hall ring held high carnival again yesterday before Superior Judge Cook in the farcical trial of Peter W. McGlade. The professional political jobholders left their memories behind them when they entered the courtroom, and the volubility with which they swore in an effort to prevent the conviction of their associate caused Judge Cook to remark, "This is the worst case I ever saw."

Members of the jury were inattentive and paid little attention to the testimony. In the earlier part of the day's proceedings they read the daily papers and exchanged mirthful comments on their contents. Juror Sachs devoted much time to reading a book, which he placed on the rail in front of him and occasionally did some vigorous figuring with a lead pencil in a blank book. The spectators drew the conclusion that he was entering up his profit and loss account.

Among the interested auditors was the real Thomas Dwyer, an old chum of McGlade's, who was employed in the Tax Collector's office at the time the defendant was manufacturing demands for wages as a sewer contractor in his name.

The prosecution has been making strenuous effort to get some genuine signatures and other standard writings of McGlade in evidence for the purposes of the trial but the defective memories of the City Hall witnesses have balked them at every turn. They thought they had an exemplar yesterday in the signature of McGlade to an affidavit for a continuance, sworn to before Oscar A. Tolle, clerk of the court, on the 15th inst, but when Tolle was called to the witness stand he said that he did not see McGlade write his signature, and only swore him as to the truth of the contents of the paper. According to the experts the craftiness of McGlade is shown by his having sought to disguise this his most recent signature of record.

Late in the day seven signatures of McGlade to receipts were placed in evidence as exemplars, Charles Troll, a bookkeeper for Bier & Regensburger, swearing that they were written in his presence.

Theodore Kytka, one of the handwriting experts, claims to have a genuine grievance in having spent six days examining writings of McGlade that Bookkeeper Cathcart was to have identified. Cathcart left for the East on Saturday night.

John Ryan, assistant clerk of the Board of Supervisors, was recalled, and swore positively that he saw McGlade sign a receipt for the forged demands. The defense raised the technical point that Ryan had not taken the oath of office at the time McGlade committed his felonies, and had no right to exact a receipt from the defendant.

Charles S. Derham, a deputy superintendent of streets under Ambrose, testified that the "Chas. S. Derham" indorsed on the bogus demand was not his signature, and that he had not authorized anyone to sign it for him. His name had also been forged on the back of other fraudulent demands.

When it came to an attempt to connect McGlade with the frauds Derham was as evasive as other witnesses. Although he had worked on the books with McGlade, he said he could not identify the records of the Street Department as McGlade's handwriting.

So well pleased was the defense with Derham's contribution to the unsavory record that Lennon announced. "No cross-examination."

The next man with a conveniently bad memory was A. J. Donovan, chief office deputy under Ambrose, and in the employ of the Board of Public Works as the representative of the street contractors by the political grace of Mayor Phelan. He identified the books of record of the office, but said that he did not know the handwriting of McGlade. Donovan's testimony was too satisfactory to the defense to require cross-examination.

Each witness seemed to vie with his predecessors as to faulty memory. John J. Lyon's memory was so bad that it had fallen into an offensive decay. He was assistant bookkeeper to McGlade and had free access to, and worked with McGlade on, all the books of the Street Department. When shown the records and asked to identify them, he replied:

"I would not swear to McGlade's handwriting."

When this witness was asked to point out some of his own handwriting, he calmly responded:

"I find some handwriting that resembles my handwriting, but I would not say positively that it is mine."

This nimble member of the professional City Hall "push" said that he saw McGlade write frequently in all of the books, but could not recall any particular occasion.

"I saw McGlade write every day," he continued, "but I am not familiar with his writing."

District Attorney Byington tried to evolve something from the offensive memory of Lyons, but did not succeed in even getting the witness to identify his own handwriting, he giving such answers as, "It is similar to," and "It looks very much like mine."

Lyons gave further evidence that his memory should be vaccinated and then quarantined when he was asked,

"Did not McGlade and you work on that book for two years?"

"We worked on a book similar to it," was the shifty reply.

This artful dodger declined to swear to anything McGlade did, and the witness was, of course, not cross-examined.

Ex-Supervisors Thomas H. Haskins and J. W. Rivers and ex-Auditor William Broderick testified to the routine of a salary demand, but could not identify McGlade's writing or signature.

T. B. Muginnis, assistant clerk of the Board of Supervisors, was shown his name on several forged documents, and testified that he never wrote it or authorized any one else to do so.

Owing to sickness in the family of one of the jurors, a recess was taken until next Monday morning.

Rep. May 23-1900

M'GLADE FARCE

Continued in Judge Cook's Court Today.

The case of "Pete" McGlade was continued in Judge Cook's court today. William Ambrose, ex-Superintendent of Streets, could not identify his own handwriting signed to documents five years ago. Harry Piper, an ex-deputy County Clerk, had a lulling of memory. Joseph Gotthelf, the present deputy County County Clerk, had a period of mental vacuity also regarding the festive Peter's signature.

Ex. May 25, 1900 : Chronicle

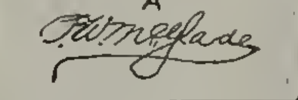
MAN WHO SAW PETER M'GLADE SIGN HIS NAME

Charles Trull Gives Direct Testimony in Forgery Trial.

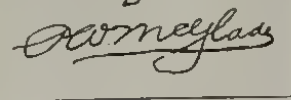
FORGETFUL WITNESSES

John J. Lyons Swore That He Never Inspected McGlade's Chirography.

A



B



THE EXHIBIT MARKED "A" IS A TRACING OF THE SIGNATURE ON THE DOCUMENT WHICH IS ALLEGED TO BE M'GLADE'S OATH OF OFFICE, THE GENUINENESS OF WHICH HE DOES NOT ADMIT.

THE EXHIBIT MARKED "B" IS A REPRODUCTION OF A SIGNATURE WHICH CHARLES TRULL SWEARS HE SAW M'GLADE SIGN IN BIER & REGENSBERGER'S OFFICE AUGUST 2, 1898.

WITNESSES in the McGlade case had another hard day of it in Judge Cook's court yesterday, trying to remember whether they ever knew anything about Peter W. McGlade's handwriting.

John J. Lyons, who was assistant bookkeeper in the office of the Superintendent of Streets for two years, while McGlade was head bookkeeper in the same office, was shown a book that purported to have been used in the office in which McGlade and Lyons were working together.

"Is that your writing?" asked District Attorney Byington, pointing to an entry that was supposed to have been made by the witness.

"It looks like my writing, but I am not sure about it," responded Lyons, after the manner of Harry Piper, who, the day before, could not identify his signature on an official document, and William F. Ambrose, who not only failed to recollect his own signature, but said he had actually forgotten the record books of his office that were handled daily by him when he was in office.

Lyons' attention was directed to a page which was written in a swinging script that greatly resembled the elegant penmanship of Peter W. McGlade. In fact, experts who have scrutinized the book say the page was written by McGlade, and stand ready to prove it. Lyons was asked if he knew who wrote the entries on that page, and he answered in the negative.

"Did you ever see Peter W. McGlade write?" asked Mr. Byington.

"Well, yes, I have seen him engaged in writing, but I never paid any attention to his manuscript," replied Lyons.

In this manner Lyons escaped identifying the manuscript of McGlade. He said he had seen McGlade, by whose side he worked for two years, in the posture of a man writing in a book, but in all that time he was never so impolite as to look over his companion's shoulder to inspect his penmanship. So he swore that he could not identify McGlade's chirography, declaring under oath that he did not witness the production of the writing referred to, by McGlade or anybody else.

A. J. Donovan, a clerk in the office of the Board of Public Works, somewhat relieved the monotony by declaring that he recognized the book handed him as one of the books from the office in which he is employed. He explained that the Board of Public Works inherited the records of the Superintendent of Streets, and consequently the book formerly belonged to the Superintendent of Streets. Here Donovan's knowledge ended. He did not know McGlade's handwriting.

William Broderick, former Auditor, had seen McGlade sign some papers, but could not identify his signature.

J. H. Ryan, assistant clerk for the Board of Supervisors, testified that he took his oath of office after the conclusion of McGlade's former trial.

T. B. McGinnis, a deputy clerk in the office of the Board of Supervisors, swore

...bazaar in aid of the sufferers of the war. The stalls are attended by titled personages and the elite of London's society. Emperor William of Germany has shown his sympathy for the war sufferers by contributing to the bazaar some royal Dresden China and engravings of pictures painted by His Majesty, bearing the imperial signature and inscribed: "For the National Bazaar, 1900. By the Emperor Himself." He then sent a number of his photographs, signed, and bearing a brief sentence in German.

The Princess of Wales, after making a tour of the bazaar, officiated as a saleswoman at the stall of the Household Cavalry stalls.

Chronicle

THEY HAVE LOST THEIR MEMORIES.

QUEER TESTIMONY IN THE M'GLADE TRIAL.

THE CITY HALL GANG AIDS THE PRISONER BY BEING FORGETFUL.

Ex-Superintendent of Streets Ambrose Has No More Acquaintance With His Own Signature.

The prosecution in the case of Peter McGlade, the Street Department forger, devoted yesterday to an effort to secure some acknowledged signatures and other writings of the defendant. As the City Hall ring is throwing every obstacle in the way of the prosecution, it was only by the aid of the money-brokers, to whom McGlade failed to return various sums of borrowed money, that the desired exemplars were secured.

Ex-Superintendent of Streets, and present Grand Juror, William Ambrose, was again recalled to the witness stand to see if his memory had recuperated since last Thursday. At that time he could not recognize his own signature to McGlade's appointment, or anything else that might tend to implicate the Street Department ring.

Ambrose's memory was just as convenient as ever, and he still refused to identify his signature to McGlade's appointment. He was shown his own signature to fourteen other appointments of his office, but dodged identification with the following answers:

"I will say that I signed certain documents, but they went out of my possession three and one-half years ago, therefore, I cannot say whether it is my name signed to them or not."

The witness was shown his signature to his salary warrant as Superintendent of Streets in 1897, and also his receipt signed on the books. His answer was the following tricky evasion:

"I have signed such receipts, but I cannot swear that I signed this one."

Ambrose was shown several of his signatures, but would not acknowledge having written any of them. This superserviceable witness was excused to give his memory another rest.

Martin W. Fleming, who was a deputy in the Registrar of Voters' office, June 7, 1898, identified McGlade's signature to his certificate of registration, the defendant having signed his name and taken the oath of registration before the witness.

Timothy Donovan, who was a clerk in the Registrar's office, May 27, 1896, and who registered McGlade at that time, refused to identify the prisoner's signature or even his own signature to the oath taken by McGlade. Donovan is an old member of the City Hall ring, having fed at the public manger since before the plane for the City Hall were drawn.

M. M. Regensburger, the broker, identified McGlade's signature to a number of notes for money borrowed and to letters. In this way the prosecution was enabled to secure several good exemplars of the prisoner's writing.

Ferdinand Smith, a money broker to whom McGlade has failed to pay $700 borrowed money, identified the prisoner's signature to notes and other papers.

Regensburger was recalled and identified some of McGlade's handwriting in the records of the Street Department. Assistant District Attorney Deuprey

Chronicle

May 30 - 1900

Call

May 29 - 1900

Chron June 2 - 1900

FORGERIES BY A CLEVER PENMAN.

EXPERT KYTKA'S VIEW OF M'GLADE'S WORK.

THE CITY HALL RING IS STILL BOASTFUL AND DEFIANT.

Ex-Superintendent of Streets Ambrose Can Recognize His Own Signature If the Ink Is Wet.

The City Hall ring has decided that Peter W. McGlade, the self-confessed criminal, convicted out of his own mouth of robbing the city of $1600 by aid of twenty-eight forged Street Department demands, must not be convicted, and is bending all its energies to effect his acquittal.

When the fugitive from justice returned from Mexico he confessed his crime, but the City Hall ring and particularly the Street Department gang has, as a matter of self-protection, decreed otherwise, and it was common talk in the vicinity of the courtroom of Department 12 yesterday that the forging bookkeeper would again escape conviction.

But it is said that the efforts to bring McGlade to justice will not end with this trial. The sporting bookkeeper did not confine his criminal work to the city treasury, but robbed money-brokers in a corresponding sense, each of his transaction being double, both the city and the brokers being defrauded. As each salary demand required at least four forgeries, the criminal transaction involved about 120 fabrications of names by the cool and audacious criminal. Expert Kytka testified that the forgeries were the work of an expert penman.

There are still three untried charges of perjury and obtaining money under false pretenses pending against McGlade, and an effort will be made to have them transferred for trial to Judge Lawlor's court, where the quality of justice is less pleasing to criminals and more satisfactory to honest and law-abiding citizens, and where an affidavit that the jury box had been tampered with would not be treated as a mere incident.

Ex-Superintendent of Streets Ambrose, who, according to a story circulated at the City Hall, is placed under shotgun intimidation to such a degree that he is threatened with paralysis at the sight of his own signature, was called to the witness stand for the fifth time. Deputy District Attorney Deuprey asked Grand Juror Ambrose to write his signature four or five times. Lawyer Lennon, representing the defendant, vigorously objected, but was overruled.

Ambrose proceeded to write his name, but was stopped on a motion of the defense that Theodore Kytka, the handwriting expert, remove his "eagle eye." The eye being withdrawn from the courtroom, Ambrose wrote his signature six times.

While Ambrose still held the signatures in his hand and before the ink had dried he was asked if they were his signatures. The witness hesitated and acted as though he was looking down two barrels of a shotgun, but, to the surprise of those assembled in the courtroom, admitted that the writings were his signature.

County Clerk William A. Deane, who was a deputy in that office in 1897-98, identified Harry Piper's signature to McGlade's oath of office, and also the file signature of Piper to twelve other appointments made by Ambrose. These are official records of the County Clerk's office, but Piper's memory was too elusive to recall his own signature to anything that might jeopardize the City Hall ring.

The original Thomas B. Dwyer, who the fertile McGlade had as one of his sewer cleaners at $96 a month, testified that he never worked in the Street Department, never signed the demand nor authorized any one else to sign it, nor did he receive the $96 or any part of it.

J. E. Bier, the broker, identified McGlade's signature to several notes for borrowed money. Testimony was also given by D. J. Leary, chief deputy auditor at the time of the forgeries, T. B. McGinnis, assistant clerk of the Board of Supervisors, Harry C. Farquharson, deputy clerk of the Board of Supervisors, and Detective Thomas Gibson.

The afternoon was devoted to testimony by Kytka, who said that the forged signature of T. B. McGinnis was written by McGlade, and illustrated the reasons for his conclusions by the aid of enlarged photographs and exemplars. The forgery, the expert said, was by a clever penman.

The trial will be resumed Thursday at 9:30 A. M.

BROUGHT INTO COURT UNPAID McGLADE NOTES

Money Lenders Whose Memory of Defendant Was Very Vigorous.

Some Outstanding Accounts That Will Help the Writing Expert to Complete the Case of Forgery.

There were more signatures of P. W. McGlade admitted as specimens of his handwriting yesterday and there were a few pages of the books of the Street Department which, it was testified, were written by him.

M. M. Regensberger, a broker with whom McGlade did business, was the witness that identified the pages in the books. He swore that several pages were in McGlade's handwriting, every word of them, but when it came to cross-examination Attorney Lennon got an admission from him that in one case there was a "July" that McGlade had not written and in another there were a few words that did not look like McGlade's writing.

Regensberger was also asked about how he discovered the frauds in the Street Department, but he was prevented from answering by the objections of the defense. He will be called again later on to tell of some conversations he had with McGlade regarding the forged demands "just before McGlade fled to Mexico," as Regensberger put it.

In addition, Regensberger identified several signatures of McGlade on unpaid notes, a circumstance which accounted for the ease with which the witness identified them.

There was some testimony and more unpaid notes from Ferdinand Smith, another lender of money, and the signatures of these two were admitted as exemplars for the writing expert to work on. There was also another signature from the certificate of registration sworn to before Martin W. Fleming, a deputy registrar, who produced it in court.

Jurors McGurren and Williams took a great interest in the exact standing of Regensberger as a writing expert. They asked if he claimed to be one, and they asked the court if they were to take him as one. Mr. Deuprey had stated to the court that Regensberger was produced as an expert on McGlade's handwriting only, and the witness then supplemented this with the statement that he was familiar with the McGlade writing, but he was not an expert upon it. He had seen it so often, however, that he could identify it whenever he caught sight of it.

M'GLADE JURY IS LOCKED UP.

HAD NOT REACHED A VERDICT AT LATE HOUR.

TWO OTHER INDICTMENTS ON WHICH HE IS TO BE TRIED.

History of the Crookedness in the Street Department and Flight of Accused to New Mexico.

The trial of Peter W. McGlade on one of the charges of forgery against him was finished in Department 12 of the Superior Court yesterday. C. S. Derham testified that after McGlade's sudden departure in November, 1898, he took McGlade's place as bookkeeper in the Street Department and found the numerous fraudulent and forged demands that were offered in evidence. T. B. McGinnis and John H. Ryan, deputy clerks of the Board of Supervisors, and D. J. Leary, deputy in the Auditor's office, gave testimony as to the many forged demands. Christian Reis, former Treasurer, testified that McGlade frequently cashed Street Department demands which were drawn in favor of other names than his own. Charles Trull testified that McGlade sent Bier & Regensburger, the brokers, a list of employes of the Street Department, among the names being those of the fictitious employes in whose favor the forged warrants were drawn. The brokers were to cash the demands of these employes. Once when Trull went to get the demands on which money was advanced McGlade took him into the corridor, told him that he had cashed the demands and gave him the money. Former Street Superintendent Ambrose testified that McGlade left without notification and without being discharged from the office. Officers Cody, Colby and T. Gibson and ex-Chief of Police Lees gave testimony as to McGlade's flight and arrest in New Mexico.

Attorney Lennon, after a vain motion to instruct the jury to acquit on technical grounds, called McGlade to the stand. McGlade merely denied that the forged signatures were written by him. Judge Cook refused to permit him to be cross-examined as to his writing on other documents or as to the writing of his own name on the demand which he was charged with forging. Otto I. Wise, special counsel for the prosecution, made the opening argument. After Lennon spoke Assistant District Attorney Deuprey closed. The jury retired shortly before 5 o'clock.

The jurors were:

F. L. Guntz, secretary Gunther & Guntz Undertaking Company, 8 City Hall square.

B. Grave, Pacific avenue.

R. J. Hancock, real estate, 928 Broderick street.

Clarence Musto of the Neapolitan Paste Company, 705 Battery street.

E. A. Sachs of Martin Sachs Company, real estate, 616 Leavenworth street.

J. H. Williams, 142 Fourteenth street.

F. E. Shaler, California Milk Company, 3071 Twenty-third street.

Harry F. McGurren, saloon, 1398 Market street.

Frederick Dieling, solicitor, 953 McAllister street.

John Corbett, 1014 Lombard street.

Adolph Hiller, stationery, 421 Chestnut street.

M. E. Willis, 504 Eddy street.

At 10:30 o'clock the jurors were unable to reach an agreement and were locked up for the night. McGlade was at liberty on a $1500 bond which was accepted last year by Judge Cook.

The indictment on which McGlade was tried charged him with forging the name of T. B. McGinnis, deputy clerk of the Board of Supervisors, on a demand in favor of Thomas Dwyer for $96 for underground work for twenty-four days in August, 1898. Dwyer did not work in the Street Department. His name and that of T. F. Clark, who had charge of the underground workers, were also forged on the demand, Clark's name being on the certificate as to its correctness. The name of a clerk of the Supervisors had to be put on so as to make it appear as if it had been sworn to when filed in the Supervisors' office. It was shown that this demand and sixteen other similar forged warrants on the City Treasury were in the bundles of Street Department demands for which McGlade receipted in the clerk's office after the Board of Supervisors had passed on them and ordered their payment.

Theodore Kytka, the handwriting expert, testified that the forged signatures were undoubtedly the work of McGlade. He devoted his statement on the stand mainly to the forgery of McGinnis' name, as that forgery was particularly alleged in the indictment.

McGinnis and the others whose names were said to have been forged testified that they did not write their names on the demand. Many specimens of McGlade's writing were produced, and their characteristics were compared with the forgeries. Against all the testimony for the prosecution, the presentation of which took six days, was placed McGlade's denial that he committed the forgery. The prosecution at first seemed handicapped with witnesses whose memories conveniently deserted them, but District Attorney Byington was satisfied at the close of the evidence yesterday that all the facts against McGlade had been presented.

Juror Hancock, during the testimony of Kytka, asked many questions which tended to clear up points that might otherwise have appeared doubtful, but the listlessness of some of the other jurors was noticeable.

Two other indictments against McGlade for forgery and one for obtaining money on false pretenses from Bier & Regensburger remain on the calendar of Department 12, and on one of these he is next to be tried.

PETER McGLADE IS GUILTY OF FORGERY

Convicted of Street Department Frauds by a Jury.

PETER W. McGLADE.

Call June 3 1900

PETER W. McGLADE, at one time prominent in the councils of the Democratic party, successful in politics and well known as a good fellow, stands convicted of forgery. After deliberating for over seventeen hours the jury that sat during the many days of his trial came into court shortly after 10 o'clock yesterday morning and filed a verdict adjudging the defendant guilty as charged. The verdict handed to the clerk by the foreman of the jury reads:

"We the jury find the defendant, P. W. McGlade, guilty of forgery in having uttered, published and passed as genuine and true the demand described in the indictment, then and there knowing the same to be false and forged, as charged in the indictment."

The demand referred to bore date of September 1, 1896, and purported to have been legally made by T. Dwyer. It contained a demand for $96 on the treasury and showed an indorsement by T. B. McGinnis, who, as a Supervisor's clerk, passed on such demands. This indorsement, it was charged, was forged by McGlade, and the jury has found him guilty.

In view of the many sensational reports that the jury had been tampered with in the interest of the defendant and his well-known political affiliations McGlade's conviction came as a surprise to the "push." After elaborate evidence Friday afternoon the jury, on whom all eyes were centered, retired to deliberate on a verdict. A minute after the verdict was entered yesterday Attorney T. J. Lennon of the firm of Lennon & Hawkins, who represented the accused, took an exception to the same and will take an appeal to the Supreme Court. Mr. Lennon then asked that the jury be polled. Each juror repeated the verdict, "Guilty as charged." The jurors were:

F. L. Guntz, secretary Gantner & Guntz Undertaking Company, 8 City Hall square; B. Grave, merchant, 2321 Pacific avenue; R. J. Hancock, real estate, 925 Broderick street; Clarence Musto of the Neapolitan Paste Company, 706 Battery street; E. A. Sachs of Martin Sachs Company, real estate, 615 Leavenworth street; A. B. Williams, 142 Fourteenth street; F. E. Shaler, California Milk Company, 3071 Twenty-third street; Harry F. McGurren, saloon, 1691 Market street; Frederick Hieling, solicitor, 363 McAllister street; John Corbett, collector, 1014 Lombard street; Adolph Hiller, stationery, 421 Chestnut street; M. E. Willis, 804 Eddy street.

Many other charges still stand against McGlade. His conviction was the result in a great measure of testimony given by handwriting experts, who testified that all the disputed documents were the handiwork of the accused. One witness testified that he saw McGlade sign the demands exhibited as Nos. 81, 82 and 83, and this was the strongest evidence against him. All of these cases were continued until Monday to be set for trial. Judge Cook will pass sentence next Friday. Under the law McGlade may be committed to the penitentiary for from one to fourteen years.

McGlade's political career, which ended on the discovery of the frauds in the Street Department, began in the office of the Registrar of Voters. In 1891 he was a candidate for the office of clerk of the Supreme Court. Under Superintendent of Streets Ambrose he occupied a position of responsibility. It was in this office that the scheme for making money evolved which now threatens to close the doors of a penitentiary upon him, for how many years will only be known when judgment in the last charge against him has been pronounced.

Ex June 3 1900

The Significance of the McGlade Case.

The conviction of Peter McGlade is a matter for congratulation, not so much because McGlade has to go to jail, but for what the conviction represents. McGlade himself is a petty criminal, and it does not particularly matter to the public whether he is in jail or out. But McGlade represents the "push"—the element in San Francisco that makes its living by crooked politics—and because of that fact his case has acquired a considerable importance. He was a self-confessed criminal, for he fled from the State when he knew that he was suspected, and was brought back only after extradition proceedings. But in spite of this the "push" rallied to his defense. Men who have been elected to office in San Francisco went on the stand and swore that they could not remember their own signatures. Men who hired McGlade, handled his work, and sat by him at his desk for months and years swore that they could not recognize his handwriting. Men who have been charged with the duty of receiving oaths and recording documents refused to swear to McGlade's signature to documents that he had sworn to before them. It was, in short, a battle between the "push" and justice, in which the "push" would stop at nothing. The case was to decide whether it is possible to convict a politician in the courts of San Francisco.

It is important to find out that the "push" is not above the law. It is a lesson that appears to be needed.

[illegible] June 5 1900

Criminal Cases Postponed.

The arraignment of Mrs. Nellie R. Craven, Adolph Sylva and George W. Simpton on indictments based on the alleged perjury in the Fair estate case, was postponed for one week in Department 12 of the Superior Court yesterday. Proceedings on the motion for a new trial in the case of Peter W. McGlade, convicted of forgery, were continued for one week also.

HANDSOME "PETE" M'GLADE, TO SURPRISE OF POLITICIANS, IS CONVICTED OF FORGERY

PETER W. M'GLADE.

PETER W. M'GLADE was declared guilty of forgery by a jury in Judge Cook's department of the Superior Court yesterday, much to the surprise of those who are well acquainted with affairs about the City Hall.

The trial of McGlade lasted two weeks, the prosecution being conducted by District Attorney Byington, Deputy District Attorney Deuprey and Attorney Otto I. Wise. T. J. Lennon and Joseph K. Hawkins appeared as counsel for the prisoner.

The prosecution offered proof to show that a warrant for $96, in the name of Thomas Dwyer, was presented by McGlade against the city treasury, and that it was paid; that the signature of T. B. McGinnis, attached to the instrument, was spurious; that no such person as Thomas Dwyer worked for the Street Department at the time for which McGlade made out the claim; that McGlade obtained the money and that he knew the warrant to be spurious and fraudulent when he issued it, that he fled from the city and was arrested in New Mexico, under an assumed name, as a fugitive from justice.

The case was submitted to the jury at 6 o'clock Friday evening. Five hours later the jurors were returned in court, at their own request, and reported to the Judge that they were not able to agree, but Judge Cook replied that they ought to take more time in which to consult, and had them locked up for the night.

Shortly after 10 o'clock yesterday the jurors asked that the indictment against McGlade be sent to the jury-room, and, as no objection was made, the request was granted. Within twenty minutes after they had the indictment delivered to them, the jurors filed into their places in the jury-box and announced that they had agreed on a verdict.

When Foreman Corbett arose to read the verdict of the jury, McGlade's face was glowing with hopefulness. The long delay of the jurors in arriving at an agreement was construed by him as a favorable omen. When the word "guilty" was pronounced by the foreman, McGlade turned pallid. His countenance took on an ashen hue, but his perturbation was only momentary, for he quickly recovered the self-control that has characterized his demeanor since he was brought back from New Mexico.

"I have never talked about this trouble since it began, and I don't intend to start in now," was McGlade's response to a request for a statement of his views of the trial and its result.

That the outcome of the McGlade case was as much of a surprise to the prisoner as to the habitues of the City Hall was apparent to all who noted his manner when the verdict was announced. Yet some of the more observant looked for just such an outcome, because of McGlade's decline in popularity. During his days of prosperity, when he was a successful politician, in receipt of a handsome income from salary and other sources, McGlade was surrounded by crowds of flatterers. He was of fine appearance, and, being a genial fellow, had a large following. Then came the sensation of crookedness, his flight, his apprehension and his return to this city. Even then not all of his adherents fell away. Many who had enjoyed his hospitality were apparently ashamed to desert him at once, so they kept about him during the first trial and cheered him with their presence. The first trial ended in a disagreement of the jury. That was over a year ago. In the mean time McGlade was out on bonds. When his second trial began, a fortnight ago, it was seen that many of his former companions had deserted, and the few who still persisted in their friendship were comparatively lukewarm. There remained, however, the regular attendance of the old City Hall "push," warmly sympathetic for the accused, but not so potent as formerly in controlling the result of the trial. They were immensely disappointed when the jury's verdict was announced, and the opinion was openly expressed among them that this is no longer a free country where a politician is placed in jeopardy of a felony conviction for nothing more serious than juggling with public funds.

Attorney Lennon moved that the court set aside the verdict, on the ground that it was not supported by the evidence. This motion was denied, and further proceedings were adjourned until to-morrow morning at 10 o'clock, which is the time set for passing sentence.

Ex June 5 1900

M'GLAOE NOT SENTENCED.

Event Postponed Until Next Monday, at Prisoner's Request.

Peter W. McGlade, convicted of forgery, was not sentenced to the State Prison by Judge Cook yesterday, that event being postponed for a week at the request of defendant.

McGlade was in court and though pitying glances were bestowed on him by some of his old-time adherents, it was noted that the only ones who were faithful in their sympathetic attendance were his attorneys and the sheriff's deputies who brought him from the County Jail and took him back after the adjournment of court.

Attorney T. J. Lennon, representing McGlade, intimated that at the next calling of the case, Monday, June 11th, he will present the usual motion in arrest of judgment, or for a new trial.

Two other felony charges pending against McGlade—one for forgery and the other for obtaining money by false pretenses—were continued until August 20th, when they may be set for trial.

Ex Jun 5-1900

CHRONICLE, SUNDAY, JUNE 3, 1900.

M'GLADE IS FOUND GUILTY

Jury Returns a Verdict That Furnishes a Surprise.

THE CITY HALL GANG IN A STATE OF PANIC.

SINGULAR BALLOTS HAD IN THE SECRECY OF THE NIGHT SESSION.

One Case in Which a Political "Pull" Proved of No Avail Against Public Opinion and Evidence.

Peter W. McGlade, the sporting bookkeeper of the Street Department, was pronounced guilty of forgery yesterday morning by a jury. The verdict was a surprise to both the prosecution and the defense, as the peculiar conditions surrounding the jury had caused a disagreement to be expected.

The City Hall gang, which had undertaken to prevent the conviction of its old member, was thoroughly demoralized at finding that justice had prevailed, despite the united opposition of the "push." In the conviction of McGlade the professional place-holders, who contributed a quantity of false swearing to McGlade's cause, found that they were no longer invincible in the jury-rooms of the City Hall, and that even one of their own number might get his just deserts.

The case of McGlade has attracted much attention. The forger was conspicuous in political circles, having been a candidate on the Democratic ticket for Clerk of the Supreme Court. In 1897 and 1898 he was employed as bookkeeper for the Street Department. In the latter year he forged nineteen demands for wages and collected the money on the warrants from both the City Treasury and the money-brokers. His method was to select men not employed in the department and make out demands for their labor, forging such signatures as were necessary to pass the demand through the usual routine.

When the forgeries were discovered McGlade went into hiding, being concealed by a woman of the half-world upon whom he had squandered some of his ill-gotten money, other portions of his stealings being lost on horses and expended along the "cocktail route." Later he fled to Mexico, but was brought back, and several indictments were found against him by the Grand Jury after he had made a clean breast of his fraudulent transactions.

His first trial was had a year ago before Superior Judge Cook and a jury, but through the good offices of the City Hall ring he was acquitted. After many delays he was again brought to trial two weeks ago. The indictment selected for the purposes of this trial was that for forging the name of T. B. McGinnis, assistant clerk of the Board of Supervisors, to a bogus warrant for $96 drawn in favor of Thomas Dwyer. Once more the City Hall gang came to the aid of their old associate. The prosecution moved that the jury be dismissed after it had been impaneled, and an affidavit setting forth that the jury-box had been tampered with by Clerk Tolle was filed by one of the lawyers for the prosecution. The manner in which Court Bailiff Daske had picked up a special venire to complete the jury was also a matter of objection. The bailiff's system, whether by accident or premeditation, resulted in the return of some intimate friends of the defendant. Judges Cook, Lawlor and Dunne, sitting in bank, decided not to dismiss the jury mainly on the ground of once in jeopardy.

In the early days of the trial the jury was inattentive, the members devoting themselves to the reading of newspapers and books and to the exchange of jokes. The City Hall gang became openly boastful that there would be no conviction. Ex-Superintendent of Streets Ambrose refused to identify his own signature or any other official's signature. Other members of the Street Department crowd were equally forgetful [illegible] points that might incriminate the [illegible]

[illegible] o'clock Friday afternoon the case [illegible] to the jury, and that body [illegible] John Corbett was elected foreman. The first ballot stood [illegible] for conviction and 5 for acquittal. All the ballots, numbering about twenty, were [illegible], the jurors retiring to the corners [illegible] to prepare their slips. The [illegible] stood 6 to 6. Then there [illegible] change to 3 for conviction [illegible] 3 for [illegible]. From this the vote went back [illegible] 5, and there remained until 10:30 [illegible] Friday night, when the jury [illegible] word to the Judge that it could not agree. Judge Cook ordered the jury locked up for the night, and intimated that he would not discharge it for at least forty-eight hours. The jurors were then taken to a restaurant and fed and subsequently given lodgings at the California Hotel.

On resuming the balloting yesterday morning the vote stood 6 to 6. The indictment was sent for and read.

The discussions among the jurors were not animated. Juror McGurren, who is a brother-in-law of ex-Superintendent of Streets Ackerson and supposedly a sympathizer with McGlade, had little to say. Williams, who was also thought to have City Hall gang affiliations, said nothing. Sachs, an associate along "the line" and at wayside houses with Ambrose, was on both sides of the case. Hancock, who used to play baseball with McGlade and was known to be friendly to the prisoner, was his main champion.

Whatever the cause, the six for acquittal went over in a bunch to the other side at 10 o'clock yesterday morning, and at 10:40 o'clock the jury went into court, when Foreman Corbett announced that they had agreed upon a verdict of guilty of forgery. The jury was polled by Court Clerk Tolle, and Attorney Lennon made the usual formal motion to set aside the verdict, because the evidence did not warrant. This motion was denied by Judge Cook. McGlade, who has been out on $1500 bail, was then taken into custody by the deputy sheriff. Next Saturday was set as the day for passing sentence.

The penalty for the crime of forgery is not less than one year nor more than fourteen years. An appeal will be taken to the Supreme Court, but unless there was error in the rulings of Judge Cook or in his charge to the jury the verdict will stand.

Following were the jurors: F. L. Guntz, secretary Gunther & Guntz Undertaking Company, 8 City Hall square; B. Grave, Pacific avenue; H. J. Hancock, real estate, 928 Broderick street; Clarence Mustin of the Neapolitan Paste Company, 705 Battery street; E. A. Goelis of Martin Sachs Company, real estate, 615 Leavenworth street; J. R. Williams, 147 Fourteenth street; F. E. Shafer, California Milk Company, 3011 Twenty-third street; Harry F. McGurren, saloon, 1395 Market street; Frederick Dieling, solicitor, 953 McAllister street; John Corbett, 1014 Lombard street; Adolph Hiller, stationery, 421 Chestnut street; M. E. Willis, 804 Eddy street.

THE FORGER WHOSE PULL FAILED HIM

Johns Case Closed.

Special Dispatch to The Call

WOODLAND, June 2.—In the Johns note-forgery case, which has occupied the attention of the court for two weeks, argument was concluded this afternoon. Judge Gaddis announced that as the case is one of great importance he desires to give reasons for his decision and he therefore took it under advisement.

The District Attorney and the McGlade Case.

The conviction of Peter McGlade for forging warrants of the Street Department shows the public the advantages that come from having in office an honest and capable District Attorney.

The District Attorney labored under great disadvantages in the McGlade case. In the first place McGlade is a member of the "push," and therefore brought to his assistance all the political influence that is so powerful about the City Hall. There was reason to fear that two or more members of the jury had been put in the box with improper motives. An attorney testified that he saw the Clerk of the Court manipulate the jury box so that he could select at will the slips bearing the names of jurors. Men who were in office with McGlade denied that they could identify his handwriting, and refused even to swear to their own signatures. By the repeated postponements of the trial, the evidence of the Deputy Sheriff who arrested McGlade after his flight and brought him back to California was lost. Altogether it was the general belief that the politicians had so arranged matters that McGlade would be turned loose, or at the most that there would be a disagreement of the jury and an indefinite postponement of further proceedings.

There is no doubt of the plot to accomplish the acquittal of McGlade, and it is due to the efforts of District Attorney Byington and his assistants that it did not succeed. They have won a victory for justice that is a good deal more important than it may appear on its face. It is not essentially important that there is one more petty thief in jail. But it is of great importance that the politicians shall have practical assurance that if they commit crimes they cannot escape by fixed juries, false swearing, and the other tricks that their associates in and out of office may bring to their aid.

JUDGE HUNT ADMITS THAT HE WAS WRONG.

Grants a New Trial Because, About Five Years Ago, He Gave Incorrect Instructions to a Jury.

A new trial was granted to the plaintiffs yesterday by Judge Hunt in the suit of Grace I. Hampton and others against the Occidental and Oriental Steamship Company, in which a verdict for the company was given. John C. Hampton, the father of the minor plaintiffs, was a passenger on the City of Chester when that vessel collided with the Oceanic in the fog on August 22, 1888, and his life was lost through the collision. Judge Hunt ruled that the defendant's counsel was not guilty of misconduct in reading to the jury the petition for guardianship of the minor plaintiffs, which stated that the value of their estate was $30,000. The Judge also said that he did not think that the testimony at the trial, which took place nearly five years ago, preponderated in favor of the plaintiffs. His reason for granting a new trial was that on reflection he concluded that some of the instructions to the jury were wrong, as urged by the plaintiff's counsel. Concerning one instruction Judge Hunt remarked yesterday: "The vice of this instruction exists in its enumeration of facts and in directing the jury what inference to draw therefrom. After the trial of this action I became convinced that it was dangerous if not improper for the Court in its instructions to the jury to group facts in this manner or to present hypothetical instructions."

He said that the suit was based on negligence, and this instruction informed the jury that no blame attached to the Oceanic if the Chester could have been handled in a certain manner, and did not leave the jury free to determine whether all reasonable precautions had been resorted to on the Oceanic. Another instruction also was faulty, Judge Hunt said.

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BALL TOSSER, POLITICIAN AND FORGER

Pete McGlade's Rapid Trip Around the Bases of Life.

SLIDE TO PRISON CELL

Athlete Whose Salary Was Not Large Enough for His Dissipations.

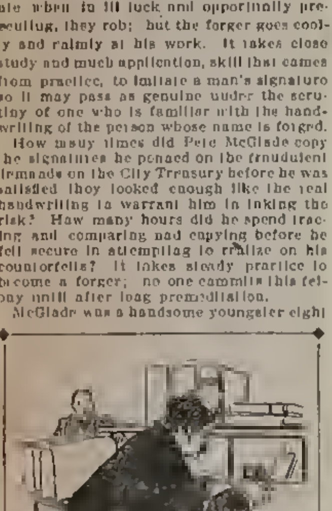
When Pete McGlade pitched for Mike Finn's Pioneer aggregation at the Haight-street grounds a few years ago the rooters little thought that the active, strong-armed young college man would spend some of the years of his life in a cell barred and grated and dark in San Quentin or Folsom. There is not much choice between the two as an abiding place, and McGlade has not even the choice.

Many a long day and silent night will Pete McGlade think of the green diamond, the shouts from the bleachers when he struck out some heavy batter or retired the other side without a hit. He should have stuck to baseball. It was a bad day for the pitcher when he first learned that he could curve a signature as true as he could curve a baseball.

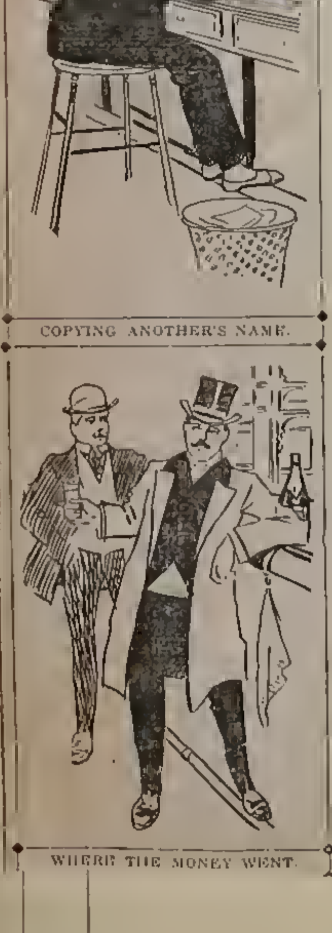
Forgery is an ugly crime. Men kill in the heat of passion; they become desperate when in ill luck and opportunity presenting, they rob; but the forger goes coolly and calmly at his work. It takes close study and much application, skill that comes from practice, to imitate a man's signature so it may pass as genuine under the scrutiny of one who is familiar with the handwriting of the person whose name is forged.

How many times did Pete McGlade copy the signatures he penned on the fraudulent demands on the City Treasury before he was satisfied they looked enough like the real handwriting to warrant him in taking the risk? How many hours did he spend tracing and comparing and copying before he felt secure in attempting to realize on his counterfeits? It takes steady practice to become a forger; no one commits this felony until after long premeditation.

McGlade was a handsome youngster eight



COPYING ANOTHER'S NAME.



WHERE THE MONEY WENT.

GUILTY OF FORGERY.

years ago. His prowess on the ball field gave him a reputation that soon made a place for him in local politics. He was a Deputy Recorder, and in 1894 was nominated for Clerk of the Supreme Court on the Democratic State ticket. He was beaten, but Governor Budd found a berth for him in the Registrar's office.

It has been said that McGlade had a host of friends; but that is not so. He made no friends. Of acquaintances he had hundreds. There was an air of arrogance about him that forbade real friendship. As a Deputy Registrar he discharged his duties faithfully.

There is no reason to doubt that McGlade was honest until he became a clerk under Superintendent of Streets Ambrose. Maybe he became inoculated from the taint in the atmosphere of that administration. It was bad enough to poison any man who was weak and needed more money than he could honestly earn.

Up to this time McGlade had been a frequenter of saloons, on the line, a visitor at the racetrack, a spectator at sporting events and something of a home man. But from the day he went into the office of the Superintendent of Streets the home was forgotten and the tenderloin became his haunt. His salary was not sufficient to keep up the life he was leading. His position was not one that would permit of his making money by hesitating to accept finished contracts. He had no income from loads of bitumen or tons of basalt blocks. There was no chance for him to assess the sewer men and the bricklayers and the tampers.

So Pete McGlade became a forger, and when detection was inevitable, he fled to New Mexico, only to be brought back. He was tried twice. The first time the jury disagreed. On Friday he was convicted, although it was suspected that at least two men on the panel desired his liberation. The verdict was a shock to the prisoner. He had expected his freedom.

From one to fourteen years in the penitentiary is the punishment under the law for forgery. It is a sad prospect for a man who is still youthful, and whose lines might have lain in pleasant places for a half century to come. But it is what comes to those who step the primrose path and forget that "honesty is the best policy." Had Pete McGlade forged that motto from his copy book into his mind and heart he could still enjoy the shouting from the bleachers. His ears would not buzz with the rattle of the jute mill or the roar of the water as it falls over the dam at Folsom.

Peter McGlade, a well known politician of San Francisco, has been convicted of the crime of forgery, to the utter amazement of the city hall clique. McGlade is a bright man. His fall is due to the race track that numbers its victims by the hundreds. Public sympathy was with him but the ex-city hall officials made such strenuous and flagrant efforts to save him that the San Francisco papers made a howl, and the jury responded to the demand for conviction.

ORDERS OF THE COURT DEFIED BY THE JURORS

They Read All About the McGlade Case in the Newspapers.

Application for a New Trial Made, Misconduct of Jurors Alleged and the Motion Will Probably Be Granted.

Peter W. McGlade came up for sentence before Judge Cook yesterday morning, but he was not sentenced, nor will he be for some time yet and perhaps not at all. His attorneys made a motion for a new trial, based upon alleged misconduct of the jury, and it will not be the fault of the jurymen if he does not knock out their verdict and come up again, primed with the prosecution's line of proof and ready to make a better fight next time.

The misconduct of the jury is not the only cause alleged, there is also a charge of misconduct on the part of the District Attorney and his deputies in having said what they thought about the trial and the case against the prisoner and there are also a few minor errors in the trial cited. But the principal cause is misconduct of the jury.

The court ordered the jurors not to read in the papers the reports of the case under consideration, they read the papers evidently when they pleased and now three of them come into court and swear that they became indignant at what they read. The court ordered them not to consult together about the case until it had been placed in their hands. They disregarded this and not only discussed what the papers were saying of the trial, but they went so far as to take one paper into the jury-room with them and read it aloud and discussed its comments after the case had been submitted. And they were warned that just such acts as this would nullify the city's efforts to secure a conviction by invalidating the verdict should it be rendered against the prisoner. The only charge the papers made was that, by the method of its drawing, the jury was open to the suspicion that it favored the prisoner. It has probably favored him to the extent of a new trial.

The facts in the motion for the new trial date back to the time the prosecution moved that the jury be discharged on account of alleged irregularities in the drawing. The defense vigorously opposed the motion and the court refused to grant it. In the meantime three of the jurors asked to be excused from serving on account of their comments, but their request was denied. The newspapers commented on the irregularities alleged and they were generally taken to mean that if such things had been done they had been done to serve the prisoner, as it could hardly be supposed that they were done for the people. It was these comments that found the joints in the jurors' armor and three of them started forward to declare that they could not serve after such an accusation.

They served, however, and the verdict was one of "guilty." It was rendered after such irregularities, however, it is the general supposition that it will not stand. The irregularities were of the jurors' own making. They could not be ignorant of the fact that such doings could redound only to the prisoner's benefit. A verdict of acquittal would have to stand and a verdict of "guilty" would be the only one affected.

Affidavits in support of the motion from J. P. Williams, John Corbett and Harry F. McGurren, the righteous jurors in the case, were read. They all recited the derelictions of the jurors and how they had outraged all law by reading papers and discussing them and by the reading aloud of one article after the case had gone to them for consideration. There was no mention in the affidavits of the Judge's warning and instructions. They dealt only with the flagrant irregularities.

Then an affidavit from McGlade was read. It set forth the same facts, but they came with better grace from him than they did from the jurors. He claimed that he had been injured by the misconduct of the jury to the extent that he did not receive a fair trial.

The misconduct alleged against the District Attorney and his assistant, Mr. Deuprey, consisted in telling a newspaper man, James Donohue, some facts about the irregularities of the jury. Donohue was put on the stand, but he would testify to but little.

In reply to the affidavits of the jurors and the prisoner, Mr. Deuprey said he would only submit the notes of the reporter referring to the charges against the integrity of the jury made by the prosecution and opposed so vigorously by the defense.

The Judge added that Williams had come to him the day after the first publication objected to appeared and asked to be excused from the jury on the ground that he was looking for a position in the city service and he feared that after the comments that had been made his chances would be impaired. The motion was then submitted.

The defense also submitted a motion to arrest judgment on the ground that the indictment was insufficient and then the case went over until Monday, June 25, to give the District Attorney time to prepare some affidavits on his side of the case.

M'GLADE ASKS A NEW TRIAL.

JURORS SAY THEY READ NEWSPAPER ARTICLES.

NO DIRECT STATEMENT THAT THE VERDICT WAS INFLUENCED IN THAT MANNER

One of the Twelve Men in the Box Was Anxious Not to Lose a Political Appointment.

Peter W. McGlade, who was found guilty of forgery, is seeking to have the verdict set aside. His attorneys, Lennon & Hawkins, presented a motion for arrest of judgment and a motion for a new trial in Department 12 of the Superior Court yesterday. The motion for arrest of judgment was on the ground that the evidence did not justify the verdict, it being argued that the demand on the city treasury which McGlade was accused of forging showed on its face that it was unauthorized. It was contended that T. H. McGlade, the assistant clerk of the Board of Supervisors, whose name McGlade was charged with forging, had no legal authority to administer an oath because his appointment as assistant did not come from the clerk of the Board, but from the Board of Supervisors. That consequently an oath taken before McGlade that a demand was correct was worthless, and that the imitation of his signature on the demand did not amount to forgery.

The motion for a new trial was based on an allegation that the jury was influenced by articles printed in the newspapers. Affidavits by three of the jurors were filed. J. H. Williams and John Corbett stated that on Monday, May 21st, they rose in the jury-box and asked to be excused from serving on the jury because they had read an article published on the previous day in which it was announced that the District Attorney would make a motion on Monday to discharge the jury because of alleged irregularity in the summoning and drawing of the jurors. Harry F. McGurren, another juror, stated that an article criticising the method of selection of the jury was passed around and read by the jurors in the jury-room after they had retired to deliberate on the case. The jurors had been duly admonished by Judge Cook to avoid reading newspaper articles concerning the trial and to pay attention only to the evidence given in court and the Judge's instructions on the law. Evidently this admonition was not strictly obeyed.

The reporter who wrote the article concerning the intention of the District Attorney to move for the dismissal of the jury was called to the witness stand by Attorney Lennon, and testified that his information came from one of the attorneys who were conducting the prosecution. Judge Cook said that Juror Williams told him in his chambers on May 21st that Williams was an applicant for a political position, the appointment to which was to be made by Mayor Phelan, and that he feared his chance of getting it would be endangered if he remained on the jury. Williams at that time asked to be excused, and mentioned the newspaper article as a reason for getting off the jury.

Assistant District Attorney Deuprey remarked that the jurors were not excused because of the objection of the defendant's counsel to letting them go. He asked for time in which to secure affidavits from the jurors and a continuance until June 25th was granted.

None of the jurors whose affidavits were filed said that the verdict was influenced by what was published in the newspapers.

JURORS READ "EXAMINER."

For That Reason Peter W. McGlade Demands a New Trial.

Peter W. McGlade has asked for a new trial on the ground that jurors impaneled to try his case read "The Examiner" after they were impaneled. Attorney Lennon presented an affidavit signed by McGlade in which he alleged that a copy of "The Examiner" of date of May 20th was taken into the jury-room, and that after the editorial contained therein was read aloud the paper was passed around among the jurors.

This was corroborated by the affidavits of John Corbett, foreman of the jury, and by Jurors Harry F. McGurren and J. H. Wright. They deposed that they also read other papers after being impaneled to try the case.

McGlade averred that in consequence of the reading of these papers his rights had been jeopardized and he had been placed in jeopardy.

Deputy District Attorney Deuprey said the State would be ready to meet and offset these allegations at the next calling of the case, and an adjournment was taken until June 25th.

M'GLADE ALLEGES THE JURY WAS INFLUENCED

Swears That He Was Convicted By Biased Publications In Local Newspapers.

Peter W. McGlade, awaiting sentence upon a charge of forgery, applied to Judge Cook yesterday for a new trial. He founded his petition upon the assumption that he was unjustly convicted.

In an affidavit detailing the various incidents attending his trial, he asserted that the jury was influenced in its verdict by charges of corruption made by the local newspapers. Particular objection was made to an article published in the Chronicle on the morning following the impanelment of the jury. This publication alleged that three of the jurymen were intimate friends of the defendant, and charged that they were illegally drawn from a venire pledged to vote for his acquittal.

McGlade's affidavit contained the additional charge that the Examiner on the day the case went to the jury, made a general accusation of corruption, and concluded with the statement that the jurors, if they did not find the defendant guilty, were open to the imputation that they were influenced by questions of friendship. This article, according to McGlade was read in the jury room. It had an ill effect on the jurors, he said, and in a large measure influenced their judgment.

In support of McGlade's affidavit Attorneys Lennon and Hawkins, counsel for the defense, introduced affidavits from Jurors John Corbett, Harry E. McGureen and J. B. Williams. Corbett swore that the publication in the Chronicle was particularly offensive, and that it so annoyed him that he asked in open court to be dismissed from the jury. His application was denied, and he was therefore compelled to serve on the jury against his will. Williams made a similar statement. Neither Williams nor Corbett made any attempt, however, to show that he was influenced by the publication in question, or by the fact that he was compelled to become a member of the jury.

McGureen swore that the Examiner article was read in the jury room. He did not comment upon its effect upon the verdict of the jurors.

Lennon and Hawkins offered to make an argument upon the motion for a new trial, but Judge Cook declined to hear them immediately, suggesting a postponement to permit the District Attorney to present counter affidavits. To this the District Attorney agreed, and on June 5 he hopes to prove by the oaths of the twelve jurors that McGlade was tried without regard for newspaper criticism and convicted without bias or prejudice.

Chronicle Sept 27, '9–

M'GLADE JURY WAS NOT MISLED

STATEMENT OF THE DISTRICT ATTORNEY.

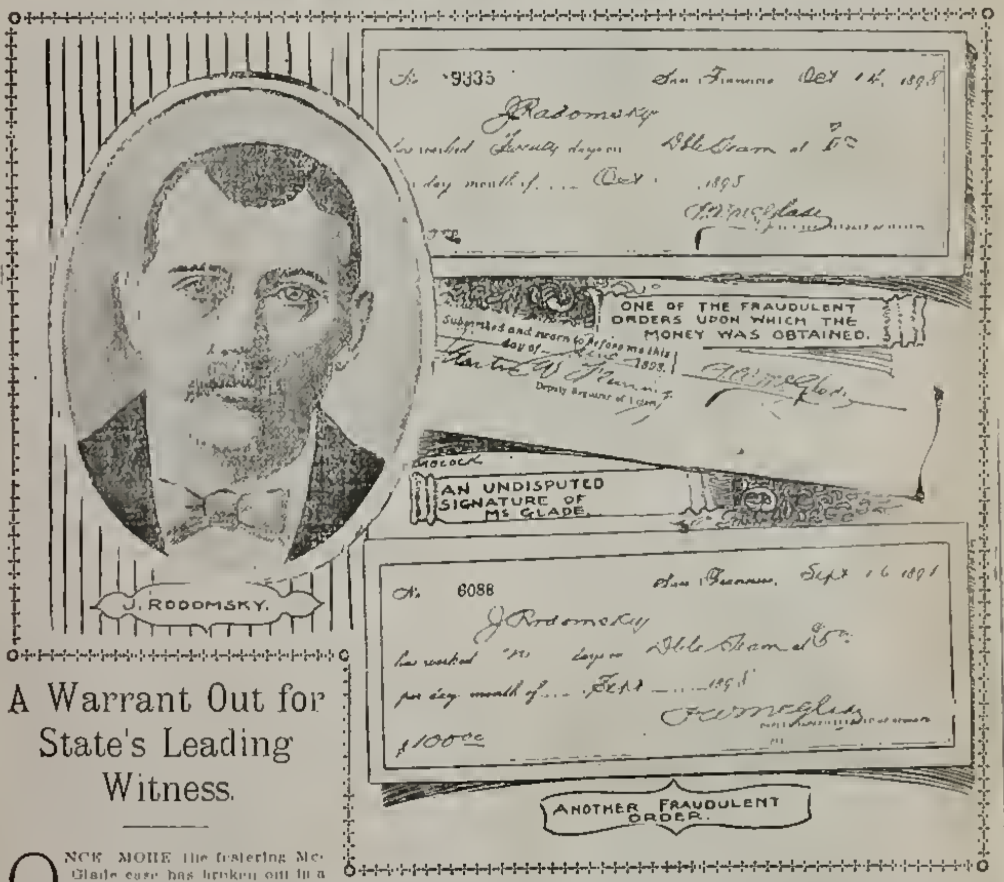
THE FORM OF THE VERDICT PREPARED BY JUDGE COOK.

Lawyers for the Prosecution Think That It Will Stand, Though the Court Expressed Doubts.

In regard to the verdict rendered by the jury in the case of Peter W. McGlade, over which a question arose last Monday, Oscar Tolle, clerk of Department 12 of the Superior Court, stated on Tuesday that three forms for a verdict were given to the jury. One of these was returned with the signature of John Corbett, the foreman, on it, and the two other slips were thrown away. A copy of these two is not now procurable, but Tolle and the District Attorney said that one of them was to the effect that McGlade had forged the Street Department demand mentioned in the indictment, as well as uttered, published and passed it. The third form was to the effect that McGlade was not guilty. The form that was selected by the jury for the declaration of the verdict stated that McGlade had uttered, published and passed the forged demand. In the indictment he was accused both of forging the name of Thomas B. McGinnis on it, and of uttering, publishing and passing the demand, knowing it to be forged. The jury did not decide whether or not he had forged the name of McGinnis, and part of the indictment was thus left undetermined. Tolle stated that the forms for the verdict were prepared by Judge Cook. Tolle copied them so as to put them in handy shape for the jury. The jurors had to act according to the instructions of the Court.

Last Monday during the hearing on the motion for a new trial, Judge Cook expressed doubt as to whether there was any evidence in the case to show that McGlade had uttered and passed the demand. Assistant District Attorney Dempsey said that it had been proven that McGlade received the forged demand from the office of the Clerk of the Board of Supervisors. It was one of a bundle of demands, and McGlade, as the bookkeeper in the Street Department, receipted for all of them at one time. Judge Cook responded that McGlade's possession of it did not establish that he passed it to the City Treasury, as it might have been taken from his desk by another person. District Attorney Byington said that, according to the expert testimony of Theodore Kytka, McGlade

NEW PERJURY TO SAVE FORGER M'GLADE, IDOL OF THE HALL GANG.



A Warrant Out for State's Leading Witness.

ONCE MORE the festering McGlade case has broken out in a new place. Yesterday a warrant was sworn out by Detective Gibson charging J. Rodomsky, the principal witness for the prosecution with perjury. This was no surprise to those familiar with this case, so full of perjury and forgery. Rodomsky had simply reversed his testimony of the preceding day after having come in contact with the City Hall ring that has been working for nearly two years to secure the acquittal of their former associate in raids upon the city treasury.

The course of Rodomsky calls special attention to the crimes for which Peter W. McGlade has been and is now on trial. This wholesale forger and obtainer of money under false pretenses—he is a forger by his own confession—was formerly a bookkeeper in the Street Department under one Ambrose, a jobholder with an accommodating and elastic memory. As a frequenter of the tenderloin and the race courses McGlade needed more money than his salary afforded. To raise it he forged the names of men not employed in the Street Department to demands for labor performed. These warrants for fictitious employes he sold by assign-

had been stationed outside in the corridor. The verdict was set aside and a new trial ordered on the ground of the newspaper reading tricks. Judge Carroll Cook, who conducted the first two trials, censured the newspapers for criticising the corrosive case, but had no disapproving word for the jurors who were clearly in contempt of court for disobeying his instructions not to read the newspapers.

A third trial is now on with Judge Burnett of Santa Rosa upon the bench. The same City Hall gang is on hand to lend aid and comfort to McGlade. Twice have these corruptors of municipal departments succeeded in dazing justice and causing her scales to lose their equal balance in favor of the accused. Once more they are pitted against the machinery of the courts.

On the second trial an affidavit was filed charging that the jury-box had been manipulated during the drawing of the jury and that Bailiff Dasha had used irregular methods in summoning the jurors. No action was taken by Judge Cook in the matter of these serious charges. In the third trial the Sheriff has substituted another deputy for Dasha, but the latter was about the courtroom and corridor yesterday with plenty of leisure to rub elbows with jurors and witnesses and hold consultations with the Street Department gang

Ed and not Peter McGlade who gave him the fraudulent order of October 14 1895, which is the basis of the indictment on which McGlade is now being tried. Rodomsky admitted having been with Fitzpatrick until midnight, but denied that the latter had influenced his testimony.

Yesterday afternoon, under cross-examination by Lawyer Lennon, Rodomsky testified that no one had requested him to change his testimony after he left the witness stand.

"Which of your statements is true—the one you made a few days ago, or the one you made this morning?" asked Lennon.

"Both were true, only I got Ed McGlade mixed with Pete McGlade," explained the shifty witness.

Rodomsky was shown the two fraudulent orders and was then asked:

"Could you swear positively that you ever had either one of these orders in your possession?"

"I had orders that looked just like these, but I could not swear they are the same. They may have been imitations," contributed the accommodating Rodomsky.

On re-direct examination by District Attorney Byington and Assistant District Attorney Dempsey the witness admitted that in their presence and that of Detective Gibson he had made a statement that Peter McGlade gave him

the Chronicle on the morning following the impanelment of the jury. This publication alleged that three of the jurymen were intimate friends of the defendant, and charged that they were illegally drawn from a venire pledged to vote for his acquittal.

McGlade's affidavit contained the additional charge that the Examiner on the day the case went to the jury made a general accusation of corruption, and concluded with the statement that the jurors, if they did not find the defendant guilty, were open to the imputation that they were influenced by questions of friendship. This article, according to McGlade was read in the jury room. It had an ill effect on the jurors, he said, and in a large measure influenced their judgment.

In support of McGlade's affidavit Attor-

will. Williams made a similar statement. Neither Williams nor Corbett made any attempt, however, to show that he was influenced by the publication in question, or by the fact that he was compelled to become a member of the jury.

McGurren swore that the Examiner article was read in the jury room. He did not comment upon its effect upon the verdict of the jurors.

Lennon and Hawkins offered to make an argument upon the motion for a new trial, but Judge Cook declined to hear them immediately, suggesting a postponement to permit the District Attorney to present counter affidavits. To this the District Attorney agreed, and on June 5 he hopes to prove by the oaths of the twelve jurors that McGlade was tried without regard for newspaper criticism and convicted without bias or prejudice.

Chronicle Sept 27 '99

M'GLADE JURY WAS NOT MISLED

STATEMENT OF THE DISTRICT ATTORNEY.

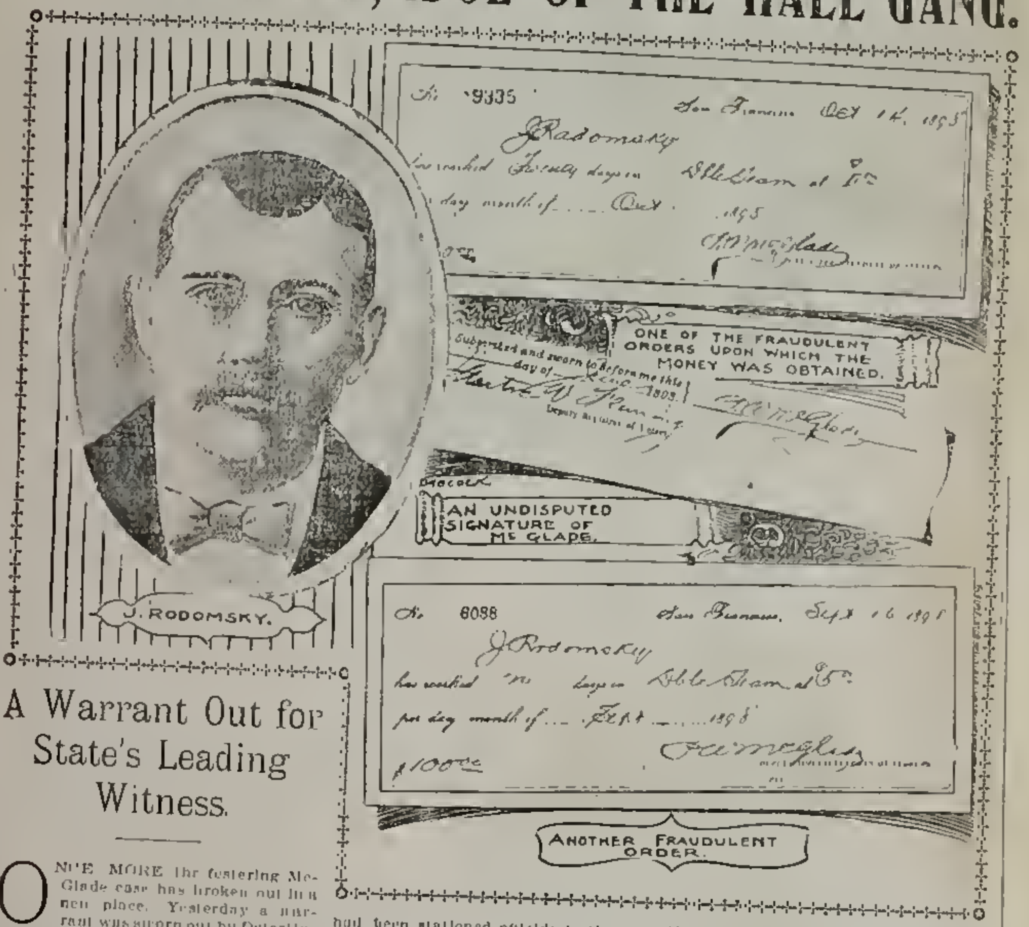
THE FORM OF THE VERDICT PREPARED BY JUDGE COOK.

Lawyers for the Prosecution Think That It Will Stand, Though the Court Expressed Doubts.

In regard to the verdict rendered by the jury in the case of Peter W. McGlade, over which a question arose last Monday, Oscar Tolle, clerk of Department 12 of the Superior Court, stated on Tuesday that three forms for a verdict were given to the jury. One of these was returned with the signature of John Corbett, the foreman, on it, and the two other slips were thrown away. A copy of these two is not now procurable, but Tolle and the District Attorney said that one of them was to the effect that McGlade had forged the Street Department demand mentioned in the indictment, as well as uttered, published and passed it. The third form was to the effect that McGlade was not guilty. The form that was selected by the jury for the declaration of the verdict stated that McGlade had uttered, published and passed the forged demand. In the indictment he was accused both of forging the name of Thomas B. McGinnis on it, and of uttering, publishing and passing the demand, knowing it to be forged. The jury did not decide whether or not he had forged the name of McGinnis, and part of the indictment was thus left undetermined. Tolle stated that the forms for the verdict were prepared by Judge Cook. Tolle copied them so as to put them in handy shape for the jury. The jurors had to act according to the instructions of the Court.

Last Monday during the hearing on the motion for a new trial, Judge Cook expressed doubt as to whether there was any evidence in the case to show that McGlade had uttered and passed the demand. Assistant District Attorney Deuprey said that it had been proven that McGlade received the forged demand from the office of the Clerk of the Board of Supervisors. It was one of a bundle of demands, and McGlade, as the bookkeeper in the Street Department, receipted for all of them at one time. Judge Cook responded that McGlade's possession of it did not establish that he passed it at the City Treasury, as it might have been taken from his desk by another person. District Attorney Byington said that, according to the expert testimony of Theodore Kytka, McGlade

NEW PERJURY TO SAVE FORGER M'GLADE, IDOL OF THE HALL GANG.



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The course of Rodomsky calls especial attention to the crimes for which Peter W. McGlade has been and is now on trial. This wholesale forger and obtainer of money under false pretenses—he is a forger by his own confession—was formerly a bookkeeper in the Street Department under one Ambrose, a jobholder with an accommodating and elastic memory. As a frequenter of the tenderloin and the race courses McGlade needed more money than his salary afforded. To raise it he forged the names of men not employed in the Street Department to demands for labor performed. These warrants for fictitious employes he sold by assignment to brokers and also cashed them at the city treasury. By these double transactions he obtained about $5000. The papers he prepared to secure this money involved more than 100 deliberate forgeries.

When pressed McGlade fled the State. On being brought back he confessed to his crimes in detail. He was indicted by the Grand Jury on several counts. The City Hall ring and particularly the clique of jobbers that fattened for years on the corruption of the Street Department came to his support. The jury-fixers, contract sneakers and manipulators of fictitious labor demands declared that their fellow must be acquitted and that no judicial obstruction should be placed in the path to the vaults of the city treasury.

On the first trial the jury, notwithstanding that a complete chain of evidence of McGlade's criminality was presented, acquitted the defendant. On a second trial the jury performed some extraordinary antics. Newspapers were openly read in the jury box and the jurors discussed the case both in and out of the courtroom. It had been programmed by the City Hall gang that the jury should disagree, but so notorious had become the acts of certain members of the trial body that a different tack was taken. After the case had been given to it for final consideration, the jury caused newspaper reports of the case to be read in such loud tones that they were heard by witnesses who had been stationed outside in the corridor. The verdict was set aside and a new trial ordered on the ground of the newspaper reading tricks. Judge Carroll Cook, who conducted the first two trials, censured the newspapers for criticising the corrosive case, but had no disapproving word for the jurors who were clearly in contempt of court for disobeying its instructions not to read the newspapers.

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The charge upon which McGlade is now being tried is "obtaining money under false pretenses." He forged two orders on Bier & Regensburger for $100 each, purporting to be the amount of the demands of J. Rodomsky, twenty days' work at $5 a day, in each of two different months. The orders represented that Rodomsky drove a double team for the Street Department, whereas he occasionally drove for a man who had a cart in the department and was not on the public pay roll. In his leisure he ran errands and did dirty work for McGlade.

On Tuesday Rodomsky testified that McGlade gave him the two orders—one dated September 16th and the other October 14th—in a corridor of the City Hall. He swore that he got into a buggy with Ed McGlade, a brother of Peter and drove to the brokers' where he cashed the orders and that they then went to Matt O'Donnell's saloon, where the money was paid over to Peter McGlade. The defendant gave the witness $1 on one occasion and $1 50 on another. This testimony was in harmony with his affidavit and his statements made to the District Attorney and before the Grand Jury.

After having had a night's run with the City Hall gang and particularly with one Fitzpatrick, Rodomsky walked into court yesterday morning and reversed his testimony, saying that it was Ed and not Peter McGlade who gave him the fraudulent order of October 14 1898, which is the basis of the indictment on which McGlade is now being tried. Rodomsky admitted having been with Fitzpatrick until midnight, but denied that the latter had influenced his testimony.

Yesterday afternoon, under cross-examination by Lawyer Lennon, Rodomsky testified that no one had requested him to change his testimony after he left the witness stand.

"Which of your statements is true—the one you made a few days ago, or the one you made this morning?" asked Lennon.

"Both were true, only I got Ed McGlade mixed with Pete McGlade," explained the shifty witness.

Rodomsky was shown the two fraudulent orders and was then asked:

"Could you swear positively that you ever had either one of these orders in your possession?"

"I had orders that looked just like these, but I could not swear they are the same. They may have been imitations," contributed the accommodating Rodomsky.

On redirect examination by District Attorney Byington and Assistant District Attorney Deuprey the witness admitted that in their presence and that of Detective Gibson he had made a statement that Peter McGlade gave him the bogus orders. He subsequently qualified his admission by saying: "I might have, and I might not. I am not positive."

Under pressure the acrobatic witness said that McGlade had urged him to go out of town, and that he had never before suggested that Ed McGlade gave him the orders.

Rodomsky was asked as to his testimony before the Grand Jury, but was excused until this morning to permit him to read the transcript.

Joseph Bier, the broker, and Charles Trull, his bookkeeper, described the paying of the money to Rodomsky on McGlade's order and gave other details of the transaction.

After consultation with Judge Burnett last evening District Attorney Byington decided to withdraw the warrant against Rodomsky, not deeming it advisable to have him arrested while he was giving his testimony.

The City Hall ring is jubilant over the caving down of Rodomsky. He is the principal witness for the prosecution, and upon him District Attorney Byington depended, in a great measure, to make out his case. He is also the principal witness in the untried counts of the indictment. The City Hall ring boasts that with the capture of Rodomsky they have at last thwarted justice and assured the permanent release of McGlade, the wholesale forger and obtainer of money under false pretenses.

CITY HALL GANG AT BAY

Testimony That Should Convict Forger McGlade.

RODOMSKY AMENDS HIS MUDDLED STATEMENTS.

KYTKA SAYS BOTH THE ORDERS WERE WRITTEN BY THE PRISONER.

The Defendant Had Warned One of His Tools to Say Nothing About His Obtaining the Money.

The McGlade trial presents the anomalous condition of one branch of the city government prosecuting the defendant and others lined up and actively engaged in his defense. City employes drawing salaries, presumably for working in the interest of the municipality, are engaged in an endeavor to thwart justice and prevent one of their former associates from being punished under the law for looting the city treasury.

The reason for this active solicitude on the part of the City Hall ring for one of their number is that they argue that if one of them be sent to prison to pay the penalty for his crimes, their prestige will have departed. The success of their corrupt manipulations, raids upon the city treasury and debauching of jurors, has depended largely upon their ability to protect their tools. Should one of their own circle become an inmate of San Quentin prison their guaranty of immunity to their dupes would no longer be accepted. The gang is now engaged in a fight for self-preservation and the making possible of the continuance of their nefarious practices.

But notwithstanding the false swearing of the gang and their pernicious proximity to witnesses and members of the jury, the net of evidence has been closely woven about the defendant, and that he will pay the penalty for at least one of his many crimes seems inevitable.

Jake Rodomsky, who reversed a portion of his testimony on Wednesday after a night's bout with the City Hall ring, woke up yesterday morning with the cobwebs somewhat cleared from his brain. He had been ordered into custody by Judge Burnett with a view to protecting him from himself and spent the night in the County Jail. Rodomsky visited District Attorney Byington's office yesterday forenoon and amended his previous statements somewhat. He still insisted that Ed McGlade, a brother of Peter, gave him the fraudulent money order of October 16, 1898. After Rodomsky had cashed this order at the broker's he and Ed McGlade took the money to Matt O'Donnell's saloon on Grant avenue. There they met Pete McGlade, and the latter and his brother went down stairs into the basement. From the head of the stairs the witness said that he heard money chink. Then Pete McGlade came up stairs and had a conversation with the witness and gave him $1 50 with which to buy drinks.

When Rodomsky was recalled to the witness chair in the afternoon he still proved a reluctant witness for the prosecution.

"Do you remember the conversation that took place in Matt O'Donnell's saloon in October, 1898, after Peter McGlade came up stairs?" was asked.

"He said 'Now keep that to yourself and don't say anything about what you have done.'"

The testimony was drawn from the witness under vigorous protest from the defense. On cross-examination Lennon asked:

"Are you as sure of what you say to-day as of what you said the other day?"

"I am not sure of what I said the other day."

On redirect examination Rodomsky told that after McGlade's return from Mexico he promised to make good the $200 which Rodomsky's friend had to pay the broker to reimburse the latter and avoid prosecution. Later McGlade said he could not pay the money as the woman he expected to get it from had died.

The petty tricks and subterfuges to which the defense is resorting resulted yesterday morning in an exposé that will do the defendant no good. On Wednesday Joseph Bier, who had testified that he knew McGlade's signature, was shown the defendant's registration certificate by Lennon, the lawyer for the defense, and asked:

"Is that McGlade's signature?"

"It is not," came the quick response, to the confusion of the District Attorney's office and the apparent surprise of the jurors in the box.

An investigation showed that Lennon had so folded the registration certificate as to leave exposed the name "P. W. McGlade," as written in the body of it by the registration clerk. Bier correctly replied that it was not McGlade's signature, and by this little trick the defense left the impression that Bier had failed to identify the signature of McGlade to the certificate.

Continued

Yesterday morning Broker Bier was recalled and the trick exposed, the witness identifying McGlade's signature at the bottom of the certificate.

The identification of the two orders on the brokers, given by Rodomsky, to McGlade as official papers was made by J. H. McIntyre, the printer and bookbinder. McIntyre testified that the requisition for the blanks was made by the Street Department on the Board of Supervisors, and the latter body gave him the order. The blanks were printed and delivered to the Street Department. The witness produced a book of the blanks the same as those delivered.

These are the blanks that ex-Superintendent of Streets Ambrose, of accommodating memory, refused to identify as the official papers of his office. He said that there were no such papers used in his office. His veracity was shaken once more by the production of a requisition on the Board of Supervisors for the blanks signed by Ambrose himself.

The partisanship of the members of the City Hall gang for their old companion in municipal arms was given practical illustration at the noon recess of the Court. Official Shorthand Reporter Stevens accused Detective Tom Gibson and Handwriting Expert Kytka of having talked in front of the jury with the intention of influencing that body.

Gibson hotly denied the charge and told Stevens that if he would devote more attention to his shorthand notes and less to listening to conversations by the prosecution his reports might be more correct. Gibson said the only conversation between Kytka and himself was when he asked the expert for a photograph of the exhibits, and the latter passed it to him. Stevens was a volunteer affidavit maker for McGlade in the last trial.

Broker Regensberger identified McGlade's orders for money which he paid, and told of his agreement with McGlade to pay demands on the latter's order and signature. He did not discover that the demands were bogus until after McGlade's disappearance from the city.

Theodore Kytka, the handwriting expert, testified that the two fraudulent money orders were in the handwriting of McGlade. On cross-examination Lennon asked Kytka to give an example of Spencerian handwriting. Kytka proceeded to write, and the following conversation took place.

"You are very slow about it," suggested Lennon.

"Perhaps McGlade might do it quicker," retorted Kytka.

Lennon protested, and Assistant District Attorney Deuprey suggested that the answer was but a fair expression of opinion.

Judge Burnett ordered the answers stricken out and placed the proceedings back on an even keel.

Policeman John J. Cody and Detective Thomas Gibson testified to McGlade being brought back from Mexico under the name of Russell by Deputy Sheriff Phillips.

It is expected that the prosecution will close its case to-day.

HE WAS STRUCK BY AN ELECTRIC CAR.

Philip Bollinger Run Down at Fulton and Fillmore Streets and Severely Injured.

Philip Bollinger, an employe at the Fredericksburg Bottling Works, was run down by a Fillmore-street electric car last evening about 8:30 o'clock at Fillmore and Fulton streets and severely injured. It is feared that one of his legs is broken, besides which he was badly cut about the head.

Bollinger is a young man of about 30, who rooms at 675 Fulton street. He is a member of the Order of Hermann's Sons and took part in the procession with others of his order during the Native Sons celebration in this city. According to statements of people in the neighborhood of the accident, Bollinger attempted to cross in front of a north-bound Fillmore-street car, which at this point runs swiftly down a hill, and that the motorman was unable to stop the car in time to prevent the accident. Bollinger was removed to the German Hospital.

Ex. March 28 1901

ARREST AWAITS COOPER ON ANOTHER CHARGE.

Constable Mores, With a Warrant From Crockett, Attends "Sir" Harry's Habeas Corpus Proceedings.

Constable Theodore Mores of Crockett attended the hearing of "Sir" Harry Westwood Cooper's petition for a writ of habeas corpus before Judge Carroll Cook yesterday and in his pocket was a warrant issued by Justice of the Peace J. H. Pratt of Crockett and countersigned by Police Judge Cabaniss for the arrest of Dr. Ernest Moore Chadwick on a charge of obtaining money on false pretenses.

The complainant is Joseph [illegible] of Crockett, who charges "Sir" Harry with passing a bogus check for $150 drawn on the Donohoe-Kelly Bank here, in payment for a bill at his store. In the event of Cooper's release on the habeas corpus Mores will arrest him.

At the hearing Attorney Murphy argued that no testimony had been brought out that proved forgery had been committed. Judge Cook will render his decision to-morrow morning.

M'GLADE AGAIN FACES A JURY.

THIRD TRIAL IS NOW ON BEFORE JUDGE BURNETT.

CHANGED SURROUNDINGS CAUSE THE PRISONER SOME ANXIETY.

Familiar Faces Are Missing, but Former Street Superintendent Ambrose Still Forgets to Remember.

Peter W. McGlade, whose industrious pen brought him into disfavor with the law and the police, is again undergoing the ordeal of a trial by jury. His third attempt to save his big form from being attired in garments made by a prison tailor, was begun yesterday before Judge A. G. Burnett of Santa Rosa, who is sitting for Judge Carroll Cook in Department 12 of the Superior Court. It was McGlade's third trial, but somehow experience has not added to his self-assurance. He was facing a new Judge, many of the old familiar faces that had given him confidence at his other trials were missing, and the uncertainty of it all caused him to take an anxious interest in the proceedings.

The charge on which McGlade is now being tried is that of obtaining money by false pretenses. In all four indictments were the outcome of McGlade's misdeeds while bookkeeper for Superintendent of Streets Ambrose. His first trial for forgery resulted in an acquittal and the second in a conviction which Judge Carroll Cook nullified by granting a new trial. The other cases of forgery have never been tried. All along there has been much talk of a potent pull, and "Pete's" admirers have never despaired of his ultimate "vindication."

At the hearing yesterday the prosecution was represented by District Attorney Byington and Assistant District Attorney Deuprey, while McGlade's fight was made by Thomas J. Lennon. Five citizens summoned for jury duty were examined at the morning session of the court, the examination resulting in the selection of W. F. Dellmier, a piano manufacturer at 2257 Mission street, and H. M. Hageman, an upholsterer at 1330 Polk street. This completed the jury. The other members of the jury are: J. Tiedeman, 3574 Twentieth street; J. S. Merrill, 233 Market street; George A. Pule, 33 Second street, A. Voight, 34 First street; T. D. McCarthy, 764 Mission street, J. Stell, 658 Mission street; J. Kenne, 801 Post street, H. Mangels, corner Hayes and Franklin streets, H. J. McCinley, 508 Market street, and H. Bird, 208 Mission street.

Assistant District Attorney Deuprey, in his opening statement, set forth that the prosecution expected to prove that McGlade wrongfully obtained $97 from Bier & Regensburger, money brokers on October 14, 1898, through a written representation that J. Radomsky had worked twenty days for the city at $5 a day and had owing to him $100. It was stated that Radomsky sold the order, gave the money to McGlade, and received $1 "to get something to eat with." Further the prosecution expected to prove, Deuprey said, that Radomsky had not worked a day for the city, and that when an investigation was begun McGlade took flight and had to be brought back from Deming, N. M.

Former Superintendent of Streets Ambrose was the first witness. As at former trials, Ambrose proved himself a friend of the prisoner. He was even less generous than McGlade's attorney, and refused to acknowledge a signature that the defense admitted. This occurred when the oath of office taken by McGlade was presented. Judge Burnett, turning to Ambrose, asked pointedly, "Don't you know your own signature?"

In reply Ambrose tried to explain that it would be impossible for him to recognize his own signature after a lapse of a few years. Then the defense came to his rescue with an admission that the document offered was McGlade's oath of office.

Ambrose could not even identify the books containing the pay rolls of his office. Attorney Lennon aided him with multiple objections to the questions asked by the prosecution, but Judge Burnett, ruling quickly and decisively, swept away all obstacles, and as much was accomplished in an hour yesterday as was brought out in the first two days of the second trial.

With reluctance Ambrose told of his search for McGlade after the big bookkeeper had taken flight, but did not neglect to make frequent use of the stereotyped answer, "I don't remember." He did not know Rudomsky, and had never employed him. After this admission Ambrose was temporarily turned over to his friends, the defense. One unimportant question was asked and then he was excused with the understanding that the prosecution, if it saw fit, might recall him to the stand.

The prosecution asked for a continuance, and Lennon objected. For some reason he wanted Rudomsky put on the stand at once. This request was denied, and then Lennon wanted to be assured of the presence of Rudomsky in court. Rodomsky was called in, and at the request of the defense instructed to be in court at 10 o'clock this morning. Then Judge Burnett ordered an adjournment, and McGlade, attended by a deputy sheriff, went back to his quarters in the County Jail.

NO STRIPES FOR M'GLADE.

Peter the Penman Once More "Beats the Case."

ACQUITTAL THE RESULT OF HIS THIRD TRIAL.

JURYMEN SAY IT WAS NOT PROVED THAT HE RECEIVED THE MONEY.

Verdict Reached in a Little More Than an Hour—Corks Popped and Glasses Clinked Among the Gang.

Peter W. McGlade, after three trials, at last goes unwhipped of justice. The jury in his case returned a verdict of not guilty at 5:45 o'clock yesterday afternoon, having deliberated a little longer than an hour. McGlade has been restored to the bosom of the City Hall push, which schemed, coerced and intimidated to bring about the rescue of their pal, for whom the gates of the penitentiary were ajar. News of his release spread swiftly among the members of the gang, and soon corks were popping and glasses clinking to celebrate the victory won by the exploiters of the city treasury.

Members of the jury were reticent in telling how the unexpected verdict was brought about. Many refused to discuss the matter, while others wanted first to consult their associates before revealing the secrets of the jury-room. It is understood, however, that the reason for the verdict was purely technical. While the majority were satisfied that a crime had been committed and that McGlade was the guilty person, it was not shown by the evidence, they thought, that he had profited by his fraud. Under the assumption that the money which was raised upon the fraudulent orders went to some one other than McGlade, the jury felt satisfied in bringing in a verdict of acquittal.

"There was nothing else for us to do," said one of the jurors last night in discussing the verdict. "Under the instructions of the Court a crime was not proved, unless we were satisfied that McGlade received the money. There were grave doubts in the minds of all of us upon that point, and when we came to a ballot the vote was unanimous for acquittal. Of course, we looked over the fraudulent orders with a view to examining the signatures, but the real point upon which the verdict was returned was that which I have stated. If the evidence had been more positive upon that point a different conclusion might have been reached."

When the trial was renewed yesterday before Judge Burnett and a jury, J. H. Colby, sergeant of police, testified as to the telegraphic correspondence with the authorities in New Mexico relative to the return of the fugitive McGlade, and as to the arrival of the defendant in the custody of Deputy Sheriff Phillips of Deming. Former Chief of Police I. W. Lees told about McGlade's return under the name of Russell and about his being turned over to the custody of the witness by the deputy sheriff from New Mexico. Here the prosecution rested.

Attorney Lennon, on behalf of the defendant, moved to strike out the testimony of Police Officers Cody, Gibson, Lees and Colby on the ground that it was immaterial, incompetent and failed to show that the defendant had ever attempted flight or completed flight from this State. Judge Burnett denied the motion.

Lennon next moved to strike out all the testimony of Rodomsky relative to his going to the brokers and his transaction in Matt O'Donnell's saloon, on the ground that he had not been connected directly with the defendant. This motion was also denied.

McGlade, the defendant, was called to the witness stand and shown the fraudulent order for $100, drawn in favor of Rodomsky, and dated October 14, 1898.

"Whose signature is that?" asked Lennon.

"It looks very much like mine," was the answer.

"Is that your handwriting?"

"I think it is."

This admission of the signature to the fraudulent document came as a surprise to the prosecution. But the defendant stopped there with his admissions and proceeded to repudiate the rest of the paper.

"Did you write the name 'J. Rodomsky' on that paper?"

"No, sir."

"Did you write anything on that paper except the signature 'P. W. McGlade?'"

"No, sir."

"Did you ever deliver that paper in any shape to J. R. Rodomsky?"

"I did not."

"Did you ever receive any money from Rodomsky or Ed McGlade purporting to have been received on that paper?"

"No, sir."

"Did you ever have any conversation with Rodomsky relative to that paper?"

"I did not."

When it appeared that there was nothing left for the defendant to deny

he was turned over to District Attorney Byington for cross-examination. Under the rule, the questions were confined to the one paper that McGlade had admitted, and nothing more was obtained from him.

The defense announced that it wished to prove by Derham, Cathcart and Lyons, employes of the Street Department, that McGlade was in the habit of signing orders on the broker in blank and leaving them on his desk. None of these witnesses responded and McGlade was recalled to do the trick himself. He was again shown the bogus money order.

"Was that signed in blank by you?"

"Yes, sir."

McGlade explained that it was his habit to sign the orders in blank and leave them on his desk.

Assistant District Attorney Deuprey in his opening argument reviewed the history of the case, showing how McGlade, while bookkeeper for the Street Department and under the shadow of the City Hall concocted the fraud to obtain money under false pretenses. In the corridor near the City Treasurer's office he gave the bogus money order to Radomsky, who had it cashed at the brokers. He handed the money to Ed McGlade, a brother of the defendant, and they rode in a wagon to Matt O'Donnell's saloon, where the two brothers went down stairs. From the head of the stairs Radomsky heard the chink of coin and when Peter McGlade came up he gave him $1, and asked him to say nothing of what he had done for him.

Attorney Lennon, for the defense, made a technical argument with a view to confusing the jury. He claimed that the fraudulent order was false on its face and that the brokers had no right to cash it. He claimed also that the paper was not a demand upon any one nor was it signed by McGlade as Deputy Superintendent of Streets. That the order was fraudulent was apparent from the fact that while it was presented on October 14th, it called for payment for twenty days' work which was a physical impossibility. When the broker's clerk cashed the order he knew that it was a physical impossibility.

In his closing argument Deuprey dwelt upon the connection of Radomsky with the case. He said he was a mere messenger, taking a fraudulent order, drawn on a blank furnished by the Supervisors for the Street Department, paid for by the city and signed by McGlade and cashed it for the latter at the brokers. The handwriting in both the orders before the Court—one introduced to show intent and the second the object of obtaining money under false pretenses—was that of Peter W. McGlade beyond peradventure of a doubt. The assistant district attorney denied that Radomsky was an accomplice of McGlade. He had not participated in the loot. All the unfortunate man had done was to act as a messenger for the defendant, for which service he was paid $1. In the matter of the cashing of the orders by the brokers there was nothing unusual, the latter proceeding under an agreement between McGlade and themselves and the orders bearing the defendant's signature.

Judge Burnett charged the jury as to the law of the case, defining what constituted the felony called "obtaining money under false pretenses." The Judge also defined "reasonable doubt." His charge was regarded by both sides as fair and explicit.

At 4:30 P. M. the case was given to the jury. A few minutes after that body called for all the exhibits in the case, and they were sent into the jury-room.

The jurors who tried the case were:

J. Tiedeman, 2514 Twentieth street; J. S. Merrill, 23 Mabel street; George A. Pole, 73 Second street; A. Voght, 34 First street; T. D. McCarthy, 161 Mission street; J. Seidl, 625 Mission street; J. Keene, 101 Post street; H. Mangels, Hayes and Franklin streets; G. J. McCraley, 508 Market street; H. Bird, 236 Mission street; W. F. Dellemeier, 1257 Mission street; H. M. Hageman, 133 Polk street.

RADOMSKY GIVEN HIS LIBERTY

Judge and Prosecution Hold He Did Not Seek to Aid McGlade.

J. R. Radomsky, whose arrest on the supposed charge of false swearing caused a mild sensation in the Peter McGlade trial, was released from custody yesterday by order of Judge Burnett. District Attorney Byington and Judge Burnett both reached the conclusion that Radomsky did not deliberately change his statement with the object in view of aiding the defense, but that his second statement was intended to correct the first, which was made when he was unduly excited.

Radomsky was placed upon the stand again yesterday afternoon. He adhered to his second statement, testifying that the order of October 14 was given to him by Edward McGlade, a brother of the accused. He said, however, that he knew Peter McGlade received the money for the same, as he told him that he would get the money from a woman and pay it back. Subsequently the witness said the defendant told him that the woman was dead. He carried the money received on the order of October 14, he said, to Edward McGlade, who was waiting at Matt O'Donnell's saloon. He believed Peter McGlade received the money, because he saw him go downstairs with Edward. Radomsky admitted that he was fresh from an interview with the District Attorney, to whose office the Sheriff took him.

Joseph Beler of the firm of Beli & Regensberger was the first witness of the day. He testified that he was in his office when Radomsky was paid the money on the orders he alleged McGlade gave him. He knew nothing further about the case.

J. D. McIntyre, who bound the books from which the slips were taken and filled out as orders, identified his handiwork and stated that such slips went to the office of the Superintendent of Streets.

M. M. Regensberger was called to the stand to testify as to the modus operandi which preceded the payment of money by his firm on warrants. Charles Trull identified one of McGlade's signatures which was being used as an exemplar for purposes of comparison. Theodore Kytka testified that in his opinion the signatures on the orders on which the money was paid to Radomsky were those of the defendant.

Detectives Cody and Gibson testified as to having received McGlade at the ferry after his arrest. Former Chief of Police Lees will testify this morning. The prosecution will close to-day and the defense open.

Woman Who Terrorized A Whole Town

YDA ADDIS STORKE is in the courts again.

This most extraordinary woman and one-time brilliant writer, who was but a few months ago released from jail in Santa Barbara upon the conclusion of her year's imprisonment for the sending of indecent and slanderous anonymous letters, is now appealing against the decision which granted the decree to her husband five years ago in his suit for divorce from her. The case has been kept alive all this time by her long, hard, bitter fight, and has been marked by the most sensational episodes. C. A. Storke, who is now Mayor of Santa Barbara, having first obtained a decree of divorce, wants to stay divorced. Yda Addis Storke is as unwilling to be wife as he is to be husband, but she wants to have the divorce granted to her—and alimony; and this in spite of the fact that she openly declared last year that she had entered into a contract marriage with her attorney in the case, Grant Jackson of Santa Barbara, on whose life she made a melodramatic attempt just before she was sentenced to jail. The case is now awaiting the action of the Supreme Court.

It is but another page in the strange, stormy life of this strange, brilliant woman—a life that reads not like one, but like a dozen romances.

YDA ADDIS STORKE is Santa Barbara's bogie.

In all California there is not another being so brilliant and at the same time so weird as Yda Addis Storke; and perhaps not another so feared and hated—and unhappy.

Fancy one woman's matrimonial complications destroying the serenity of an entire community.

Fancy one little woman turning a whole city topsy-turvey—and terrorizing its Mayor; one little, ninety-pound woman, poor, friendless, hungry, almost ragged.

This is what Yda Addis Storke has done to Santa Barbara and the Mayor of Santa Barbara—poor, wretched, unhappy, brilliant, erratic, vindictive little Yda Addis Storke.

Poor little Ishmael in petticoats.

Nothing can daunt or tame or soften her, or tire her relentless hatred.

She cherishes a grievance against C. A. Storke, her one-time husband, and she means with all her bitterness of heart to get even with him.

She set peaceful Santa Barbara by the ears. She turned its delightful, sleepy peace and placid faith into turmoil and distrust. All Santa Barbara believes that her busy mischief set husband against wife, wife against husband, man against maiden, and all Santa Barbara hates and fears her.

All Santa Barbara says with one breath that Yda Addis Storke is the most dangerous, malignant and pestiferous little woman that ever breathed the salubrious air of that paradise by the sea.

A little more than a year ago Santa Barbara was so incensed against her that men gathered on the street corners and hinted things to each other about tar and feathers, that indignant groups gathered in twilight parlors and agreed in whispers that lynching is a good thing in some cases.

It was because Santa Barbara had been flooded with the most startling and obnoxious anonymous letters, assailing the reputations of several men and women of good standing in their professional and social life and of many young girls of gentle breeding, tender years and modest conduct.

Yda Addis Storke was suspected of writing these letters and left the State, but returning, was arrested, tried, convicted and sentenced to one year's imprisonment in the Santa Barbara jail.

Santa Barbara's pleasant peace had been troubled for five years by Yda Addis Storke, and when it had her locked away in jail there was heaved a unanimous sigh of relief and Santa Barbara said, "Well, she's safe for a year, anyhow."

Yda Addis Storke is a proud, fragile, desperate little woman, and people who knew her prophesied that either the shame of her punishment would drive her to suicide in jail or that the confinement and grief would kill her.

But she is a philosopher, albeit a bitter one, so she disappointed Santa Barbara by making herself as comfortable as she could in jail by adjusting herself to the new conditions, serving her term, and as soon as it was finished, going to fighting again—as the revival of the old, well-fought divorce case shows.

This episode of the anonymous letters and the term in jail are but incidents in her turbulent career. She is a middle-aged woman now, with wasted form, faded beauty, silver-threaded hair and shattered hopes, and from the time she was a fresh young girl, piquant and fascinating, she has been startling California.

She cropped up on California's horizon first at Los Angeles, a trim little figure of a woman, dark-haired, dark-eyed, charming in manner, dainty in dress, young, accomplished, subtle, impetuous, with the added witchery of coquetry. She taught school there for six years and held an enviable position in the somewhat provincial society of the time. She spoke Spanish, French, Italian and was familiar with several Indian dialects. She knew the life of Central America, Mexico and the southern Territories, and, with this practically unexplored field her own, she had positive literary talent. She wrote for "Harper's Magazine," for the "Argonaut," the "Overland"; she was the correspondent of the Philadelphia "Press," the Chicago "Times," the St. Louis "Post-Dispatch" and at different times of the local dailies. Her work was original, daring, strong, polished. It won the favorable criticism of the most fastidious critics of the East. She faced a future as promising as ever shone before a woman writer of the West; and she interrupted it with an episode as wild as it was indecorous—that involving ex-Governor Downey of Los Angeles.

Under the most tragic conditions in the Tehachapi disaster Governor Downey lost his wife, and to soften the memory of his bereavement his friends induced him to make a trip to Mexico. Yda Addis in some way fell in with the party, and soon after their return publicly announced her engagement to Governor Downey. She claimed that his sister, Mrs. Peter Donahue, was restraining him of his liberty in order to break off the match, and threatened to bring suit for breach of promise. On account of the prominence and wealth of her alleged fiance the matter was given publicity throughout the West, and to make her claims apparently good she swore out a writ of habeas corpus, which brought Governor Downey forward with a flat and emphatic denial, in which he declared he never proposed marriage to and never desired marriage with Yda Addis—and Yda Addis made another trip to New Mexico and fell into another hornets' nest.

This time she figured as corespondent in a scandalous divorce suit with a Chicago newspaper man named Theodore Gestefeldt, whom she met in the City of Mexico. This she explained. It was all due to the dreadful naughtiness of her own father. He had indulged in an amour—there was an illegitimate daughter—a very wicked daughter, named Maud Addis or Maud Wallace, who acted on the wicked vaudeville stage—and who was so strikingly like the good Miss Addis, Miss Yda Addis, that no one could tell them apart except themselves. This wicked Miss Addis was the Miss Addis who was the corespondent in the Gestefeldt divorce suit. And there you are!

This is the story she told when she went to quiet, sleepy, heavenly Santa Barbara, where she met C. A. Storke and married him—and embarked on her sea of divorce troubles. The divorce cloud drifted across the face of the honeymoon before its last quarter waned, and after a few brief, stormy months of matrimony the literary lady and the legal gentleman decided to live apart—and the exciting times for Santa Barbara began.

One day Yda Addis Storke would attempt suicide by morphine.

Another day it would be attempted suicide by setting fire to her clothes.

Still another day and she would have Storke's son arrested for opening her letters.

Then a great murder mystery fell upon Santa Barbara. The Richardsons, mother and daughter, were terribly, brutally murdered one Sunday night. The mother was found lying dying in her own blood in her room. The daughter, with one single little garment on her young body, was found lying dead with her throat cut in a stubble-field outside. Blood was everywhere—over the chamber floor, in the hall, dripping from there to the floor below, in a hand print on the panel of one door, in a hand print on the screen of another door, in footprints on stairs and walk, clotted on the barbs of a wire fence. It was a crime so shocking, with victims so defenseless that all the country around sickened with horror. A man's curious walking stick was found. It belonged to a vagabondish fellow named Barnard. A deputy went to arrest him at dusk of the day on which the crime was discovered, and shot him standing in the doorway of his cabin. Everything indicated that two men were concerned in the murders, but search was relaxed and the mystery of the Richardson murders has never been satisfactorily solved.

Yda Addis Storke was one of the first persons on the gruesome scene—and from that moment the obvious purpose of her life has been the unraveling of the mystery. What the effect of that awful sight on the high-strung, imaginative, sensation, mystery and intrigue-loving little woman was cannot be guessed—whether it disturbed the delicate balance of a much-tried mind, whether it abnormally excited her sympathies, whether it suggested a subtle, fearful revenge on her opponent in the hard-fought divorce case, who can tell!

At any rate the Richardson murder mystery has been her hobby since that first morning when she saw the blood still dripping from the victim's wounds. She has woven a theory in which fact and fancy are blended with the most marvelous ingenuity, and which involves some of the best known names in Santa Barbara. In this fantastic theory, which would put Wil-

kie Collins and Anna Katherine Green to the blush as mere tyros in the concocting of criminal plots, she stoutly, with wonderful persistence and relentlessness, points the finger of suspicion toward her one-time husband, P. A. Storke, and tries to indicate that his is the master hand that directed the doing of the deed.

Her plot, as she has woven it, is one of many ramifications and much deep-dyed villainy, and Santa Barbara says that whoever any one has offended her or excited her ill-will she has forthwith drawn that one under the cloud of suspicion in the murder mystery.

However absurd and improbable such suspicions are, they are not pleasant, and Santa Barbara has resented them. This tended to strain the relations between Yda Addis Storke and Santa Barbara.

When the episode of the anonymous letters came up, one of which was proved to be written by her, at least to the satisfaction of Santa Barbara—the entire city was glad of a chance to get rid of her.

Her questionable relations with the attorney in her divorce case had been subject for comment, and she announced that she had entered into a marriage contract with him, and that he had collected for her, after entering into this contract, the alimony P. A. Storke had to pay to her.

When excitement ran highest about her connection with the letters that had so upset Santa Barbara, she added to it still further by crawling through a window in Grant Jackson's house, with pistol, poison, chloroform and long strips of bunting. He awoke to find her beside his bed on her knees, holding chloroform to his nose with one hand and a pistol under it with the other, and with the strips of bunting ready to bind him hand and foot as soon as she had chloroformed him. She insisted that she made this curious midnight call merely to talk matters over with him.

After this Santa Barbara was ready to believe her capable of any crime, from robbing a hen-roost to having committed the Richardson murders herself.

It believed she had been the brains and leader of a "gang" of miscreants doing mischief in Santa Barbara and the country around.

It told stories of how she went about disguised as a boy, as a Chinaman, as a Mexican, and what not, spying upon wedded Lotharios, frivolous wives, indiscreet maids, gallant youths and upon perfectly innocent citizens whom she suspected of being any of these things.

Our kindly, timid professor of Spanish declined to go out after dark because he believed he had excited her enmity and that she had instigated some of her "gang" to attack him; and others were not above casting a backward look to see that no one was skulking after with a knife up his sleeve to do her bidding.

And so Santa Barbara heaved a great sigh of relief when she was safely locked in jail, and she—imperious, relentless, scornful, vindictive little woman—sat on her prison cot, in a shabby gray dressing gown, with the gray prison blanket wrapped round her legs, and sneered at all Santa Barbara as a pack of fools and cowards. Even in the old gray dressing gown with the gray prison blanket around her she had the air of a lady—a wicked, malicious little lady perhaps, but still a lady—and the humbler women prisoners locked in with her recognized her as such and were glad to serve her.

Sitting there behind the bars, she was arrogant and defiant and bitterly contemptuous, even in her defeat, and infinitely pathetic, the pitifullest woman figure one could have the pain to see, a wretched little woman who had passionately pulled down the temple of hope around her ears because she had been denied the gifts she craved.

"I have wanted love—genuine love," she said. "That man Storke is incapable of love—I found that out. When a divorce was granted to him I entered into a contract marriage with Grant Jackson because I was sick, lonely, friendless. He was tenderly considerate of me and I craved care. I suggested the contract marriage because I am older than he is, and I thought it might never become public; that later he might care for some younger woman, and I did not wish to bring a shadow on his life. I loved him. I am exacting, jealous. His fidelity was all I ever demanded of him. When I was deprived of that I was hopeless, and being accused of writing the anonymous letters circulated here, I decided to kill myself. I planned to take chloroform and a pistol out on the ocean beach, to go so far away that my body would not be found for several days—so far away that if I did not succeed in killing myself I could not reach help and would die anyhow. But since I have been sent to jail, I will not kill myself. I will live and fight to the end—whatever that end may be."

Remonstrated with for giving rein to her vindictiveness, she said: "If I could eliminate every other characteristic of my nature and cultivate but that vice, I would gladly do it."

And now Yda Addis Storke is out of jail and fighting what she is pleased to call her enemies with all her might—pitting her small woman's hand against the world as fiercely as ever.

Poor little Ishmael in petticoats!

JAMES A. DELAHAY AND HIS CHECKS.

JAMES DELAHAY.

JAMES A. DELAHAY, whose face as a hotel clerk is familiar to the traveling public, is lodged in the City Prison on a charge of forgery, and all because his intended bride accused him of presenting her with checks whose signatures were denied.

Delahay was employed as a clerk at the Hotel Del Monte for a time, and then drifted to this city, where he obtained a similar position at the Occidental. Next he went to the Palace Hotel, where he served for three years as night clerk. For many years he was connected with the Olympic Club and was well known as an amateur boxer. His standing was sunk in professionalism, however, when he toured the East with Pompadour Jim Corbett, and afterward when he acted as a rubber-down for Kid McCoy at Highland Springs.

Recently he secured the consent of Miss Lena Monnelan to join her fortunes with his, and as an engagement present handed her, so she states, two checks—one for $20, purporting to be drawn by Gavin McNab, the other signed by Delahay and bearing the indorsement of Amos, receiving teller of the Hibernia Bank. Miss Monnelan handed both the checks to Mrs. G. W. Schriner, her employer, who conducts a lodging-house on Eddy street.

The one indorsed by the Hibernia teller was cashed at a corner grocery store but McNab's paper was sent to a bank for collection and was returned with the notation, "No funds." A closer examination showed Mrs. Shriner that it was drawn on the Tallant Bank to him as a wedding present, but used the wrong paper by mistake. As they walked down the street together he proposed rectifying McNab's oversight, and stepped into the Occidental, leaving her outside. In a few minutes he returned, saying it was all right, that McNab had destroyed the check, but would send her the money.

When she returned to Mrs. Shriner's word had preceded her that the paper was bogus and the police were put on Delahay's trail. Delahay denies knowledge of any checks and defies the police to prove anything against him. He claims also to be at a loss to explain Miss Monnelan's attitude in the affair.

the Tallant Bank, an institution which consolidated with the Crocker-Woolworth Bank over a year ago, and she called Miss Monnelan's attention to this discrepancy.

The bride-elect says she then asked Delahay for an explanation, and was told that "Gavin" gave it to him as a wedding present, but used the wrong paper by mistake. As they walked down the street together he proposed rectifying McNab's oversight, and stepped into the Occidental, leaving her outside. In a few minutes he returned, saying it was all right, that McNab had destroyed the check, but would send her the money.

PRESIDING JUDGE MAKES A CHANGE

Affects Assignments of Cases of the Public Administrator.

LAWYERS GOSSIP AT THE CITY HALL ABOUT IT.

THE REASON ADVANCED IS THAT THERE HAS BEEN GENERAL DISSATISFACTION.

New Departure Does Not Apply to Other Matters Which Will Go to the Old Probate Departments of the Court.

Much talk was occasioned at the City Hall yesterday by the assignment of probate matters by Presiding Judge Dunne to the departments of Superior Judges Murasky and Sloss. The matters thus assigned were petitions for letters of administration which had been filed by Public Administrator Boland. It was thought that Judge Dunne intended to make a general change in the distribution of the probate court business, but he stated that only the matters in which the Public Administrator was concerned would be sent to Judges Murasky and Sloss, and the other probate matters would be assigned, as usual, to Judges Coffey and Troutt. For many years all the probate business went to Judge Coffey's department. For a long time it has been divided between his department, No. 9, and Judge Troutt's, No. 10. Judge Coffey has frequently made remarks from the bench that indicated that he did not consider the division satisfactory, and that he thought that the Public Administrator preferred to keep cases out of his department when possible.

Judge Dunne said: "There has been so much dissatisfaction over the Public Administrator's cases that I have concluded to lift them wholly out of the two departments in which they have been going, and to give them to two Judges, who will deal with them satisfactorily. I could not make an invidious distinction between Judge Coffey and Judge Troutt, and therefore could not take them from one and continue to assign them to the other. The Public Administrator's business is not like other probate matters, where private individuals have attorneys to watch their interests. In the Administrator's cases the Court must do a good deal of the watching, and must depend on the attorney for absent heirs whom the Judge appoints. Therefore a thoroughly reliable attorney should in every case be appointed. There have been numerous scandals in Public Administrator's cases, and I felt that the easiest remedy was to let new Judges try new methods."

As to the grumbling by Public Administrators and their attorneys, past and present, about their treatment by Judge Coffey, Judge Dunne, when questioned, said: "I understand that Judge Coffey on the bench makes unpleasant remarks which sometimes may not exactly accord with the facts, and this peculiarity of his has been mentioned as one cause for dissatisfaction. I also understand that he cuts down the compensation in Public Administrator's cases, but, while I believe that a laborer is worthy of his hire, and that a lawyer should be properly compensated like any other person, I would not presume to criticise Judge Coffey's allowances, as he exercises discretion in making them. No one particular reason, however, but a general dissatisfaction has prompted me to make the change."

COOPER IS SPEEDING EASTWARD WITH HIS DECEIVED GIRL-WIFE

Ex-Convict and All-Round Crook Plays a Scurvy Trick on an Innocent and Confiding Young Country Woman of the Town of Crockett.

Further Particulars of the Scheming of "Chadwick."

Police Expect to Get Track of the Fugitive Before Many Hours.

Telegraph lines to the east, north and south are carrying the name and a description of "Sir" Harry Westwood Cooper, all-round rogue, beguiler of innocent maidens and ex-convict, with a request that he be apprehended wherever found, and held until he can be brought back here. It is believed that he is somewhere on the other side of the Sierras, as that was the direction he was going when last seen, with his latest victim, pretty eighteen-year-old Norine Schneider of the town of Crockett in Contra Costa county. Besides her parents, nearly a score of citizens of Crockett and Port Costa, whom he swindled, are very anxious to see him again.

Cooper was released from the State's prison at San Quentin on January 15 last upon the completion of a three-years' term for swindling. He came to this city, visited Captain of Detectives Seymour, told him that he intended to reform, and wanted to be given a chance, and after that was heard of no more until today. It appears now that he went to Crockett—Seymour recalls having heard him mention the fact that some religious society had procured a position for him there—and assumed the aristocratic name of Ernest Moore Chadwick. "Sir" Harry had his plans all laid, and went to work as a waiter in the Star Hotel, then he blossomed out as a physician on the strength of a New Zealand diploma that set forth that one Ernest M. Chadwick was entitled to practice the profession of medicine; next he was heir to an immense estate in England—the same old story—and now he is a fugitive from justice, with an unfortunate girl for a companion, whom he will turn on the world, according to his past, at the very first opportunity.

All the time that he was telling his fairy stories of the wealth that awaited him in the old country he was pouring his old tale of love into Norine Schneider's ear—that same tale that, so far as the authorities have record of, has made three unfortunate young women as mis-

(Continued on Page Seven.)

Ernest Moore Chadwick.

Nora Schneider.

COOPER IS SPEEDING EASTWARD

(Continued from First Page.)

erable in life as it will make her. Incidently, Cooper looked after the financial part of things in his neighborhood, and how much he got out of those into whose confidence he wormed himself is not yet known. Bogus checks were the means he used.

Mrs. Schneider says she mistrusted Cooper, or Chadwick, as she calls him, from the start. She did not like his looks, and that was all there was to it. But "Sir" Harry has talked much sharper people than this mother will ever be into believing his way, and gradually she grew to think that possibly she might be wronging him. When Cooper sprung the story of the estate in England and asked Norine's hand in marriage the mother's suspicions were again aroused. He wanted to settle $20,000 on his fiancee, and talked of it as if it were to him nothing more than a bagatelle. Mrs. Schneider considered the transfer of such a lot of money a very important matter, and she straightway came to San Francisco and consulted her attorney, C. F. Humphrey, in the Call building. She incidentally mentioned her distrust of Cooper, and it was decided to cable London and find out if his claim to an estate was true. This was on Thursday last. On Friday an answer came back that there was no record there such as Cooper offered, and then he was called upon to visit Humphrey. He ran a monumental bluff, got Mr. and Mrs. Schneider to come here with him, under a pretext separated himself from their company, returned to Vallejo Junction, where their home is, and eloped with Norine. That was on Saturday evening. They went to Benicia and on the following day to Sacramento. There they took an Eastern train and no trace of them has been obtained since. On the train between Benicia and the Capital City Cooper talked about going to Salt Lake.

Theodore Kytka, the well-known handwriting expert, happened to be going to [illegible] day and sat behind Cooper [illegible] n interested with the po- lice [illegible] of Cooper's prosecution he knew the fellow at a glance, and knowing "Sir" Harry's predilection for pretty girls, the appearance of his companion at once suggested to him that it was another victim. However, Kytka was helpless to act.

Cooper had served as a waiter but a few days in the Star Hotel when he sprung his medical diploma. He apologized for accepting such a position, but gave as a reason that shortly after landing from New Zealand he had been stricken with typhoid fever and all his money was exhausted while in hospital. He was strapped when he started out to face the world again, and, having no friends to whom he could apply for aid, he took the first thing that offered in the way of employment. This romantic tale did not take long to get over Crockett, and finally it reached the ears of Dr. J. S. Riley, a pioneer practitioner of Contra Costa county, who has offices in both Crockett and Port Costa. He was in need of an assistant, and a few days later "Sir" Harry was installed in the position. The latter, before his arrest here in 1897, studied medicine for a short time, and the smattering of knowledge that he got then, together with his wonderful nerve, helped him sustain his bluff as to his professional standing. The extent of his nerve may be imagined from the fact that during the time he was Riley's assistant he performed three operations for appendicitis most successfully and did various other critical surgical work.

One afternoon about three weeks ago Cooper came here and that evening there was received at the Crockett telegraph station a cablegram directed to "Dr. Chadwick," purporting to come from a firm of London solicitors. It conveyed the information that an aunt of the young surgeon living in London, by name Mrs. Eliza Adelaide Chadwick, had died, leaving him an estate worth £31,000.

The whole town knew of this by the next morning when Cooper returned, and half of its inhabitants were at the railroad depot to congratulate the doctor on his good fortune. After that it was all easy sailing for the rascal. A Captain Colville, who had been a guest at the Star Hotel when Cooper worked there as a waiter, came forward and stood sponsor for him with Donohoe-Kelly Banking Company of this city. On his indorsement the bank accepted a draft on a London bank drawn by Cooper for £150 and put to his credit $750. A few days after this Cooper introduced C. B. Ashford, former Attorney General of Hawaii, to the people of Crockett and gave out the impression that he was acting for him in connection with the estate left by the London aunt. This increased his standing in the community, but it now develops that Ashford went there simply to attend to the legal part of the purchase of the practice of a Dr. W. C. Yates which Cooper contemplated making.

One day last week he accompanied Mrs. Schneider and her two daughters to this city and purchased for Norine a diamond ring at Colonel Andrews' for which he paid $250 by check drawn against his account in the Donohoe-Kelly Bank. Captain Colville will have to make this good.

Mrs. Schneider was in the city to-day and said that she had found out that before leaving Crockett her daughter and Cooper were married by the Rev. D. Q. Travis. This ceremony amounted to nothing, for in the eyes of the English law he is still the husband of the woman whom he deserted in Australia before coming here. The legal papers purporting to have come from the courts of England were such clever forgeries that the British Consul and two English attorneys who examined their seals and other appurtenances pronounced them genuine. It is understood by the police that the seals were made in a place on Montgomery street.

Cooper is about 33 years of age, and one of the worst rogues that has ever been in the West. He is as slippery as a wet parchment under a new pair of shoes. The fellow had been here but a short time when on August 30, 1895, he was arrested by Captain of Detectives Seymour for swindling the proprietor of the Langham Hotel. He was a guest at the hostelry and posed as a wealthy English baronet. He gave the management a draft for $5,000 as security for his account and a loan of $50. The draft was discovered to be spurious and then came Cooper's record from all over the world. He came here from Australia, where he served eighteen months for obtaining money under false pretenses. He deserted a wife there after robbing her, and upon his release from prison made his way to Canada, where he induced an innocent young girl named Maud Campaign to elope with him from her home near Ontario. She accompanied him to this city and after her husband's conviction was in such straitened circumstances that the police subscribed enough to send her back to her home.

POLICE TRYING TO CATCH COOPER

Swindler Seen on an Eastbound Train With His Latest Dupe.

Nora Schneider's Mother Learns for the First Time That Her "Son-in-Law" Is an ex-Convict.

Nora Schneider of Crockett was seen Sunday afternoon by Theodore Kytka, the handwriting expert, on a train going to Sacramento. She was accompanied by Harry Westwood Cooper, alias Ernest Moore Chadwick. Kytka knew Cooper very well by sight. Yesterday he notified the police of this city and a request was immediately sent out by Captain Seymour to all the police at all Eastern points to arrest Cooper on sight. A warrant for Cooper's arrest on a charge of obtaining money by false pretenses had been sworn out at Port Costa. Kytka did not know that there was any reason for saying anything about Cooper until the exploits at Crockett of Cooper, alias Chadwick, were published in this paper yesterday.

Mrs. Schneider, mother of Nora, visited police headquarters yesterday and added some statements to those she had previously made concerning the actions of Cooper, alias Chadwick. She said that Cooper, after he presented the evidence, manufactured for the occasion, of the large inheritance he was to receive from the estate of an alleged aunt in England, actually went through the motions of having a corporation formed in this city for the purpose of managing the estate. She was much surprised when Captain Seymour told her that Cooper had previously married four girls as he had her daughter—one in England, two in Australia and one in Canada. He was also on the point of eloping with another from the Hotel Langham in this city the night Seymour arrested him on the charge that resulted in sending him to San Quentin, from which he emerged only about a month ago.

The seal on the bogus notification of the English estate of Eliza Adelaide Chadwick was exactly like one that Cooper used in a similar exploit several years ago, which is in Captain Seymour's possession. On the former occasion Cooper claimed to be heir to the estate of Sir Harry W. Cooper and he borrowed $300 at that time from Mrs. McDonald, his wife's mother, to go to England to receive that estate.

Mrs. Schneider claimed to have discovered that the seal on the document used to deceive her daughter into dreams of wealth and luxury was manufactured on Montgomery street in this city.

Everything that Cooper exhibited in Crockett as evidence of his standing was fraudulent, including his diploma as a physician. The name of Chadwick was not new to him. In 1893, in Sydney, N. S. W., he was held on two charges of procuring money by false pretenses under the name of Charles Ernest Chadwick. He has merely readopted an old name.

"When he came out of San Quentin," said Captain Seymour, yesterday, "he told me that he was going to Crockett to do something. I told him then that he would do somebody. He called on me first on the day he left San Quentin. Later on he called on me twice. He said that he had a job at Crockett and was connected with Dr. Riley. There is no doubt that Cooper and Chadwick are one and the same man."

Mrs. Schneider, on learning that Cooper has a wife living, was somewhat comforted, for that would render the ceremony that hurriedly took place at Crockett last Saturday night null and void. At the same time it furnishes ground for a bigamy charge upon which Cooper can be prosecuted.

Every Police Department east of this city has been supplied by Captain Seymour with descriptions of Cooper and Nora Schneider. Mrs. Schneider is certain that Cooper had little money, the total not to exceed $35, last Saturday, but he may have raised money on the $250 diamond engagement ring that was bought with a check in this city. As Captain E. M. Colville of Crockett indorsed that check he is a loser to that amount. As late as yesterday a check of the same size, drawn by Cooper, was presented at the Donohoe-Kelly Bank for payment. Previously the checks presented amounted to $500. Dr. Riley of Port Costa is reported to have accepted a check for $300.

A singular feature of the transaction connected with and leading up to the Crockett wedding is that Cooper did not receive any of the goods for which he passed out checks, with the exception of the diamond ring procured from A. Andrews, and the diamond dealer took pains to delay the delivery of the ring until he found out that the check was good. It is reported that one Crockett man took Cooper's note for $400 in money. All of this goes to show that Cooper may have the means to get some distance away.

Cooper's record is long, although he is still young. Young women who fell victims to him were Bertha E. Young of Brisbane, Helen Scott of Sydney, N. S. W., and Ida M. Campaigne of Shirbourne, Ontario. He has done time at hard labor in the Antipodes, and has been before courts in various places repeatedly on criminal charges.

Constable Theodore Molles of Crockett was in the city yesterday. He says that Cooper got two diamond rings from Joseph Broder of Crockett. It is on Broder's complaint that the warrant has been issued for Cooper's arrest for procuring money by false pretenses. Mrs. Groom of the Star Hotel at Crockett was directed by Cooper to prepare a wedding supper for twenty guests at $5 per plate for last Monday night. She ordered champagne to the amount of $150. Constable Molles warned her not to get the dinner until she saw the money for it and she was wise enough to take his advice. Molles says that Cooper and Nora Schneider left Port Costa at 3:15 Sunday morning on the train for Sacramento. The seal on Cooper's bogus papers was made at 28 Montgomery street.

SAN RAFAEL, Feb. 27.—While at San Quentin Cooper was regarded as one of the most dangerous men in the institution. The latter portion of his imprisonment was spent in an incorrigible cell. In the spring of 1898 Cooper, together with eight or nine other prisoners, concocted a scheme to escape. Cooper at that time was employed in the kitchen of the night guard. According to the plans of the schemers, Cooper was to poison the coffee of the guards, and then he and his associates were to effect their escape. Captain Edgar discovered the plot in time, and the men were placed in the dungeon. Cooper was the first one to break down. He told the whole story, throwing the blame on the others. It afterward developed that he was the ringleader. From that time on he occupied an incorrigible cell.

CLEVER ROGUE FROM PRISON ON BRIDAL TOUR

Raises Money on Fraudulent Documents Saying He Was Heir to Vast Estates in England.

WESTWOOD COOPER

Works off Worthless Checks and Displays Doctored Bank Book to His Financial Advantage.

Harry Westwood Cooper, Just From San Quentin, Runs Away With a Crockett Girl.

ONCE more Harry Westwood Cooper, personator of baronets and doctors, and beguiler of trusting maidens, has emerged into the lime light after three years of prison obscurity. While at present he is on his third honeymoon trip a score of citizens of Port Costa and Crockett whom he had swindled are hoping they will see him soon.

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After a few days' service in the dining-room Cooper produced a diploma purporting to have been conferred by a medical college of New Zealand, authorizing one Ernest M. Chadwick to practice medicine. Before Cooper was arrested three years ago he had studied some medicine here, and the bluff he next made was one that he had the evident ability to sustain.

He apologized for accepting the position of waiter, saying he was a stranger, having recently arrived from New Zealand, and being without friends or money he was unable to build up a practice as a physician.

News of this diploma-waiter soon reached the ears of Dr. J. S. Riley, the pioneer practitioner of Contra Costa county, who has offices at Port Costa and Crockett. Mr. Cooper, under the name of Dr. Chadwick, was installed a few days later as an assistant to the veteran physician and hardly a week passed after the transition from waiter to doctor when he was in a fair way to build up a good paying practice.

A Full-grown Fortune.

About three weeks ago Dr. Chadwick left his office in Crockett and went to San Francisco. He took an afternoon train, carrying a surgeon's valise and wearing the best of clothes. That evening, just before the telegraph office closed, a cable was received by the operator at Crockett, directed to Dr. Chadwick, and purporting to come from a firm of barristers in London. It informed the retired waiter and natty young surgeon that an aunt in London, Mrs. Eliza Adelaide Chadwick, had died, leaving to him a fortune of £31,000.

Chadwick-Cooper returned to Crockett the next morning, but during the night the contents of that telegram had spread through the little town, and when the dispatch was handed him there were a score of the men of the place standing around waiting to congratulate him on his good fortune.

After that things came his way. For three weeks Dr. Chadwick went along on a great wave of prosperity. Captain Colville proved his friend and sponsor. He introduced him at the Donohoe-Kelly Bank in this city and the young doctor wrote out a sight draft on a London bank for £200. It was endorsed by Colville and the bank opened an account with the physician ... that his services were sought in preparing the transfer of the practice of Dr. W. C. Yates that Chadwick-Cooper was arranging to purchase.

During this time Chadwick, whose social and professional standing had been heralded over the country side by the supposed legacy left him, was called to the bedside of a patient who was a boarder in Daniel Schneider's hotel at Vallejo Junction. Now Schneider is the father of two pretty and charming daughters. The eldest, Nora, who is about twenty years of age, became particularly attractive to the young doctor, and after he had made a few calls on the sick man, he asked Mrs. Schneider if there were any objections to his calling at the house to spend an occasional evening. There was none and it was not long before the patient was of secondary importance.

The Mother's Suspicions.

"I was suspicious of the man from the first," said Mrs. Schneider yesterday. "He told wonderful tales of himself and of his wealth and it he said did not agree with his being obliged to work in a hotel as a waiter to make a living.

"I called his attention to a few discrepancies in his stories, and as a proof of his financial standing he showed me a bankbook, where was figured a deposit in the Donohoe-Kelly Bank of $27,970. I examined the figures closely, and noticed that two different hands had written the amount of the entry. The '27' was written by some person who had not made the figures 970. I spoke of it at the time to him. He did not give me any answer that suited me, and my suspicions became stronger. I cautioned my daughter to beware of him, and she, too, was much afraid of him, but being young, she was to some extent infatuated with him and his romantic yarns.

"A few days after that he showed me a paper that had seals and signatures on it, giving it a very legal look, stating that he was an heir to an estate in England. It all looked very fine, but I was not satisfied and told him so. He was agreeable to a plan that it be investigated, and last Thursday he and my daughter and I went to San Francisco and the document was given to my attorney, Charles Humphrey, with instructions that he ascertain as to its genuineness.

Buying His Sweetheart Diamonds.

"On that day we went to Colonel Andrews' Diamond Palace, and Dr. Chadwick bought a diamond ring, for which he gave a check for $250 in payment, and agreed to buy $2,000 worth more of diamonds.

"On Friday I heard from Mr. Humphrey. He had cabled to London and had received a reply that no estate to which Chadwick was heir was known in the courts there. On learning that all Chadwick's presents were returned that day and he was sent about his business.

"On Saturday I went to San Francisco, leaving my daughter at home alone. Early in the afternoon I called at Mr. Humphrey's office and was surprised to see Chadwick there. Mr. Humphrey told him his papers did not appear to be correct, but he did not seem the least worried. He replied he had other documents in his office in Crockett which would be convincing. He tried to telephone to friends to bring them, but he could not reach those he desired and he decided to go himself. He said he would take a train that left the city at 4 o'clock, and be back early in the evening with the papers. He asked Mr. Humphrey and myself to meet him on his return.

"He did not come back. I waited until the last train arrived from Crockett for him, then there were no trains for me to go home by, and I remained in the city overnight. The next morning I was in Crockett, but my daughter Nora was gone. She had been married the night before to Chadwick by the Rev. D. Q. Travis of Crockett.

"Before he left the city he had sent a went to Benicia, and there all trace of them is lost.

"I am afraid now that he will take the life of my daughter. He threatened once that unless she would marry him he would kill her."

Fixed up Gold Lace Documents.

Great care had been taken by Chadwick-Cooper in preparing the documents which purported to establish his identity as the heir to a large estate. The one on which he relied was supposed to be a citation issued by the High Court of Chancery, summoning him to appear before it on March 1st and receive the sum of £31,000 in good and lawful coin of Great Britain. The document bore a great gilt seal and it was an exact reproduction of the seal of the English Chancery Court. So carefully had the document been prepared that the British Consul and several attorneys who had practiced law in England pronounced it genuine.

Before Cooper disappeared from Crockett with the trusting girl who still believes she is lawfully married, he swindled many of the merchants of the town. He gave an order for about $1,000 worth of furniture to fit up an office and received change on a fraudulent check he gave in payment. On several such deals he cleaned up considerable money, but it was not thought he had over $100 in his pockets when he left, though he still had the bank book which represented to the unsuspecting that he has $27,970 on deposit, and it might be used to help him should he become stranded before the police catch him.

The cashier of the Donohoe-Kelly Bank said Chadwick was not trusted from the first, but the money that was advanced to him was well secured. He was not allowed to reach the end of his account before a stop was put to it.

The Colonel and the Ring.

Colonel Andrews remembers selling the ring. "When a check was given in payment," said he, "I sent to the bank and had the account of the man verified before the purchase was delivered to him."

Cooper's Bad Record.

Cooper had been but a short time in this city when on August 30, 1897, he was arrested for swindling J. P. Gallagher, the proprietor of the Langham Hotel. Cooper had posed as a wealthy English baronet and gave Gallagher a draft for $55,000 as security for his hotel bill and a loan of $30.

Investigation showed that the draft was spurious and Cooper was taken into custody. Soon after this the police received information from various parts of the world, telling his history.

He was charged with having swindled Mary Murphy in Chicago to the extent of $900. Before coming to this city he had eloped with Miss Campaign of Stanton near Toronto, but police reports stated that Cooper was a bigamist and had another wife in Australia, whose maiden name was Bertha Young.

After he was arrested, Cooper's effects were searched and a quantity of blanks, seals, stamps and bogus documents were found.

Records of Cooper's extensive operations were received from several Eastern police offices, which said bank swindling was his specialty.

In January, 1898, he was convicted and sent to San Quentin for three years.

A Troublesome Prisoner.

Cooper as a convict was a troublesome prisoner. He was continually conniving and required the constant attention of the prison officials. In March, 1899, he and four other planned an escape. Cooper worked in the outside dining-room and it was arranged for him to drug the guards' coffee and render them helpless. Then with some skeleton keys Cooper proposed to liberate his pals and escape.

But the prison officials chanced to find several hatchets and other weapons secreted in the plotter's cells and when he was questioned, Cooper "peached" the whole plot, although he carefully refrained from implicating himself.

His associates were made "red shirt" men and when his connection with the affair became known he was put in the dungeon.

Captain of Detectives Seymour has seen Cooper several times since his liberation. About two weeks ago one of the detectives rounded him up on the street and took him to police headquarters. Cooper then said he was living in Crockett and was engaged as an assistant to Dr. Riley.

CONVICT COOPER CAUGHT IN OGDEN.

Kept His Bride in Complete Ignorance of His True Character.

OGDEN (Utah), February 23.—Harry Westwood Cooper, alias Ernest Moore Chadwick, alias MacDonald, alias Humphries, was arrested here just after midnight by the police on a telegraphic request from Captain Seymour of the San Francisco police. When arrested the ex-convict said his name was Chadwick, but admitted traveling as Humphries, and denied the charges of bigamy and forgery. He further said that he was never in a California prison. His bride, Norine Schneider, is anxious to return home to Crockett, California. She refused to kiss him good-by when he was locked up, which much affected him.

The couple arrived here Wednesday and registered at the leading hotel, but changed to a lodging-house, until were hard to locate. The arrest was made by Chief of Police Conlisk and Detective Quinlon.

The girl says she and Cooper were regularly married by a Congregational minister. She believed in him at first. After leaving Crockett they went to San Francisco. Coming East he insisted on using assumed names, but would give no explanation. She was becoming desperate and suspicious and was glad when the officers arrived.

When the officers came to the door he tried to make her keep quiet, but she insisted on letting them in. She was quite devoted to him till the officers told of his duplicity. He had treated her quite well and told her that the San Francisco attorney, Humphries, advised the use of his name as an alias.

The couple stopped over night at Elko, Nev., and as they were running short of money Cooper got back the diamond ring which he said he pawned for $10. When they reported at the police station the man gave her all the money left, $14 35. She did not know his real character before the arrest and does not even now realize her position.

Cooper has been taken to a hotel by the officers. He says he will resist extradition to the end and says he cannot be taken back.

Documents Saying He Was Heir to Vast Estates in England.

WESTWOOD COOPER

Check; and Displays Doctored Bank Book to His Financial Advantage.

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He apologized for accepting the position of waiter, saying he was a stranger, having recently arrived from New Zealand, and being without friends or money he was unable to build up a practice as a physician.

News of this diploma matter soon reached the ears of Dr. J. S. Riley, the pioneer practitioner of Contra Costa county, who has offices at Port Costa and Crockett. Mr. Cooper, under the name of Dr. Chadwick, was installed a few days later as an assistant to the veteran physician and hardly a week passed after the transition from waiter to doctor when he was in a fair way to build up a good paying practice.

A Cablegram of Fortune.

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After that things came his way. For three weeks Dr. Chadwick went along on a great wave of prosperity. Captain Colville stood his friend and sponsor. He introduced him at the Donohoe-Kelly Bank in this city and the young doctor wrote out a sight draft on a London bank for £200. It was endorsed by Colville and the bank opened an account with the physician, placing $970 to his credit.

A few days later C. B. Ashford, former Attorney-General of Hawaii, who has offices in the [illegible] building, appeared in Crockett as the [illegible] of the doctor. Ashford was [illegible] around the town with a great [illegible] by the [illegible] and Chadwick's standing was greatly increased.

The residents of the little town were given the impression that the attorney was engaged to represent the young doctor in the legal proceedings necessary to secure the English fortune.

Attorney Ashford explained yesterday that his services were sought in preparing the transfer of the practice of Dr. W. C. Yates that Chadwick-Cooper was arranging to purchase.

During this time Chadwick, whose social and professional standing had been heralded over the country side by the supposed legacy left him, was called to the bedside of a patient who was a boarder in Daniel Schneider's hotel at Vallejo Junction. Now Schneider is the father of two pretty and charming daughters. The eldest, Nora, who is about twenty years of age, became particularly attractive to the young doctor, and after he had made a few calls on the sick man, he asked Mrs. Schneider if there were any objections to his calling at the house to spend an occasional evening. There was none and it was not long before the patient was of secondary importance.

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(Continued on Page Two.)

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EX-CONVICT COOPER'S LATEST TELLS OF HIS WICKED WAYS.

Deceived Girl Returns From Bridal Tour.

NORINE SCHNEIDER, the latest victim of the ex-convict, "Sir" Harry Westwood Cooper, alias Dr. Ernest M. Chadwick and so on, arrived yesterday from Ogden, where her criminal husband was arrested. She reported immediately to Captain of Detectives Seymour and gave him all the particulars of the cyclonic matrimonial experience which whirled her over the mountains and back again to the paternal roof, all in nine days. Unlike the wife of 1897, who remained for days after Cooper's first arrest in this city proclaiming her belief in his innocence, the little belle of Crockett, while nervous to the point of hysteria, interpolates in what she has to say of her experiences exclamations of how glad she is to get home again. She has not a thought or a word for the "doctor" but condemnation. All sentiment has gone, but the wife of five days adds that her husband was exceedingly kind and attentive.

When the cruelly deceived girl came to the Hall of Justice she was accompanied by her mother and handsome sister of "sweet sixteen," two years her junior. Together they looked like three sisters, and well favored ones at that. "Mrs. Cooper" is a well developed and somewhat mature young person. Her distinguishing features are a clear, creamy skin, frank, brown eyes, and a wealth of brown hair of the kind that is wavy enough to stay where it is put. She chooses to arrange it low and in long, becoming lines. She is just old and unsophisticated enough to be pliable material in this scheming criminal's hands.

But for all her love and the alluring pictures of the future, Mrs. Cooper was not far from home when she [illegible] herself back again. At Elko, Nev., they stopped off, Cooper saying [illegible] he was short of money and would have to go to the bank and get some. [illegible] after they registered at the Reed [illegible] Mr. and Mrs. Humphrey the [illegible] of a series of remarkable messages was delivered. It read:

[illegible] Mountain Bell Telephone Company [illegible] Reed Hotel. Call at telephone office [illegible] important message from [illegible] DAVIS
Marie Schneider. Santa Fe Flyer.
[illegible] Conductor, Santa Fe Flyer.

As a result of this he brought the [illegible] bewildered girl, dictating to the [illegible]

[illegible] Mountain Bell Telephone Company [illegible] Humphreys [illegible] I have gone East [illegible] Ask Ernest and [illegible] children with me. I will go right [illegible] Humphreys for [illegible] Make [illegible]

Ernest happy, he is your best friend; be true to him always. Will write you in a day or two. We will all meet soon.
MARIE SCHNEIDER

Confusion was becoming confounded, but telephone and telegraph messages could not be gainsaid. At this point "Dr. Chadwick," with a view to providing a cooling station when Chicago should be reached, sent the following to a relative of Mr. Schneider in that city:

John Brinkhorst: I was married to Norine Schneider on Saturday last. Her mother and family have gone East and have taken a considerable amount of my money, some valuable papers and diamonds and all my wife's clothing without our authority. If they come to you please detain them and telegraph me at once of their arrival. I will pay for message. Please give me the fullest particulars.
ERNEST CHADWICK.

The "Doctor" sent the next message to himself. It came "rush" and read:

To Dr. Chadwick, on Train: Dan has gone to Reno and taken your money and papers with him. For God's sake, follow him. Take Nora, she can influence him to do right. I will follow next train. Am heartbroken. MARIE SCHNEIDER

Filed with these forged and false documents is the following effusion sent by the "Doctor" to his bride at Winnemucca, Nev., just because he was absent from her a few hours:

My Own Darling Wife: I pen you these few lines to reiterate what I have declared a thousand times. I love you, yes, dearest, I adore you. My queen, I bow down to you. You are my sleeping and my waking thought. You are my very existence. Without you my life would be a blank. Oh, my priceless pearl, may God grant that we may be long spared to enjoy our connubial felicity. I always will try to anticipate your every want. I live but with one object in life, namely, to make you perfectly happy, and all I ask in return is your full and undivided love. Please darling give me this, and our happiness will be sublime. Please, love, answer this. Tell me your every thought of me, and in conclusion, accept the assurance of my sincere and faithful love and adoration and believe me always your fond and loving husband. ERNEST

"When I first expressed the fear that something was wrong," said Mrs. Cooper, "Ernest took the pistol he had and made an attempt to kill himself. I pleaded with him and he gave me the weapon, which I returned when we got to Ogden. It was on the bureau when the officers knocked at the door of the Ogden hotel. He was terribly frightened when the end came and was not going to open the door, but I insisted. To the very last he said he had never been married and never in prison, and even went so far as to refer me to Captain Seymour for proof of what he said."

One new feature of the case is that on the very day that Dr. Chadwick telephoned to the girl that her mother said that all was well and to go ahead and be married, he wrote the following note to Humphreys with a view to drawing attention from himself that particular day when he induced the girl to go to Crockett to be married and start away with him:

C. F. Humphreys, Esq.—Dear Sir and Brother: I regret to inform you that my engagement to Miss Norine Schneider has been broken off through the unmerited insults offered to myself by her mother. Mrs. S. has given me to understand very plainly that my actions were questionable and feeling that I have done all that a man could do to satisfy her, I could not in justice to myself stand this, hence the rupture. You will take this as final and revoke all that has been done in the matter and it is needless to say that I am almost heartbroken and believe Nora is the same, but I feel that as the girl's best friend has no confidence in my integrity it is better ended. Accept my kindest regards. Send me your bill of costs and do not attempt a reconciliation. Yours faithfully and fraternally,
ERNEST M. CHADWICK, M. D.

Captain Seymour has added to his archives in this case three cablegrams from England, all of which deny the convict's claims of wealth and distinctions. These, with records of convictions on two continents and five marriages, are some of the things that startle Miss Schneider.

Owing to the fact that Governor Gage and his two secretaries were in this city, the officer who was dispatched last Saturday night with the requisition for Cooper did not leave for Ogden until last night.

The Schneiders have moved to this city and are living at 821 Eddy street. As soon as the family can get around to it, the marriage will be annulled. Meanwhile the bride is not signing her name "Chadwick."

AWAY WITH HIS BRIDE AND HANDY CHECK BOOK WHILE POLICE FOLLOW

HARRY WESTWOOD COOPER, BIGAMIST AND FUGITIVE FROM JUSTICE, AND MRS. NORAINE SCHNEIDER COOPER, WHO ACCOMPANIES HIM ON HER WEDDING TOUR UNCONSCIOUS OF HIS CHARACTER. MRS. J. D. SCHNEIDER IS THE MOTHER OF THE UNFORTUNATE YOUNG WOMAN.

No Trace Yet of Harry Westwood Cooper, Who Posed as a Doctor and Ran Away With Deluded Young Girl.

Crockett Merchants All Astonished by "The Examiner's" Identification of the Man Who Swindled Them.

THE police have no tidings yet of Harry Westwood Cooper, otherwise Dr. Ernest Moore Chadwick, M. D., M. S., who has taken on her honeymoon an unsuspecting Crockett bride.

According to police records, Cooper is one of the most unique of criminals. He is an expert swindler and ardent lover. He is set in his manner of swindling, but with his love making any girl whom he can infatuate with his fairy tales of his wealth and social position suits him. The greatest peculiarity of his criminal work is that he cannot be a swindler without making love and he cannot make love without swindling.

Will Be Brought Back.

Cooper will be brought to San Francisco for trial and if the police plans do not miscarry he will get a good long term, possibly life, in State's prison. Under the law a prior conviction permits the court to make what are practically life sentences and the police hope to place Cooper where he will do no more swindling. Yesterday afternoon Mrs. Schneider of Crockett swore to two complaints charging Cooper with forgery. The charges are based on the fictitious telegram bearing Mrs. Schneider's name which Cooper sent from this city to Crockett. The second charge is for forging a court seal of another country, which is a penal offense. Cooper manufactured seals purporting to be the official stamp of the English court of chancery. This seal was affixed to the bogus will of his aunt by which he represented he would inherit a vast fortune. Detective Edward Byram will go to Ogden to bring Cooper back. Extradition warrants were prepared yesterday and the Governor will be asked to sign them to-day and Byram will proceed by the evening train to Utah. Cooper is a desperate criminal and no chances will be taken with him. Captain Seymour has instructed Byram to put an Oregon boot on Cooper and keep him manacled, hand and foot, during the trip.

It was not until "The Examiner" reached Crockett yesterday that the identity of the man who had swindled many of the business men of the town was known. Then many stories of his doings were told. He had acquainted nearly all who would listen to him of his coming wedding with Miss Noraine Schneider, and a week ago he proposed a farewell banquet to his bachelordom.

Chadwick arranged for the spread, and it was to have been an elaborate affair. It was to have taken place last Monday night, but by that time the "doctor" was hiding from the police. Invitations to the affair were printed, but they were never sent out. To all whom he had spoken about it he said that Mr. Donohoe, cashier of the Donohoe-Kelly Bank, would be there.

"Mr. Donohoe, you know," he would say, "is a particularly warm personal friend of mine."

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"He said," said Mr. Hawes, "that the letters were to be copies of an original he had which must be on file the next day in the office of the County Clerk. The printing he wanted consisted of letter heads and I set the type. The copy reads as follows:

"'Edward P. Hayden, L. L. B., Arthur Simpson, M. A., L. L. D.; Hayden & Simpson, barristers, chambers 1 to 14, Gale Building, Strand, London.' Then a London date line was added."

Among the effects left behind by Dr. Chadwick was a letter addressed to himself, written on one of these letter heads. It notified him of the fortune that had been left him by an aunt and was signed by Edward P. Hayden.

The day after the letter heads were printed and delivered to Chadwick the printer noticed that the doctor wore a wide band of crepe around his silk hat, and he was showing a letter and announcing his good fortune.

Victimized Furniture Dealer.

F. J. Jordan, a furniture dealer of Crockett, was one of the heaviest sufferers through Chadwick's swindling scheme. Chadwick had arranged to buy the practice of Dr. Yates of Crockett, and it became necessary for him to furnish an office for himself. Jordan accompanied him to San Francisco and assisted him in selecting the furniture at the ware-rooms of the Indianapolis Furniture Company. A purchase amounting to about $1,500 was made, and Chadwick gave a check to the firm in payment. The Indianapolis Furniture Company allowed Jordan about $250 in cash as his commission on the sale. Jordan was liberal in entertaining what he thought was such a good customer and spent a good part of the commission money. The check was given last Saturday. On Monday Jordan was notified that the

BACHELOR DINNER PLANNED BY COOPER

All Arrangements Were Made, With Charming Audacity, to Entertain His Friends and Admirers.

But on the Date Set for the Feast the Generous Host-to-Be Was Hiding From Avenging Justice.

How He Gave the Masons Pass Words and Made a Printer Stamp Stationery to Write Letters to Himself

showing that an account had been opened with him with $970 to his credit. That entry was promptly raised in the book by the new customer to $27,970. Flashing that and an ever-ready check book, he was in a good position to borrow money or get checks cashed after banking hours.

All this time he was ardently wooing Miss Noraine Schneider, the daughter of Mr. and Mrs. J. D. Schneider of Vallejo Junction. Chadwick's reputation as a physician spread and he was building up a splendid practice. Attorneys were dancing attendance upon him, clearing the legal road of all snags so their client would without delay secure his wondrous inheritance.

Clinched the Engagement.

A week of lovemaking and Chadwick had several hundred cards printed at the local printing office and reading as follows:

Mr. and Mrs. J. D. Schneider announce the engagement of their daughter, Noraine Pearl, to Ernest Moore Chadwick, M. D., M. S., L. M.

The cards were never sent out and the printer still has them on his hands. Neither Mr. Schneider nor Mrs. Schneider authorized the publication of the announcement and knew nothing of an engagement at the time the press was set going.

It was about ten days before he fled that he began paying attention to Miss Schneider. He was not slow in telling his story of his inheritance. Four days after he began courting the young girl he declared to her parents that if she should marry him he would settle on her $20,000 of the money he said he was about to receive and Attorney

Ashford was commissioned to have prepared in triplicate a handsomely engrossed agreement to that effect. The agreement was prepared. The copies were tastefully bound in green ribbon, but they were never signed by the intended contracting parties.

For about ten days the affairs of the "doctor" went along swimmingly, but early last week his troubles commenced. Doubts began to be expressed about the genuineness of the physician and the stories he told about himself. Mrs. Schneider commenced asking questions about her prospective son-in-law. She secured possession of a document that Dr. Chadwick said had been issued by the High Court of Chancery of London citing him to appear before it on March 1st and claim his fortune.

Mrs. Schneider gave it to Attorney Humphreys to ascertain its genuineness. Cables were sent to London and it was declared a fraud. Then explanations were asked for thick and fast. The bank was asked about the checks that had been given out with such a lavish hand, and amid of it all Chadwick disappeared after inducing the girl at the last moment to marry him. His flight was her bridal tour, and perhaps to this moment she is not aware that she is united by marriage to a criminal, a former convict, a bigamist and a fugitive from justice.

Arranged a Bachelor Banquet.

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A. A. Paul, a druggist of Crockett, is out $25, and he has a worthless check for that amount. Chadwick purchased many presents at the drugstore in the way of toilet novelties that he presented to the girl he was courting.

Quinn & Broder, proprietors of a dry-goods store, have a check for $150 that they took in payment for two suits of clothes and a diamond ring.

The Rev. D. Q. Travis, pastor of the Congregational Church of Crockett, who performed the marriage ceremony, is much worried because of the part he took in the affair.

"I was fooled by the fellow," he said. "I knew nearly all the business men of the town said he was as he represented and though I had a presentiment at the time all was not right, I could find no reason for my feelings and the ceremony was performed. He had a license, regularly issued by the County Clerk."

In a box left by "Chadwick" were found a number of seals and stamps which he used in giving the credentials he presented a genuine appearance.

Mrs. Schneider, the mother of the unfortunate wife, is in this city. She has interested the Police Department in an effort to find her daughter and have her returned. Cooper, alias Chadwick, when last seen, was on the way toward Sacramento on Sunday morning.

COOPER CONFESSES HIS MANY CRIMES

Young Wife of the Forger Refuses to Forgive the Deception He Practiced in Order to Win Her.

She Is Glad to Get the Opportunity to Return to Her Home in Crockett From Which He Took Her.

While in Jail at Ogden He Wrote Her a Long and Pleading Letter, Begging Her Forgiveness and $2.

[Special Dispatch to "The Examiner."]

OGDEN (Utah), March 1.—Harry Westwood Cooper, alias C. T. Humphreys, alias Dr. Chadwick, to-day confessed that he deceived Noraine Schneider, the girl he married at Crockett; that he had served a term in San Quentin prison, and that he had perpetrated other forgeries.

Last night Chadwick was defiant and said he would fight extradition, but this morning he promised the chief, in the presence of his wife, that he would go with the officers, but the chief decided it would be unsafe and will await the requisition. Later he admitted to Detective Pender that he had been in San Quentin prison and told the detective that in a valise at the depot were forged papers, checks, some jewelry and seals.

"I cannot love a man who has deceived me. I did love Dr. Chadwick or whatever his real name may be, but I do not love him now, nor can I ever love him again. I want to go home to my mother, and never see him again," declared the deceived wife to-night. "Dr. Chadwick, or Harry Westwood Cooper, to whom I am married," said the young wife in telling her story, "came to Crockett, my home, about six weeks ago. He began making love to me as soon as he made my acquaintance. He was very good to me and I liked him very much. My mother did not like him. He told us that he was in financial trouble, but that he was heir to a large English estate, and showed papers to prove it.

"Of course, you know the rest of the story, for the newspapers have printed it all, and what they say I guess is about right. He showed me a telegram which he said was sent by my mother, but which I now know was a fake."

Mrs. Chadwick-Cooper then showed this letter, which she had received from her husband:

My dearest Nora: I cannot resist the temptation to send you these few lines hoping you are not suffering. I am. Dear girlie, for your love I staked all and lost all—you were my prize. I did love you, and do love you, and will ever love you until death. Remember, darling, you are once more believing everything bad of me without having full proof of my guilt. I have never been what these people say, and when you find this out you will regret your actions. Darling Nora, ask yourself one question: If I was the bad man which these people claim I am, is it likely I would have been so good and kind to you? And further, you must remember you had no money and your parents certainly gave me none, hence I must have married you for love, and surely if I was so very bad I would not marry for love, but would try to get money.

Now, my darling wife, if you will come and see me I will give you a full and truthful explanation of everything and when you hear all your good sense will come to your rescue and it will probably save your dear mother a great deal of trouble. Then if you do not want to come again you need not.

Sweetheart, I would be very thankful if you would let me have say $2 of the money which I gave you last night, as I need one or two things this morning, and when you come I will tell you where to get more for yourself. And now, love, let me give you one word of advice. Say nothing to newspaper men, for every word you say will give you much more public notoriety. Now, darling, you can believe me when I say that this matter will yet come out right. You at present do not understand it and have only their side of the story, so in fairness come and hear what I have to say, then if not satisfactory never come again. This is only fair. Please come, my darling. The chief says you can see me and have a talk. And in conclusion believe me innocent until they have proven me guilty and believe that for your love I would do all things. Your loving husband, ERNEST.

P. S. I also want to tell you where to get your big ring.

She called on him at the jail in response to the letter, but was unforgiving. During this interview he expressed a willingness to go back to California without requisition papers, but the officers will hold him until the papers come. After the interview Mrs. Chadwick went with Chief Conlick to the baggage-room of the Union depot and got the valise belonging to Chadwick containing a number of forged papers and a seal which purports to be that of the "High Court of Chancery, London E. C., probate."

Miss Schneider, or Mrs. Cooper, will leave Ogden on the 6 o'clock train to-morrow morning for California, and expresses herself as delighted to return to her former home.

A telegram was received at noon from San Francisco officers saying that requisition papers were being issued and that an officer would soon be on his way to Ogden for Chadwick.

CHADWICK-COOPER COMES BACK WITH AN OREGON BOOT

SIR HARRY WESTWOOD COOPER, ALIAS ERNEST MOORE CHADWICK, BEING BOOKED FOR FORGERY AT THE CITY PRISON, AFTER BEING BROUGHT BACK FROM OGDEN WITH AN OREGON BOOT ON HIS LEG.

Their Lives.

[Special Dispatch to "The Examiner."]

LA JUNTA (Col.), February 27.—If they could not live together they could die together, and with his arm about her and her hand clasped in his two young lovers calmly faced death together.

Their bodies still clasped in the last embrace were found this morning in a little cabin about a mile south of town.

Louis Burch and Adrian Taylor, aged about eighteen, had been sweethearts for a year or more. The families of both objected to their marriage, and they took the parental opposition greatly to heart.

Monday night at 11 o'clock they left the

Confident That No Jury Will Find Him Guilty.

His Defense Will Be That He Loves Norine Schneider.

SHREWD, calculating and cunning, Harry Westwood Cooper sat in the City Prison last night after a two days' trip from Ogden, undismayed by the array of charges against him and with a ready explanation for all his crooked work. Little Norine Schneider, the girl whom he victimized by false telegrams and fairy tales of wealth, is to have the burden of his wrongdoing thrust upon her shoulders. While he admits that his acts might have been questionable in some respects, he offers as justification his desire to win her love. With that as his defense he confidently asserts the belief that no jury can find him guilty.

Cooper reached here at 7 o'clock last night on the Ogden overland in charge of Detective Byram. The trip was uneventful. Weighted down with a seventeen-pound Oregon boot, the wily criminal would have found himself at a disadvantage if he attempted to escape. Only once did he show any trepidation, and that was when the train pulled into Port Costa. Visions of a wrathful parent with a six-shooter sprang into the prisoner's mind, and when the train cleared the outskirts of the little village he was visibly relieved. At the Ferry depot Cooper was the last to leave the boat. Detective Tom Gibson went over to Sixteenth-street Station to meet Byram, and between the two detectives Cooper walked slowly up the steps. Captain of Detectives Seymour had a patrol wagon waiting, and before the crowd could get a glimpse of the noted criminal he was placed inside and driven rapidly to the City Prison.

On the way a carriage mysteriously followed the patrol wagon. Cooper peered nervously out from the curtains from time to time. Some one suggested that it might be his mother-in-law following him. "Oh, no! I am not afraid of her," replied the prisoner. "She knows me well enough to understand the predicament in which I have been placed. She is all right."

When Cooper reached the Hall of Justice he was taken immediately to Captain Seymour's office. After the Oregon boot had been removed Seymour questioned him concerning his eventful existence in Ukiah. At first he was haughty and refused to admit anything, but after a while he confessed enough to insure his conviction upon the two charges that have been placed against him. While before Seymour a letter from another one of his sweethearts was handed him. This was a letter from a Vallejo girl. Cooper denied that he knew the girl.

"Do you expect me to read this through now?" inquired Cooper, after glancing at the letter.

"Yes," responded Seymour, "and tell me what you know of this girl to whom you gave a ring and a photograph."

"I don't know anything about this. It is an anonymous proposition—I don't understand it. I never knew a girl in Vallejo and I have never had my picture taken since I have been in San Francisco."

"I suppose you will deny that this is yours," inquired Seymour, as he picked up the seal of the "High Court of Chancery," which Cooper had made by a Montgomery-street engraver.

"I most certainly do, Captain. It might have been found in my possessions at Ogden, but I don't know anything about it." Subsequently Cooper modified this statement by admitting that he knew about it, but did not have it made.

The letter shown Cooper was received by Captain Seymour on March 7th. No name is signed, but it is evidently from some woman who met the swindler. It is dated at Vallejo, March 6th, and reads as follows:

Lovers once, but strangers now. No doubt you can imagine my humiliation and despair after reading of your cowardly conduct and situation of Norine Schneider. Ernest, I can hardly believe it is so after all that has passed between us, how only a few weeks since you made the same avowals of love and honor to me, but, thank God, I have escaped such a cowardly villain before you ruined my honor and reputation as you did that poor unfortunate * * Oh, how could you, you unnatural monster? Did you ever once think of me or the pain and humiliation you were inflicting, Ernest, if I was to tell my folks of the villain who has blasted all my hopes, they would follow you to the world's end and have vengeance for what I have suffered. But no, I will be brave and bear it all for my dear folks' sake. But remember, you cur, it is not that you do not deserve it, or that it is my love for you, for remember, I hate you now as I loved you once. But always remember that my curses will follow you through life. Your pictures and the tokens of love you bestowed on me I have burned to forget you. The emerald ring you gave me I will throw into the bay, so I will have no remembrances of the past. As mine is only one of the hearts you have broken, it will be no task on my part to forget the past. From one who will try to forget, but never forgive. Lora knows all.

In the City Prison after he had been booked and searched Cooper related the incidents preceding his flight. "I loved Norine Schneider," said the prisoner, "and was bound to win her. When I asked her father he offered no objection, but her mother insisted that she should have position and money. The girl did not want money. She was ready to marry me under any conditions, but her mother interfered. I wanted to satisfy the mother that I had money and thus it was that I got myself into trouble. I raised the amount of my deposit at the Donohoe-Kelly Bank $27,000 for that purpose. But I did not send the telegram that Norine received from her mother on the day we left. That is a mistake. The telegram is not in my handwriting, and they cannot prove that I sent it.

"I have nothing in the world to conceal, and I want to be perfectly frank with you. In the first place I want to correct statements which have been published that my name is not Chadwick. Ernest Moore Chadwick is my right name, and it is proper that I should use it. I changed it to Cooper when I got into trouble some years ago. Of course, I shall fight this prosecution, and I feel with the testimony of Mrs. Schneider and Mrs. Chadwick that I will be able to prove my innocence. My wife will stand by me. Just before she left Ogden she came to the prison and told me that if I could prove that I had never been married before she could forgive all. I am not a bigamist and she understands the rest."

In Cooper's effects there was a queer collection of documents. The stubs of his check book on the Donohoe-Kelly Bank show that he has drawn $28,084. Only a part of the checks, however, have been put into circulation. The source from which he gets his knowledge of Masonry is also disclosed by a small book entitled "Standard Monitor: Or Free Masons' Vade Mecum."

The most interesting of all his documents, however, is the bogus decree of the "High Court of Chancery," purporting to order the payment to Cooper of £20,000. It is a queer mixture of legal verbiage, badly arranged and warranted to arouse the suspicions of the most credulous. It is poorly engrossed, misspelled and full of glaring errors.

CITATION ISSUED.

Judge Gaddis Makes an Order in Johns Estate

Upon Reading of Petition Filed by Burris Allen, by His Guardian, Chas. Allen.

The following petition has been filed in the Superior Court in the estate of G. W. Johns, deceased:

"Now comes Burris Allen, by Charles Allen, guardian of his person and estate, and asks said court to reopen and examine the item of the account of G. W. Gregory and Elizabeth J. Gregory, executors of the estate of G. W. Johns, deceased, heretofore allowed, whereby it was adjudged by the court that the promissory note hereinafter particularly set forth was valid and a subsisting obligation of said estate.

The above-named Burris Allen is an heir-at-law of said G. W. Johns, and under and by virtue of the provisions of the last will and testament of said deceased is entitled to share in a distribution of the estate of said deceased, and is entitled to receive upon final distribution thereof one-sixth of said estate.

This petitioner is informed and believes and therefore avers, that the said George W. Gregory and Elizabeth Gregory, as executors, have agreed to pay said spurious and forged note and claim hereinbefore set forth, and are about to pay the same, and unless restrained by the order of this court the said G. W. Gregory and Elizabeth J. Gregory will pay the amount of said promissory note to the said G. W. Gregory and the said sum so paid will be lost to said estate; that said G. W. Gregory is insolvent; that said George W. Gregory and Elizabeth J. Gregory are acting as executors without bonds; that if said claim is paid to the said George W. Gregory the amount thereof will be hidden and secreted, as this petitioner is informed and believes and therefore avers, and a recovery against the said George W. Gregory will be valueless, because of his insolvency and inability to respond financially to damages.

Wherefore this petitioner prays that the order of this court heretofore made allowing the said promissory note and said claim founded thereon as a claim against the estate, and declaring said note to be genuine, and directing its payment in due course of administration, be annulled, revoked and set aside; that said account be reopened and examined again and said note declared to be a forgery; that said George W. Gregory and Elizabeth J. Gregory be removed as executors of said estate; that pending the hearing of this petition the said G. W. Gregory and Elizabeth Gregory be by order of this court restrained from paying said promissory note and said claim, or any part thereof, and from in any manner using the funds of said estate, in liquidating the same, and that a citation issue out of this court directed to said George W. Gregory and Elizabeth Gregory, requiring them to appear in this court on the 3d of September, 1900, then and there to answer the averments of this petition and to show cause, if any they have, why the petition should not be granted; and that petitioner have all such other, further or different relief in the premises as to the court may seem proper.

Upon reading the above Judge Gaddis issued an order that a citation should issue.

SUPERIOR COURT.

Three Suits to Recover Money Alleged Due.

Stay of Execution in Johns Estate Contest—A Guardian's Petition Granted.

W. J. Parker has commenced an action against Harriet E. Parramore et al. to foreclose a mortgage for $800, with interest, on the residence on Court street, between Second and Third streets, known as the Parramore house. The mortgage was given to secure an indebtedness on two promissory notes.

B. Orengo & Bros. have brought suit against Joel Wood to recover the sum of $517.86, alleged to be due on book accounts, the same bearing interest at 7 per cent. per annum from July 30, 1898.

The California State Bank has commenced an action against John T. Carey, administrator of the estate of R. J. Carey, deceased, John T. Carey, Anna F. Carey, Carey Van Fleet, Mary A. Carey, Albert F. Boyne, V. J. Chamberlain, John C. Franks and the Bank of Ukiah to foreclose a mortgage for $13,400, with interest, on the premises known as the Carey ranch in Capay valley. The mortgage was given to secure an indebtedness on a promissory note dated March 12, 1895. The usual foreclosure proceedings are prayed for and the appointment of a commissioner to sell said mortgaged premises.

The contesting heirs of the estate of G. W. Johns, deceased, have, through their attorneys, J. C. Ball, A. L. De Ligne and Hiram Johnson, filed a notice of appeal from the judgment entered by Judge Gaddis in the matter of the estate of G. W. Johns, deceased, as a result of the recent contest over the validity of the $10,000 note, and the qualifications of Elizabeth and George Gregory as executors. The grounds stated are general and substantially the same as those used in such cases. Judge Gaddis has also, at the petition of contestants, granted a stay of execution in the same matter, which means, among other things, that the executors, Elizabeth and George Gregory, who were removed by an order of the court during the pending of the action, will not be reinstated for ten days more, and that J. D. Lawson, special administrator, will continue as such during that time.

Judge Gaddis has made an order granting the petition of Chas. Allen, as the guardian of Burris Allen, an incompetent, asking for the sum of $100, from the Johns estate with which to take said incompetent into the mountains for the benefit of his health.

THE JOHNS CASE.

Executor Gregory on the Stand Nearly All Day.

Witness Tells the Circumstances Under Which Disputed Note is Alleged to Have Been Executed.

When our Tuesday report of the proceedings in the Johns note contest closed Mrs. Elizabeth J. Gregory was under cross-examination, but it was concluded without eliciting anything further of material interest.

Tandy Allen was recalled for further cross-examination. The purpose was to fix a date. He had a conversation with George Gregory on the second day of the Friel compromise.

W. A. Porter, bookkeeper for the Bank of Yolo, was next called, and stated that he had frequently seen the deceased sign his name, and he believes the disputed signature to be genuine. He would honor a check with that signature if presented at the bank.

Once during the cross-examination of Mr. Porter Mr. Grove L. Johnson cited several authorities to show the competency of the question and Mr. Ball [illegible] others to show the incompetency. [illegible] Gaddis stated as he had ruled [illegible] he had probably ruled right. [illegible] Judge was recalled, but the question asked was ruled out, and [illegible] was ex used.

George W. Knox, a brother-in-law of George Gregory, was next called. He detailed the conversation he overheard between Frank Allen and George Gregory at the time of the Friel trial. He heard his brother-in-law tell Allen that Charlie had jumped him again and he must be taken care of. Allen said he would look after him and lock him up if necessary. Witness denied that Gregory told Allen he would right all wrongs if all the talk about the note was stopped.

Mr. Hiram Johnson tried to get witness to admit he was drunk at the time, but he would not. He said a man may take a few drinks without getting drunk.

Charles S. Allen was recalled for further cross-examination. Mr. Grove L. Johnson put this question: "Did you during harvest time in 1899, near the American Hotel, Arbuckle, say to Stephen C. Brown, 'I am going to send George to the State prison,' and did Mr. Brown say, 'I don't believe George would do a trick of that kind,' and did you say he would do a d—d sight littler, and did Brown say, 'Let the law settle this,' and did you reply, 'D—n the law; I'm going to send him across the bay anyway; and Lizzie is as deep in it as anybody'?" Witness could not remember any such conversation, but would not deny it.

J. H. Harpham, a bookkeeper by profession and a resident of College City for thirty years, testified that Frank Allen's reputation in that community is bad. Witness only knew him ten or twelve years ago. From hearsay he thought Allen's reputation was due to the fact that he is a gambler and sporting man.

Stephen C. Brown was the next witness. He came to Woodland with George Gregory July 7, 1898, arriving here about half-past 2 o'clock. They separated at the Fashion Stables. Saw Mr. Gregory a few minutes later and then saw him no more for a few hours. Witness and Gregory left Woodland together. Witness fixed the date by a check, an order and by the further fact that the day was his birthday anniversary. Witness came to Woodland looking [illegible] mule.

[illegible] examination witness first [illegible] of the note from an extract from [illegible] paper, published in a Colusa paper, in June, 1899. Witness [illegible] the mule at Yanktown.

George W. Gregory, one of the executors of the estate and half owner of the note, was the next witness. He testified that he was married in 1886 and has [illegible] children. Has lived on [illegible] father's ranch all his life and [illegible] has now occupied for thirteen years.

[illegible] was asked to state what services he had performed for G. W. Johns. [illegible] Hiram Johnson objected on the ground that parties in whose behalf an action or proceeding is prosecuted as heir an executor or personal representative of a deceased cannot become witness [illegible].

Mr. Grove Johnson occupied half an hour in reading a long line of decisions sustaining the right to testify.

The court said the point is an important one and he desired to look into the authorities. An adjournment was therefore ordered until 9 A. M. Wednesday.

TODAY'S PROCEEDINGS.

When court convened this morning, G. W. Gregory was temporarily withdrawn and W. J. Stewart was put on the stand. Witness knew Mr. Johns well for twenty-five or thirty years and believes the note signature to be genuine.

Witness also testified that G. W. Gregory collected notes, loaned money and transacted other business for his grandfather. This testimony was not shaken in cross-examination.

Chas. West was the next witness and testified as to the general reputation of Frank Allen, which he said is bad. The talk about him he believed to be due to the fact that he is a sporting man.

At this point Attorney Ball cited more authorities in support of Mr. Hiram Johnson's contention that G. W. Gregory should not be allowed to testify. The court overruled the objection and the examination of Gregory was resumed.

It was stipulated that without further formal notice the records shall show that all testimony given by witness concerning occurrences prior to the death of Mr. Johns is objected to by contestants.

Witness gave his age and birthday and declared that he performed services for his grandfather. The two were alone on the Johns farm for one year and witness did all the cooking and choring.

Witness also performed various services between the years 1883 and 1895. Took a check to the Bank of Colusa for $5000 and got a certificate of deposit. Also took a trip to Texas with his grandfather and was gone two or three months.

In 1885 witness took a check to the Bank of Colusa, got it cashed and loaned a part of the money to Mr. White, taking his note for it.

Mr. Johns went to Missouri in 1889 leaving witness to look after his business and $200 or $300 to pay expenses.

In 1891, at request of deceased, witness made a loan to James Johns, taking bond for a deed as security for the same.

In 1894 witness had power of attorney to transact business between Mr. Johns and Mr. Boyd. The power of attorney was introduced in evidence.

In 1896 witness killed hogs for his grandfather, smoked the meat and brought it to him in Woodland. Also cut wood and shipped it to him from Arbuckle.

A letter to Gregory from Mr. Johns was introduced. It stated that he had money coming from the road fund. Witness was instructed to draw it and to have a carload of wood cut and shipped to him. The letter also enquired what Henry Gregory was doing about the assessment in reclamation district No. 108.

Going back to 1880, witness said he loaned money to J. C. Keith for Mr. Johns and afterwards collected the same.

Witness corroborated S. C. Brown's testimony in regard to a trip to this city on July 7, 1898. After leaving Brown he first went to Mrs. Edmonds' place. Next went to his grandfather's at the latter's request. Witness' wife and children were there. Met his grandfather in the yard and told him he was in a hurry. Witness went in the house to get a drink of water. His grandfather followed him in and said he wanted to pay him for work done and asked how he could do it. Witness replied that he did not know unless he gave a note. Mr. Johns said he also wanted to leave something to Mary and asked witness to draw up a joint note for $10,000. Witness did so. Mr. Johns signed it and requested that nothing be said about it.

College City July [illegible] 1898

Two years after date I promised to pay
G W Gregory and Mary E Gregory or order
Ten Thousand Dollars ($10.000.) for
Value recieved (for services rendered by
them here to fore) with interest at
eight per cent (8%) per annum interest
payable every twelve months and if
not so paid to become a part of
the principle and bear a like [illegible]
of inter[illegible], both interest and princip[illegible]
payable only in United States
Gold Co[illegible]. In case of my death
this note shall immediately become
due and payable at the option of
the holder there of.

G W Johns

Witness was present at reading of the will. Did not say anything about the debts of the estate. Did not say anything about it at Mr. Hall's office or on the sidewalk in front of Mr. Hall's office. Did not make any such remark when the will was probated.

The general expenses were paid December 3, 1898, and a check for the payment of the same was put in evidence. Witness did not say anything about the debts of the estate to Ike Bedell or Mr. Piatt.

Witness denied that he ever said to Frank Allen or anybody else that he would right the wrongs he had done. Witness was not in Woodland on the morning of February 19, 1900. Received a letter from Mr. Hawkins telling him not to come. Came down on the afternoon train. Arrived at 4 o'clock, but had no conversation with Allen or Myers on that day. Witness knows W. G. Boyd and is not on very friendly terms with him. Also knows Tandy Allen, but had no conversation with either Allen or Boyd.

On cross-examination witness stated that he did not see J. W. Hughes on February 19th. Saw Mr. DeLigne on the street and spoke to him.

Witness could not call to mind any services performed for his grandfather prior to 1881. Was about 15 years of age at the time his grandfather asked him to stay with him. Witness attended school while there.

Witness again went over the money-lending transactions and the trips to Texas and Missouri.

The court ordered the usual noon recess.

At the afternoon session of the court the cross-examination of G. W. Gregory was resumed. He denied that he was drunk on the night of the 18th in the Blue Goose. On July 7, 1898, when witness came to Woodland, he went to the Johns house to see his family and grandfather, without any idea of getting a note.

Mr. [illegible] Johnson made witness go over all the services alleged to have been performed by him for his grandfather.

Witness again repeated all the circumstances of his visit to his grandfather on July 7th and all the incidents leading up to the execution of the note. On this point the cross-examination was very searching, but there was nothing in the manner of the counsel on either side to indicate whether or not they were satisfied with the result.

The court requested witness to repeat the usual form of a commercial note, which he did with apparent satisfaction.

Witness detailed at great length where and how he kept the note while it was in his custody. Most of the time it was kept in a book or a pocketbook, which he kept in a chest and sometimes in a cupboard in the cellar.

Some time in June, 1899, witness brought the note to Woodland. Up to that time he had not mentioned the existence of the note to anybody.

Mr. Gregory was still on the witness stand when this report closed.

$10,000 NOTE IS DISPUTED

Forgery Alleged Against the Executor of an Estate.

COURT ASKED TO REMOVE HIM

Scandal Over the Administration of the Property of a Rich Yolo Farmer.

[Special Dispatch to "The Examiner."]

SACRAMENTO, March 19 — George W. Gregory, who, with his mother, Mrs. Elizabeth Gregory is executor of the will of George W. Johns, a rich farmer who died in Woodland December 26, 1898, has been accused by two of the heirs of the estate with having forged the name of Johns to a note for $10,000, made payable to him and his sister, Mary Gregory, and which note has been filed as a claim against the estate.

The accusation of forgery against George W. Gregory was made on February 19th by Mrs. Polly A. N. Friel and Tandy J. Allen by their attorneys—A. A. DeLigne of Sacramento and J. C. Ball of Woodland. On a petition to Judge Gaddis of the Superior Court of Yolo county that he remove the executors and appoint others in their stead, the Judge has appointed a special administrator of the estate pending the hearing of the petition, which was continued to-day until April 17th next.

Johns' signature to the note has been pronounced by Experts Theodore Kytka and Carl Eisenschimel of San Francisco to be a clumsy forgery and to be in the handwriting of George W. Gregory.

Gregory is about thirty-five years of age and occasionally worked on his father's farm near College City.

Previous to his five or six years' residence in Woodland, Johns was a farmer in Colusa county for more than forty-five years. He was respected and was well known throughout the Sacramento valley. He was very close in his business dealings and when he died he had accumulated $100,000 worth of property. He was never known to be in financial distress, or to have ever borrowed any money, and when Gregory presented the $10,000 note as a claim against the estate, Johns' many acquaintances declared their belief that he never made the note.

Johns, who was a widower, bequeathed his property share and share alike to his son, James W. Johns, and his three daughters, Mrs. Polly A. N. Friel of Colusa, Mrs. Elizabeth G. Gregory of College City and Mrs. Charles Allen. The latter and the son have since died. Tandy Allen is the son of Mrs. Allen and he will fall heir to the property she would have received had she lived. The will named George W. Gregory and his mother, Elizabeth Gregory, who was Johns' daughter, to be the executors without bonds. Mary Gregory, sister of George W. Gregory, was Johns' housekeeper in Woodland up to the time of his death. About two months after the date of the $10,000 note, Johns deeded to Mary Gregory two houses and lots in Woodland, the consideration being, as the deed reads, in payment for all services rendered him and thereafter to be rendered by her.

Gregory never mentioned the note until six months after he was appointed executor and then not until he was on the witness stand on the hearing of a petition for partial distribution of the estate. He swore that the first time Mary Gregory knew of the existence of the note was when he informed her of it the day previous. He also swore that he wrote the body of the note and that Johns signed it.

WOODLAND, CAL.,

PRONOUNCED A FORGERY

Experts of San Francisco So Decide the Signature of the Johns Note.

A Startling Development In the Contest Against the Executors.

The San Francisco papers have discovered that there is a contest in this county in the matter of the estate of G. W. Johns, deceased, wherein the executors, G. W. Gregory and Mrs. Elizabeth Gregory are accused of forging a note for $10,000, purported to have been signed by deceased in their favor. This is an old story in Woodland as the local papers published the proceedings from time to time, but the Examiner published something additional regarding the forgery which will probably be of interest. It reads as follows:

Johns' signature to the note has been pronounced by Experts Theodore Kytka and Carl Eisenschimel of San Francisco to be a clumsy forgery and to be in the handwriting of George W. Gregory.

Gregory is about thirty-five years of age and occasionally worked on his father's farm near College City.

Previous to his five or six years' residence in Woodland Johns was a farmer in Colusa county for more than forty-five years. He was respected and was well known throughout the Sacramento valley. He was very close in his business dealing and when he died he had accumulated $100,000 worth of property. He was never known to be in financial distress, or to have ever borrowed any money, and when Gregory presented the $10,000 note as a claim against the estate, Johns' many acquaintances declared their belief that he never made the note.

Johns, who was a widower," bequeathed his property share and share alike to his son, James W. Johns, and his three daughters, Mrs. Polly A. N. Friel of Colusa, Mrs. Elizabeth G. Gregory of College City, and Mrs. Charles Allen. The latter and the son have since died. Tandy Allen is the son of Mrs. Allen and he will fall heir to the property she would have received had she lived. The will named George W. Gregory and his mother, Elizabeth Gregory, who was Johns' daughter, to be the executors without bonds. Mary Gregory, sister of George W. Gregory, was Johns' housekeeper in Woodland up to the time of his death. About two months after the date of the $10,000 note Johns deeded to Mary Gregory two houses and lots in Woodland, the consideration being, as the deed reads, in payment for all services rendered him and thereafter to be rendered by her.

Gregory never mentioned the note until six months after he had been appointed executor and not then until he was on the witness stand on the hearing of a petition for partial distribution of the estate. He swore that the first time Mary Gregory knew of the existence of the note was when he informed her of it the day previous. He also swore that he wrote the body of the note and that Johns signed it.

Photographic copies have been taken of the now celebrated note in controversy. The following is the language of the note verbatim:

COLLEGE CITY, July 7, 1898.

Two years after date I promised to pay G. W. Gregory and Mary Gregory or order Ten Thousand Dollars ($10,000) for value received (for services rendered by them heretofore) with interest at eight per cent (8 per cent) per annum interest payable every twelve months and if not so paid to become a part of the principle and bear a Like rate of interest both Interest and principle payable only in United States Gold coin. In case of my death this note shall immediately become due and payable at the option of the holder thereof.

G. W. JOHNS.

This case, which promises to be almost as famous as the celebrated Murdock note case, will come up in the Superior court on April 17th for trial. It was postponed on March 27th till that date because of the desire on the part of contestants to introduce expert witnesses to prove the invalidity of the note through its alleged forged signature.

The experts mentioned in the foregoing article will be subpoenaed as witnesses to prove the grounds of the contest. They will bring all necessary apparatus to demonstrate their theories to the court.

THE JOHNS NOTE.

Judge Gaddis Declares the Signature Genuine.

Court Reinstates Elizabeth J. Gregory and G. W. Gregory as Executors of Estate.

Judge Gaddis has filed a decision in the Johns estate. It is of so much importance that we give the full text:

In the Superior Court of the State of California, in and for the county of Yolo, in the matter of the estate of G. W. Johns, deceased.

G. W. Johns died testate in the county of Yolo, State of California, on the 26th day of November, 1899. He left a large and valuable estate, consisting of real and personal property, most of which is situated in the county of Colusa. Early in life and up to within a few years preceding his death, he had been engaged in the occupation of farming, and had also loaned some money. In the year 1890 he came to Woodland to reside. He purchased a residence and brought with him from Colusa county his granddaughter, Mary Gregory, as his housekeeper and companion. His wife had died many years before. At the time of his death his next of kin entitled to share in the distribution of his estate consisted of one son, two daughters and two grandsons who are the issue of a deceased daughter. Since the commencement of the administration of his estate, his said son, James W. Johns, died without issue, and the share which would have vested in him now descends to the remaining heirs-at-law. Of the estate as now situated, Elizabeth J. Gregory, a daughter of deceased, would receive one-third, Polly Ann Nancy Friel, a daughter, would receive another third, and Tandy J. and Burris S. Allen, sons of Matilda A. Allen, deceased, a daughter of deceased, would receive the remaining third.

By the terms of the last will and testament of G. W. Johns, deceased, it is provided that Elizabeth J. Gregory and her son, George W. Gregory, shall act as executors without bonds.

While the estate was in course of administration in this court, Polly Ann Nancy Friel and the Allen brothers presented a petition asking for a partial distribution of the estate. The petition was resisted by each of the executors, Elizabeth J. Gregory and George W. Gregory, who set forth various reasons why a partial distribution should not be had. Among other things it was contended that the estate was indebted in a large sum, and as evidence thereof, a promissory note was produced, purporting to have been signed by the deceased, for the sum of $10,000.

The note is in the words and figures following, to-wit:

"COLLEGE CITY, July 7th, 1898.

Two years after date, I promise to pay G. W. Gregory and Mary Gregory, or order ten thousand dollars ($10,000) for value received, (for services rendered by them heretofore) with interest at eight per cent (8%) per annum, interest payable every twelve months and if not so paid to become a part of the principle and bear a like rate of interest. Both interest and principle payable only in United States gold coin. In case of my death, this note shall immediately become due and payable at the option of the holder thereof.

(Signed) G. W. JOHNS."

This was the first time this note seems ever to have been heard of by any person other than G. W. Johns and G. W. Gregory. The petition for partial distribution was refused and the note was then presented to Elizabeth J. Gregory, as executrix (G. W. Gregory being disqualified to approve it), and to the judge of this court, both of whom endorsed their approval of the claim, and it was then filed among the papers in the case.

Thereafter, on the 19th day of February, 1900, Polly Ann Nancy Friel and Tandy J. Allen presented to this court their duly verified petition, setting forth among other things that said note is forged and spurious, and that a fraud is about to be perpetrated upon the court in the presentation of the same, and they asked that the powers of Elizabeth J. Gregory and G. W. Gregory, as executors, be suspended pending the hearing of the petition. In accordance with this request the court made an order suspending their powers and appointing John D. Lawson special administrator. The petition came on for hearing on the 22d day of May, 1900, and consumed two weeks in the taking of testimony and arguments of counsel.

Practically the only question in the case is whether the signature appended to the note is the handwriting of G. W. Johns. It is admitted that the body of the note was written by Gregory.

There is a grave conflict of testimony, and whichever way the court might decide the case would leave arguments to be advanced against the decision which would seem almost unanswerable. I shall state a small part of the testimony in narrative form, for to go into it as it was given at the trial would require volumes.

It seems that for many years G. W. Johns had been on greater terms of confidence and affection with his grandson, G. W. Gregory, and his granddaughter, Mary Gregory, than with any other of his relatives.

To the former he had entrusted some of his business affairs, and as a final culmination had made him an executor of his will without the necessity of furnishing bonds, showing that he had much confidence in the honesty and business integrity of Gregory.

It is not disputed that Gregory stayed a year with his grandfather at the latter's residence in Colusa county in 1881-2, at which time he did chores and cooking. Between the years 1883 and 1885 he took a check for $5000 to the Bank of Colusa, had it cashed and took certificates of deposit in sums of $500 and $1000 and gave them to his grandfather. In 1885 he went to Texas with his grandfather as companion, and stayed two or three months. He also took a check to Colusa, drew money on it, and loaned the money to Alex. White for his grandfather. In 1888 he negotiated a loan to J. C. Keith for his grandfather. Again, in the same year G. W. Johns went to Missouri and left Gregory to manage his property while absent, and furnished him money to do so. In 1891 he negotiated a loan to Jas. W. Johns for his grandfather. In 1894 he had a power of attorney from his grandfather to transact business with a man named Boyd. He made several trips to the Boyd place, and consulted with attorneys at Colusa relative to the business. In 1896 he killed hogs for his grandfather and made them into bacon. During that year he also attended to his grandfather's wheat rents.

In 1897 he again killed hogs for his grandfather, and made them into bacon. He also had some wood cut, hauled it to Arbuckle and shipped it to his grandfather at Woodland. In the same year he collected money and sent more wood.

Mary Gregory came to live with her grandfather at Woodland at his request. She was housekeeper, companion and nurse for a period of eight years, during which time she received no compensation other than board and lodging and small sums of money, which must have been inadequate to her wants, however humble her position may have been. Her grandfather gave her a deed to the residence where they lived, which was valued at something like $1500 or $1800.

While it will not be contended that the services above enumerated, and especially those of G. W. Gregory, were worth the sum of $5000 each to George and Mary, they are nevertheless important in considering the relationship existing between the grandfather and his grandchildren, and to demonstrate what confidence and affection must of necessity have existed on his part towards them.

Johns was an old man. He undoubtedly knew that he could not long survive. He was inactive so far as business pursuits were concerned, and it was only natural that he should call to his aid at that period of his life those in whom he reposed the greatest confidence. Nor could he presume as a reasonable man that all these services were to be performed gratuitously. That he did not indulge in such presumptions is shown by the testimony of witnesses here, whose truthfulness probably cannot be assailed, that on numerous occasions prior to his death, he stated that if George and Mary should stay by him until his death, he would leave them provided for, or words to that effect.

The immediate circumstances surrounding the making of the note are neither anomalous nor peculiar. On the 7th day of July, 1898, the date on which the note is said to have been made, G. W. Gregory left his home at College City and came to Woodland in company with S. C. Brown in a private conveyance. They arrived about 2 P. M. Gregory immediately went to his grandfather's house, and, after greeting and talking a few moments with relatives who were in the front yard, he went in the house to get a drink. Gregory says Johns followed him in and began talking of how to arrange for paying him and Mary for their services; that finally Johns suggested the giving of a note, to which Gregory assented; that Gregory procured the necessary writing materials from an adjoining room and wrote out the body of the note, partly according to his own ideas of formulating such an instrument and partly at Johns' dictation; that Gregory read it over to Johns and that Johns signed his name to it and handed it to Gregory; that Johns requested Gregory to say nothing of the note, and that he never did mention it to any person until it was presented to the court; that Gregory took the note with him to College City and kept it until it was presented.

His testimony shows some facts which have been urged at the argument with much stress. He did not speak of the matter to his sister, Mary, or to his wife, and he kept the note in places which might seem inconsistent with the care one would presumably take of an instrument of so great value.

Again, according to many witnesses, Gregory made statements after the death of his grandfather which are at variance with the theory of the existence of the note. Gregory denies having made these statements. If he did make them, I would not undertake to reconcile them with other evidence in the case. It is said that he stated that the estate was not indebted, and that a speedy settlement would be had; that he expressed surprise on learning that he had been left nothing by the will, and that he said he would have to be content with the commissions he would receive as executor; that if the heirs would stop talking about the note he would "right the wrong" he had done, etc.

If these statements were made by him the conclusion would naturally be that in the one case they were absolutely false or in the other that the note is a forgery.

Having seen, as I think we have, that there was at least some reason why Johns would naturally have desired that his grandson and granddaughter should share in his bounty, the remaining discussion relates to the testimony on handwriting.

I have given this branch of the case unusual attention, because I believe that the signature itself affords the best evidence as to its genuineness. To aid the court in studying the signature, many witnesses were called, and among them were some of the most celebrated handwriting experts of America. They expressed their opinions and gave their reasons therefor; they made analyses and microscopic studies; they produced enlarged photographic copies and compared the disputed writing with signatures admittedly genuine. As a result of their investigation, each came to a conclusion, the correctness of which he was positive and certain, and yet these conclusions, when confronting one another, were in most instances diametrically opposed.

To my mind the clearest, fairest and most scientific of all the professional expert witnesses was Daniel T. Ames. But I would not decide the case upon the opinion of any expert, because they are interested and biased witnesses, whose testimony under the law is to be taken with caution.

However, they have in the course of years and through much experience in the courts gathered a fund of information which must be conceded to be of inestimable value to a just and proper determination of any cause in which their testimony is relevant.

The testimony of Mr. Ames, exclusive of his opinions, taken in connection with the facts of the case, the signature itself, the paper on which it was written, the spasmodic movements of the writer, the general characteristics of Johns' writing and all the other points mentioned in the testimony, demonstrates to my mind, beyond question of a doubt, that the signature to the note is genuine. I have not the slightest doubt upon this subject. Mr. Eisenschimel, for the petitioners, testified to some 35 or 37 points of difference between the disputed signature and those admitted to be genuine. I have followed these points carefully, and do not find one that appeals to me as worthy of serious consideration. Eisenschimel, Kytka and Pierce pronounce it a drawing, and not a writing. Eisenschimel said it was a tracing, and that there was evidence of erasing. Under the microscopes produced in court by the experts, there cannot be found any evidence of drawing. The only thing that points to a tracing is a depression in the paper which is plainly visible from the back. This was undoubtedly produced by pressure upon the pen at the time the signature was written. A tracing would be much more marked and more easily distinguishable.

As to erasure, there is no evidence of it whatever even under the microscope. On the contrary, the lines in the paper remaining perfectly intact at the point where the erasure is said to have been made is the strongest evidence in refutation of erasure.

The signature, when placed under a microscope, reveals the spasmodic movements which characterize all the writings of G. W. Johns, and which no forger can imitate. Johns was tremulous with age, and his writings bear earmarks which place upon them the indelible stamp of the writer. These spasmodic movements cannot be simulated when they are not apparent to the naked eye. The exemplars which were used at the trial show the same features which appear in the disputed writing in such a marked degree as to leave no doubt as to the genuineness of the signature to the note. I am not unmindful that many worthy gentlemen have testified that this signature was not written by the same person who wrote the exemplars. With all due respect for their opinions, I am positive they are wrong.

It is impossible to touch upon the evidence taken at the trial by reason of its great length. It must suffice for me to say in conclusion that I have given the case mature and careful consideration, and particularly on account of the large sum of money involved as well as the charge of forgery which has been made. After a deliberation which fully satisfies me of the correctness of this decision, I must say that I have not the slightest doubt that the signature to the note is in the handwriting of G. W. Johns.

For this reason the prayer of the petitioners is denied. Elizabeth J. Gregory and George W. Gregory will be reinstated as executrix and executor respectively of the estate of G. W. Johns. Let orders be entered accordingly.

E. E. Gaddis, Judge.

TESTIMONY IS IN

Argument Commenced For the Contestants.

The Celebrated Johns Note Case Will Be Concluded on Saturday About Noon.

After our Thursday report of the proceedings in the Johns note case closed, Dr. Stevenson and B. F. Ready were put on as character witnesses for Frank Allen. Their evidence was cumulative and brought out nothing new. Both arrived at the conclusion that his general reputation is good because they never heard it discussed, and counsel for contestants claimed that such evidence is the very best kind of evidence.

Mr. DeLigne was put on the stand and the first question indicated that the purpose was to contradict all the witnesses who testified that George Gregory was in College City on the morning of February 19, 1900.

Mr. Grove L. Johnson objected on the ground that such testimony is not competent in rebuttal. He made a lengthy argument in support of his position. The objection was overruled.

Mr. De Ligne stated that he was in Woodland on February 19th and left for Sacramento on the 4 o'clock afternoon train. Witness had a talk with George Gregory between noon and 1 o'clock. The court would not require the witness to name the amount of the contingent fee he has in the case.

A. C. Huston was the next witness. He was uncertain as to dates, but he remembered when the petition for the removal of the executors was first read. Witness was of the impression that George W. Gregory was present.

Mrs. Polly Ann Friel was recalled and testified that she came from Arbuckle to Woodland on Sunday, February 18th. She saw George Gregory at the depot and again on the platform of the car after the train began to move. He had a hand bag and an umbrella. Witness was under the impression that Gregory went into the rear car.

R. Friel was the next witness. He said he was in Woodland on the 19th and saw Gregory before court at the Julian and again in court. He also saw him at the depot and on the platform of the car at Arbuckle, but was not in a position to see what he had in his hands.

Miss Lillie Brown was the next witness. Miss Brown testified that she saw Mr. Gregory in Woodland on Sunday, February 18th. She saw him go into the rear entrance of Feeny's saloon.

Chas. Allen was next called. He testified that he saw George Gregory in Woodland on February 19th, both morning and evening.

Tandy Allen was next called. He identified a letter received by him from George Gregory, but the court refused to admit the letter in evidence. Witness was in Woodland February 19th. Was told in the morning by Frank Allen of a conversation he had just held with George Gregory.

Harrison Eakle, who lives one and one-half miles north of Woodland, was the next witness. He did not recollect that George Gregory ever came to see him about Brown's mule.

Upon the conclusion of Mr. Eakle's examination the court ordered an adjournment until Friday morning at 9 o'clock.

TODAY'S PROCEEDINGS.

When court convened this morning counsel for contestant offered in evidence the deposition of W. M. Holloway taken on March 7th. An objection by Mr. Grove L. Johnson was overruled.

The purpose of introducing this deposition was to show that George Gregory was in College City on July 7, 1898, the date of the note, and therefore could not have been in Woodland.

A great deal of irrelevant matter was stricken out of the deposition, but all that portion tending to fix the date when George Gregory was in Justice Holloway's office was admitted.

Expert Eisenschimel was next called to the stand. In a lengthy and elaborate statement he attempted to controvert the testimony of Expert Ames in regard to the similarity of the letters G, W, J and H in the disputed signature to the same letters in the exemplars.

The three new exemplars, introduced while Expert Ames was on the stand, were also examined, with the aid of an instrument for measuring the angles of writing, with a view of showing, as the witness stated, "a wide deviation from the facts in Mr. Ames' testimony."

An objection by Mr. Grove L. Johnson brought out a ruling of the court to the effect that any new testimony given by witness must be confined to the three new exemplars. All other testimony must be in rebuttal.

The court also sustained an objection to testimony in regard to tracing. Under this ruling the testimony of Mr. Eisenschimel was much briefer than was anticipated.

In cross-examination Mr. Eisenschimel said there is an agreement that he is to receive $50 for the examination of documents, $50 a day for attendance in court, and expenses.

Byron Ball testified that he was in court when the petition for the removal of executors was first read. He saw George Gregory in court. Witness could not remember the date.

N. A. Hawkins and W. H. Grant were called in sur-rebuttal. Mr. Hawkins testified that the petition was read on the 19th and 26th of February. Mr. Grant was not allowed to testify that George Gregory was not in the courtroom on the morning of the 19th of February. Witness was of the opinion that both the petition and answer were read in court on February 26th. George Gregory also testified that the petition was read on the 19th. Witness denied that he had ever told anybody that his grandfather had not left him anything and that he could only get even by charging fees.

Wesley Wilson was the next witness. He testified that at the request of Mr Grove L. Johnson he had taken measurements of the Blue Goose premises. The west wall is 59 feet in length. South of that the board fence south is 28 feet long. From the corner to the opening it is 7 feet. Mr. Hiram Johnson objected. Mr. Grove L. Johnson stated that he expected to prove that a person walking on the opposite side of the street and slightly to the rear could not see a person enter the opening in the rear fence. The objection was overruled.

Judge Grant offered in evidence so much of page 269 of the blotter used in the court on February 19th as referred to the estate of G. W. Johns. He also offered so much of minutes on page 282 as related to proceedings in the estate on February 26th.

This concluded the testimony and the court enquired if attorneys desired to argue the case. Mr. Grove L. Johnson replied that attorneys for executors were willing to submit the case without argument. Mr. Hiram Johnson replied that attorneys for contestant prefer to argue the case.

After notifying counsel that each side will be limited to three hours, the court ordered a recess until half past 1 o'clock.

At the afternoon session Mr. De Ligne made the opening argument for the contestants. He concluded about 3 o'clock.

At the hour of going to press Mr. Grove L. Johnson is addressing the court in behalf of the executors. Judge Grant will close for the executors and Mr. Hiram Johnson will close for the contestants Saturday morning.

THE JOHNS NOTE.

Trial of an Alleged Forgery Case Commenced.

Experts Kytka and Eisenschimel on the Witness Stand Most of the Time Today.

The contest over the John estate was commenced this morning. There was a formidable array of counsel, but there were few people in the courtroom, other than those interested in the case.

Miss Mary Gregory was the only one present interested on the side of the executors. Tandy Allen, of the contestants, was also present, but Mrs. Friel was not there. Young Allen's father and uncle were also interested spectators.

Neither of the executors was present. J. C. Ball, A. A. DeLigne and Hiram Johnson were present as counsel for the contestants. N. A. Hawkins, W. H. Grant and Grove L. Johnson represented the executors. There were also present in the courtroom, D. P. Ames, an expert in handwriting, for the executors, and Experts Theodore Kytka and Carl Eisenschimel, who will testify for the contestants.

In order to understand the proceedings in this case a brief history of it is necessary. G. W. Johns died in November, 1898. He left a will naming his daughter, Mrs. Elizabeth Gregory, and her son, Geo. W. Gregory, as executors without bonds. By the terms of his will, property of the probable value of $100,000 was to be distributed equally among his children. No provision was made for Miss Mary Gregory and her brother, George W., grandchildren of the deceased. In June of the following year a note purporting to be executed by deceased in favor of Mary and George W. Gregory was presented and allowed by Mrs. Gregory, one of the executors, and after hearing testimony, the court approved the allowance of the claim.

On February 9, 1900, Tandy Allen, a grandson of the deceased, and Polly Ann Nancy Friel began a contest, disputing the claim, alleging that its allowance was fraudulent and the signature to the note a forgery. They also presented a petition asking the removal of the executors. The court made an order suspending the powers of the executors until the question of the genuineness of the signature of the note is determined, and appointing J. D. Lawson special administrator.

That was the status of the case when court convened this morning.

Judge Grant stated that Geo. W. Gregory and wife are detained at home on account of a very sick child. Their testimony may be necessary and it may not be. It may be necessary later to ask for a continuance until their attendance can be secured, but no continuance is asked

...until time. Judge Gaddis stated that he had notified attorneys on both sides that the testimony must all be in by next Saturday night. If the taking of testimony is not concluded by that time the case will have to go over until September, or to suit his convenience.

On motion of Judge J. C. Ball Hiram Johnson was entered as counsel for the contestants. On motion of N. A. Hawkins W. H. Grant and Grove L. Johnson were entered as associate counsel for the executors of the estate.

Judge Grant, Hiram Johnson and Grove L. Johnson made an argument in regard to the method of procedure. The point at issue seemed to be the advantage of the opening and closing argument. Attorneys for the executors claimed the right to present the claim as allowed by the court. Upon the contestants would rest the burden of proving that the claim is not a just or legal one, but that does not give them the right to close. The executors occupy the affirmative because they must make a prima facie case, showing that the claim had been presented and allowed by the executors and the court.

The court held that it is incumbent that the petitioners should open and close the case. Attorneys for the executors noted an exception to the ruling.

Mr. De Ligne offered in evidence the note, which he desired marked exhibit "A." He announced that in all there were 52 exhibits, including checks, agreements, receipts, leases, mortgages, etc. These were read and numbered by the clerk.

The first witness called was Expert Kytka. Mr. De Ligne conducted the examination. After the preliminary questions were asked and answered Mr. Kytka was handed the original note, which he identified. He then presented negatives of photographs of the note and all the various signatures of the deceased which had been offered as exhibits. These negatives were numbered from 68 to 57 inclusive. The witness next produced all the prints made from the negatives. Mr. Johnson objected to their introduction on the ground that the executors have not been furnished with a copy. The objection was overruled and Mr. Johnson noted an exception.

Witness next introduced a screen showing the enlarged signatures of the deceased, one supposed to have been written June 30, 1898, one on July 7th and another July 26th of the same year. The signature of July 7th is the note signature. The same signatures were exhibited on glass or porcelain.

Counsel for the executor objected to the introduction of these exhibits on the ground that the originals are the best evidence. The court overruled the objection, and an exception was noted. Witness explained the process of reproducing these photographs on various scales and claimed that they are exact copies.

Counsel for contestants wanted to withdraw witness for the present, to be recalled again as an expert in handwriting. Counsel for contestants objected, but the objection was overruled and another exception was noted. There was no cross-examination.

Expert Eisenschimel was next called. He testified that he had examined all the various exhibits and concluded that the signature to the note is a broad, clumsy forgery. He came to that conclusion because the signature shows none of the natural habits of the handwriting of the deceased. It contains not less than thirty-five indisputable points going to prove it a forgery. He found evidences of tracing in the heavy down strokes. Witness illustrated some of his methods of making examinations by blackboard drawings. He used a glass photograph for making examinations. Witness explained that three special strokes of the pen, in a changed position, were made to give the first downward stroke in the letter W the desired length. He said Mr. Johns wrote his signature, while the forgerer or simulator drew the signature. No man can write his signature twice alike, but there are certain characteristics found in all signatures written by the same person. Witness then analysed the signature, claiming that from beginning to end it showed none of the permanent habits of the signatures written by the deceased. Witness claimed that certain portions of J and O had been erased with a rubber. Before the expert's testimony was concluded the court ordered a recess until 1:30 o'clock.

At the afternoon session Mr. Eisenschimel again occupied the witness stand. He resumed his statement by correcting some errors in his testimony given in the morning. He concluded that it was impossible for G. W. Johns to have signed the note on account of one permanent habit. In all the signatures that are admitted to be genuine there are evidences of labored effort due to palsy, and these evidences are more palpable as the signatures progress, on account of loss of control of the nerves.

The witness focused a microscope upon the base of the letter W to show the three distinct divisions in finishing the first down stroke. He caused a ripple of laughter by remarking that it was very plain—to those who wanted to see. He criticised Expert Ames' position in attempting to look through the microscope. He said he persisted in standing in his own light, as though he did not wish to see.

During the course of the examination Judge Grant remarked that these divisions were too fine for his eye. "Yes, they are fine," replied Mr. Eisenschimel, "but it is a part of the duty of the expert to find them. Those who do not want to see them can shut one eye and sometimes both."

Mr. Johnson conducted the cross-examination. He requested the witness to put the 8 in exhibit 44 under the microscope. Mr. Johnson requested witness to say whether there is any difference in the formation of the letter 8 in exhibits 44 and 39. Witness answered that there is no difference. "Where were you born?" asked Mr. Johnson. "In Germany; I am an Austrian by birth, but an American, true as steel," replied witness.

Witness next selected an 8 in an admitted genuine signature that nearest resembled the 8 in the note signature, and put both under the microscope for the purpose of showing the difference in the efforts of producing them.

Witness said it made no difference in the appearance of writing on account of the pen or ink used, but the character of the paper might make some difference. No matter what the difficulties are under which a writer signs his name the characteristics of the writer will always crop out.

Witness explained that the signature to the note was made by tracing. A paper containing a genuine signature was procured and over this the note was laid and the tracing made.

Mr. Johnson concluded his cross-examination by asking if the health of the writer, the age, his condition as to having taken recent violent exercise made any difference as to the appearance of the writing. The witness answered yes as a general proposition.

The court ordered a recess of fifteen minutes.

THE JOHNS NOTE.

Contestants Conclude Their Expert Testimony.

Son-in-Law of Deceased Testified Executor Gregory Said Estate Owed Nothing.

When the DEMOCRAT'S Tuesday report of the proceedings in the Johns estate closed the examination of Expert Eisenschimel had just closed and he had been excused.

After a brief recess Mr. Eisenschimel asked attorneys for contestants to recall him that he might make a portion of his testimony clear. He was recalled and Mr. DeLigne asked him if he had not testified that the note signature had been traced from some genuine signature. The answer was in the affirmative. Witness was next asked if he could explain why the note signature differed in some respects from the signature from which it was traced. Mr. Johnson objected, and the objection was argued at length. The question was withdrawn and asked in another form. Mr. De Ligne wanted to know why, if the signature of the note was traced from a genuine signature, does it not contain the characteristics of Mr. Johns' genuine signatures. Mr. Johnson objected and the objection was overruled and an exception noted. The witness answered that it would be impossible for anybody but an expert forger to make a tracing without there appearing some discrepancies.

Mr. Kytka was recalled and testified that he is an expert in handwriting. He had examined the note and all the exemplars and had come to the conclusion that the party who wrote the fifty-two exemplars did not write any part of the signature to the note.

Mr. Kytka said that by examining the exemplars together he discovered a striking similarity among them, and all contained strong characteristics peculiar. But by comparing the note signature with any one of them there is a "discord of harmony," which shows that it does not belong among them. Some of Mr. Kytka's illustrations were decidedly original. In pointing out the difference in the alleged forgery and the genuine signatures, he declared that it "is like a negro among a lot of white people."

The witness made an analysis of the signature on the note along the same lines as the analysis made by Mr. Eisenschimel, and as a rule he arrived at the same conclusions.

Mr. Kytka said that Mr. Johns was physically incapable of writing a signature so symmetrical and in which the ink is so equally distributed as it is in the note signature. He could not do it because all other signatures show that he could not control his pen. For this reason he frequently made breaks in a letter, but when he patched such breaks it was for the purpose of making it plain what letter he intended to write. Judge Gaddis took a hand in the examination and asked a great many questions about curves, slants, shades, breaks, patches and many other peculiarities about the note signature.

For fully half an hour no questions were asked by any of the attorneys, but the court was very busy making careful examinations with the aid of a glass.

Witness picked up receipt numbered 23 and pointed out the effects of an attempt to make a tracing. Somebody, he said, had been experimenting. When asked to explain, witness replied that Judge Ball would do that.

The witness concluded his direct testimony with the remark that "I might explain curves, slants, downward and upward strokes until your honor had the headache, but it is not necessary."

In cross-examination Mr. Kytka said he was born in Austria and is 37 years of age. He first testified in Chicago in the John Martin case. Mr. Kytka was led into a relation of the various incidents of his life.

While Mr. Johnson was trying to learn if the witness had ever taken any lessons in English letter writing or as to how to detect forgeries, some very amusing passages occurred between the witness and attorney. Mr. Johnson wanted witness to name the books he had read on the subject. Several were enumerated and witness raised a laugh when he said "I have your friend Ames' book, but I have not read it."

Mr. Kytka was asked to explain how the note was made. He said the body of the note was first written. Some time afterward the note was placed over a genuine signature, which was traced by some pointed instrument. Then the forger sat down and with pen and ink attempted to fill in the tracing. The tracing was not perfect.

A long discussion ensued as to whether there is a break in the letter G as it appears in exemplar No. 23, during which all the counsel in the case gathered around the court and expert. Witness said there is no evidence of retracing in the letters G and W. But there is evidence that a needle has been run over the entire signature.

Upon the conclusion of Mr. Kytka's examination the court ordered an adjournment until 9 o'clock Wednesday morning.

TODAY'S PROCEEDINGS.

When court convened this morning Professor George A. Pierce, principal of the Woodland Business College, was called to the stand. He testified that he has been a teacher of penmanship and has given considerable attention to a study of the methods of detecting forgeries.

Witness had examined the signature on the Johns note. He concluded that the signature to the note and the signatures to the exemplars in evidence were not written by the same person.

Mr. Pierce analysed many of the signatures, much after the same manner as previous experts, and at considerable length, and in nearly every instance arriving at the same conclusion. The witness was of the opinion that a great many of the strokes in the signature to the note that are ordinarily upward strokes were evidently made with a downward stroke, indicating that the lines were traced. The court enquired if there might not appear in photos of abnormal size features that are not to be found in the original. The witness thought such a thing possible.

Mr. Pierce expressed the opinion that the signature to the note should be characterized as a drawing rather than as a writing. As usual the witness was given free rein to make his explanations and about the only questions asked were those propounded by the court.

The witness referred to the evidences of palsy in all the signatures that are admittedly genuine. This characteristic does not appear in any letter in the note signature.

The cross-examination was conducted by Mr. Johnson. Witness expressed the opinion that Mr. Johns' habit was to complete a letter once commenced without taking the pen from the paper.

Witness was positive in the opinion that an upward stroke cannot be shaded to the right of the vertical. Mr. Johnson made a persistent effort to get a direct answer to the question, "Would the character of a pen used affect the appearance of the writing?" but was only partially successful. The same question was asked concerning the character of the ink and paper, but the answers were not altogether satisfactory to counsel. Considerable time was spent in getting an expression of opinion as to whether the initial stroke of the letter G is to the right or the left of the vertical. Witness thought that the whole of the note signature was traced. Upon the conclusion of the cross-examination of Mr. Pierce a recess of fifteen minutes was ordered.

After recess E. T. Huston was called to the stand. He testified that he knew G. W. Johns for thirty years. Had business relations with him. Paid him money and received receipts. Is familiar with his signature. Witness examined the note signature and declared that in his opinion it is not the signature of G. W. Johns.

Mr. Johnson asked but one question: "Had you ever seen the note before today?" "No, sir; I have not," was the reply.

A. White, a Colusa county farmer, who knew G. W. Johns intimately for twenty-two years, was the next witness. Mr. White was a lessee of the deceased for eighteen years. Had business with him in the year in which he died.

Mr. White examined the note signature. He asked to see the signatures to the exemplars. Mr. Johnson objected. The court overruled the objection. After the examination by Mr. White he stated that the signature on the note did not seem familiar to him, as he remembered the signature of G. W. Johns. Mr. White's cross-examination was brief. He had never seen the note or any of the exemplars before.

At ten minutes past 11 o'clock, on account of the absence of witnesses, the court ordered a recess until 1:30 o'clock.

At the afternoon session Professor McConnell, by consent, was called for the executors, out of order, because he wanted to go to San Francisco this afternoon.

He testified that he has been cashier of the Yolo County Savings Bank for nine years, was postmaster for five years and a school teacher for ten years.

Johns was a depositor in the bank until 1896. Witness compared signatures on the note and exemplars and expressed the opinion that the note signature is genuine.

On cross-examination Professor McConnell said he knew that Mr. Johns became feeble in health after 1896. He thought, however, that the note signature showed the general characteristics of Johns' handwriting.

Judge Grant objected to the examination of the witness on the enlarged signatures. He thought the examination ought to be on the originals. The objection was overruled.

Witness admitted that there is a dissimilarity in the three enlarged signatures shown on the screen.

George Hodge was the next witness. For some time he was a renter from G. W. Johns. Paid rent once a month and saw him write the receipts. Johns was in feeble health in 1898. When Johns signed his name his hand trembled. His eyesight was not good. After an examination of the note witness expressed the opinion that the signature is not genuine.

On cross-examination witness said he saw the original note for the first time today. He had seen a photograph of it before.

Chas. Allen, father of one of the contestants, and son-in-law of the deceased, was the next witness. He knew the deceased for thirty-five years. During the last years of his life he gradually grew feebler. Witness knows Geo. W. Gregory, one of the executors. Met him in Judge Ball's office in company with others interested in the estate. Gregory heard witness say the estate owed nothing. When will was opened witness had conversation with Gregory, who wanted to know if all were satisfied with the executors. Gregory said the estate owed nothing and could be settled up quickly. Mr. Johnson objected on the ground that any statements of Gregory are irrelevant because he is neither a witness nor a party to the suit. A long argument ensued. The court allowed the testimony as it went to the validity of the note.

At a later time Gregory told witness that if he had known his grandfather was not going to leave him anything he would have had a farm in Missouri. He supposed that nothing was left him for the reason that his grandfather expected him to make a good fee out of the administration of the estate.

Witness said he told Gregory, after the note had been presented, that it was fraudulent, and if he attempted to rob witness' children he would send him to the State prison.

Mr. Allen was under cross-examination when this report closed.

THE JOHNS NOTE.

The Contestants May Close This Afternoon.

Cumulative Testimony that George Gregory Repeatedly Stated that the Estate Owed Nothing.

When the DEMOCRAT's Wednesday account of the proceeding of the contest in the Johns estate closed, Chas. Allen had been turned over to Mr. Johnson for cross-examination.

Mr. Allen said he has no interest in the Johns estate. His wife is dead and his two children, Tandy and Borris, will inherit her interest.

Witness could not remember of having held a conversation with Stephen O. Brown in Arbuckle in February of this year. He denied having said he would send George Gregory across the bay. Witness denied having had a conversation with Mrs. Elizabeth Gregory on the morning the will was opened, at the Johns' residence, in which he expressed surprise that George Gregory did not have $10,000 interest in the estate. Witness also denied that he made the same statement to Mrs. Gregory on the day the will was probated, while the two were walking across the courtyard together.

Witness could not remember whether or not Mr. Hawkins or Judge Gaddis asked Gregory on the day the will was probated if the estate was in debt. He was positive, however, that Gregory stated that the funeral expenses were all the indebtedness of the estate.

Witness declared that he has not changed his determination expressed to Mr. Gregory when he told him he would send him to the penitentiary if he robbed the estate. The desire to do that is growing stronger on him every day. Witness said it was the understanding of all interested in the estate that Judge Ball was to be employed. He afterwards learned in Arbuckle that the executors had employed N. A. Hawkins.

Frank Allen, of Shasta, a brother of the preceding witness, was next called. He has known George W. Gregory for fifteen years. Last January witness had a conversation with Gregory in which the latter said that Charlie (meaning Charlie Allen) had jumped him again about the note; that he wanted no trouble with him, as he was drinking; that if Charlie would stop talking about the note he would right the wrong he had done, that the note would not appear again and the estate would soon be settled up. On the following day, going north on the train, Gregory again said the estate would soon be settled up, and that he thought the Corning land ought to be sold. Mr. Johnson moved that the testimony in regard to the conversation on the train be stricken out. The testimony was stricken out. Witness had another conversation with Gregory on the 19th of February in a backroom of the Hotel Julian, in which Gregory stated he was not chicken-hearted and did not have cold feet. He said he had put in the note, and if the heirs would allow it to go through he would give Mrs. Friel, Tandy and Burrill Allen each $2000.

In cross-examination witness said he is a land dealer and has resided in Redding three years, and was a sporting man before he went there. Had been a sporting man for twenty years, and had also been in the saloon business in Arbuckle for two years.

Witness related the circumstances under which he came to Woodland during the trial of the case of Jerry Friel against the estate. He was not a witness in the case, and only came at the request of his brother.

Mr. Johnson made the witness repeat the various places in which he has resided for the last twenty or thirty years, and his occupation in the meantime. It developed that witness had lived in Nevada, Washington, Oregon and in Stonyford, Arbuckle, Redding, Colusa, Sacramento, San Francisco, Santa Rosa, Antioch and other places in California.

Witness stated that he did not come to Woodland expressly to assist in the proceedings against Gregory, but since he has been here he assisted in preparing the case for the contestants.

During the cross-examination witness mentioned the name of Ben Meyers as one who heard the conversation between witness and Gregory. Mr. Johnson enquired if Meyers was in the courtroom. Upon receiving an affirmative answer he requested the court to exclude him from the courtroom. The request brought an objection from Mr. Hiram Johnson. The court tried to stop the discussion by asking Mr. Myers if he would just as leave go out of the courtroom. Mr. Grove L. Johnson insisted on reading from the codes to show that he was right. "Oh, we will concede that for once the counsel was right," said Mr. Hiram Johnson. "I call attention of the court to the remark of counsel," said Mr. Grove L. Johnson. Judge Gaddis directed both attorneys to stop wrangling and the incident closed.

"Have you any contract with the contestants as to compensation in the case?" asked Mr. Johnson. "Mr. Friel, Tandy Allen and Charles Allen told me they would do the right thing by me," was the answer.

Witness declared he is paying his own way and since he began to assist in the case he has spent about $300. Witness has been interested in the case since last February.

Ben Meyers was next called to the stand. He is a resident of Trinity county, but at present is stopping temporarily in Woodland.

Witness overheard the conversation between Geo. Gregory and Frank Allen, when Gregory offered to allow three of the heirs $2000 each if they would allow the note to go through.

Under cross-examination Mr. Meyers gave an account of his movements from the time of his birth in Solano county until the present time.

Witness said he came to Woodland last January on his way to Cape Nome. He stopped in Yolo county to visit relatives. In the meantime he had visited Winters, Elmira, Willows and Sulphur. Occasionally played cards for money, but did not consider it his business. In the meantime he had also sold two oil claims belonging to Mrs. Frank Allen to his people in Woodland.

The court at 6 o'clock, without the cross-examination of Mr. Meyers having been concluded, ordered an adjournment until Thursday at 9 o'clock.

TODAY'S PROCEEDINGS.

When court was called to order this morning Mr. Johnson made a request that the expert testimony of Judge Ruggles and Mr. Ames be heard at once in order to save expense. Mr. Johnson, for the contestants, objected and the court expressed the opinion that it would be better to proceed in the regular and usual manner.

The cross-examination of Witness Meyers was resumed. Mr. Johnson asked a great many questions the purpose of which was to show the relations of witness with Frank Allen and wife.

Witness was induced to repeat the conversation which he overheard between Gregory and Allen, in reference to the note. Witness first spoke to Allen about what he had overheard. He told Allen about it in Arbuckle in the latter part of March. Witness next told Judge Ball about the conversation.

Witness also repeated his testimony to Attorneys Johnson and Deligne, in the presence of the experts and others.

In redirect examination witness said he is a laborer by occupation and that he only plays cards for a pastime. He named the places where he has worked and men and corporations by whom he has been employed.

On recross-examination witness testified that Judge Ball has paid him $10 on account of witness fees.

Judge A. C. Ruggles was next called. He knew G. W. Johns for two years during his residence in Woodland. After an examination of the note witness declared that in his opinion the note signature is not the signature of G. W. Johns. Witness testified that in his capacity as notary he transacted considerable business for deceased. He drew the deed by which the deceased conveyed a house and lot in this city to his granddaughter, Miss Mary Gregory, also a bill of sale by which he gave her certain household property. Deceased told witness he wanted to give her something for her services. Mr. Johnson moved that the testimony in regard to this conversation be stricken out. The court so ordered. Witness identified the deed he drew at the request of the deceased. The deed was admitted in evidence.

Witness was asked if any money passed at the time the deed was executed. There was an objection, which was argued at length by the Johnsons. The objection was overruled, and witness replied that he saw no money change hands. The interlineations in the deed were made by witness at the request of the deceased. After the deed was executed the deceased retained possession of it.

When Mr. Johns signed the note his hand was tremulous. He was careful in his business habits. Mr. Johnson objected to a question as to his habits in regard to contracting debts. The objection was sustained.

Under cross-examination Judge Ruggles admitted that he was neither the agent, collector, manager nor the confidential adviser of the deceased. Witness also admitted that he had a conversation in his office with Judge Grant in which he told him he could not express an opinion as to the validity of the signature. Witness was shown a bond for a deed, executed by the deceased. The witness identified the body of the bond as in his writing and the signature as that of Mr. Johns. The instrument was executed at Mr. Johns' residence. Mr. Johns wrote his name while lying on a lounge and with the paper resting on a book.

Witness got his impression that the signature to the note was not genuine because it lacks the general characteristics of Mr. Johns' handwriting.

Witness presumed that he might have said to Mrs. Gregory, at the time he put his name to one of the instruments he had prepared for him: "It is wonderful how well he can write."

Witness was shown a letter which he said he wrote to G. W. Gregory at the request of the deceased. In answer to Mr. Hiram Johnson witness said he expressed no opinion as to the validity of the note to attorneys on both sides. On recross-examination he said he did not express a positive opinion to either Judge Grant or Mr. Hawkins, but he had told Mr. Hawkins that his testimony would not do his side of the case any good.

J. M. Bedell was the first witness called after recess. He testified that in January, 1899, he had a conversation with G. W. Gregory concerning the Johns estate.

A. H. Pratt was present and overheard the conversation at Gregory's ranch between witness and Gregory. The latter told witness that the Johns estate owed nothing except funeral expenses.

Witness told Charlie Allen about the conversation some time last winter. He has had no business relations with Allen, but is intimate with him. Witness volunteered the statement to Allen.

Mr. Bedell was asked a great many questions for the evident purpose of testing the reliability of his memory.

A. H. Pratt, of San Francisco, an insurance agent, was the next witness. He corroborated the previous witness in regard to the statement made to Mr. Bedell by Mr. Gregory, to the effect that the Johns estate was not in debt. The cross-examination brought out nothing new.

J. W. Friel was the next witness. He is the son of one of the contestants. Witness has known G. W. Gregory ever since he can recollect. Witness was present when the will was probated and heard Gregory say that the estate owed no debts except funeral expenses. The cross-examination was brief.

Tandy Allen, one of the contestants was called. He testified that he has sixth interest in the Johns estate. Witness has known George Gregory ever since he can remember. On the day the Jerry Friel case was compromised he heard Gregory say: "I am willing to right all the wrongs I have done and will settle up the estate as soon as I can. Your father has been giving me the devil and I won't stand it any longer. If he does it again I will have him arrested. I don't want him to talk to me when he is drinking."

Witness first learned of the note when a partial distribution was asked for.

The court ordered the usual noon recess.

The examination of Tandy Allen was resumed after the noon recess. The question, "Did Gregory inform you of the existence of the note?" provoked a long discussion. The motion to strike out was at first granted, but after further argument the court reversed the ruling.

Mr. Grove Johnson cross-examined the witness at great length, requiring him to repeat all his direct testimony with great particularity. Witness could not remember whom he first told about his conversation with Gregory. He said that his memory as to faces is good, but is very uncertain as to names and dates.

W. C. Boyd, a Colusa farmer, who has resided on the Johns home place in Colusa about fifteen years, was the next witness. Mr. Boyd said he was present and overheard the conversation between Tandy Allen and George Gregory, in which the latter said he was willing to right all wrongs and settle up the estate as quickly as possible, but he would not stand any more of Charles Allen's abuse. Witness and his father rented land from Mr. Johns in 1885 and ever afterwards until the time of his death. The business was transacted by Mr. Johns in person until the time of his death.

Under cross-examination witness said he and Gregory are on friendly terms. They never had any difficulty. So far as witness knew Gregory had nothing to do with the management of Mr. Johns' farms until after Mr. Johns' death.

Witness talked with Tandy Allen on Tuesday evening about the conversation between Allen and Gregory. He afterwards went up to Mr. DeLigne's room and told the attorneys all he knew about the matter.

Witness said his father first leased land from Mr. Johns in 1893. On re-direct examination Mr. Hiram Johnson explained to witness that in his direct examination he stated that he had first leased land from Mr. Johns fifteen years ago, and in cross-examination declared that he had been on the farm only seven years. The witness was much confused about dates and all the efforts of the court and attorneys could not extricate him.

Randolph Friel, husband of one of the contestants, was the next witness. He has lived in northwestern Yolo for seven years.

Witness was present when the will was opened. On the way from the courtroom across the courtyard Gregory said the estate is not in debt except for funeral expenses. Afterward Gregory said to witness, "Let's keep this out of court." Witness said if the estate is not in debt there will be no necessity for going into court.

On November 28th witness had another conversation with Gregory, at the Johns house, now owned by Miss Gregory, in which he stated that he would settle up the estate as quickly as possible. Witness saw Mr. Johns last about June 3d. He was quite feeble and nervous and his eyesight seemed to be bad.

Witness heard Gregory say: "I expected grandfather to leave me something, but as he did not, I suppose he expected me to make something out of the administration of the estate."

The examination of Friel had just been concluded when this report closed and Mrs. Friel had been called to the stand.

THE JOHNS NOTE.

Tranquillity Among the Lawyers Once More Restored.

Expert Daniel T. Ames on Stand All Day in Behalf of the Executors.

When the DEMOCRAT'S Thursday report of the proceedings in the Johns estate closed, Mrs. Polly Ann Friel had been called to the stand. She testified that her father was 84 years of age on the 13th of October and he died on the 26th of November, 1898.

She visited him on the 27th of August, 1898, and found him in very feeble health. She corroborated the testimony of her husband in regard to the conversation during which Gregory stated that the estate owed nothing.

Upon the conclusion of the direct examination of Mrs. Friel the court ordered a recess. When court again convened cross-examination of witness was waived.

W. A. Boyd, who resides near College City, was the next witness. He has farmed the land of the Johns estate since 1883. Witness said that Mr. Johns was his uncle. Witness was asked what were the habits of Mr. Johns as to contracting debts. Mr. Johnson objected, and the court said that unless some authority was shown he would sustain the objection. Attorneys for contestants noted an exception. Witness stated that there are about 1600 acres in the Johns farm and there are three renters. There was no cross-examination.

A. White was recalled. He has been farming on the Johns estate since 1876. While Mr. Johns was on the farm he collected his own rents. On one occasion Mr. Gregory acted as agent for deceased. He went to Colusa and had a check for $1500 cashed, paying $600 to witness. For thirteen years witness and partner have farmed about 1000 acres. The Boyds have farmed the balance.

Mr. Johns made a business of lending his surplus money. So far as witness knew, Mr. Gregory never transacted any of the business except in the instance mentioned above. The court would not permit the witness to repeat what deceased stated to him about the amount of money he had on hand in July, 1898. Deceased had between 4000 and 5000 sacks of wheat, worth about $10,000. There was no cross-examination.

Jerry Friel was recalled. He stated that he farmed the Johns Tehama ranch for the deceased for thirty-eight months prior to his death. Always transacted business with Mr. Johns while he was alive. Witness farmed part of the home place for fourteen years, prior to going to Tehama county.

L. M. Clark was the next witness. He lives near Dunnigan and knew deceased for twenty-five years. Had business relations with him. Lived on an adjoining farm. In all business transactions with witness Mr. Johns attended to his own business. The cross-examination was brief and developed nothing important.

Upon the conclusion of Mr. Clark's testimony the contestants rested.

In behalf of the executors, Judge Grant offered in evidence the claim of G. W. Gregory and Mary Gregory, presented to Elizabeth Gregory June 9th, and allowed by her at that time, also the endorsement of approval of the claim June 9th, and notice of filing of the claim on the same date. Mr. Hiram Johnson objected and the court over[illegible] objection.

[illegible] petition of Tandy J. Allen, B. F. [illegible] Polly Ann Friel for partial [illegible], dated May 18th, also the [illegible] the court fixing the time for [illegible] the petition were offered in evidence. Mr. Hiram Johnson objected. After [illegible] discussion the petition was withdrawn for the present.

[illegible] T. Ames, an expert examiner of [illegible] handwriting, was next [illegible] he has followed that profession for [illegible] years, and for twenty years was editor of the Penman's Journal. Witness has testified in Fair will contest, Davis will contest and a dozen or more big cases in this State. Was also a witness in the Molineux and three other cases in New York. Witness has also been employed by the government in many important cases, including the Morey letter. Witness has also published a work on disputed writing, has testified in 1200 cases in court and has been engaged in many more litigated. Witness considers himself an expert in ink, paper and the use of pens, and is thoroughly familiar with the use of a microscope.

Witness stated that he had examined the note and the exemplars for the purpose of determining whether or not the signature to the note is genuine. Witness examined the note with unusual care because his first impression was that the signature was not genuine.

After a more thorough examination witness became convinced that the same absurdities and peculiarities appear in the note signature as are found in the admittedly genuine signatures. Witness heard the testimony of Experts Eisenschimel and Kytka, and afterwards made a further examination, particularly of the photographs.

Mr. Johnson offered in evidence a power of attorney executed by Mr. Johns in favor of Henry Gregory. It was shown to witness, who stated that he had examined it. The witness expressed the positive opinion that G. W. Johns signed the note.

Witness proceeded to give the reasons that influenced his opinion. He stated that he found something abnormal in the signature and devoted much time to an effort to discover the cause. He found the paper soft and pulpy, as a result of which the lines have a ragged appearance.

Witness entered into an elaborate analysis of an admittedly genuine signature, showing the peculiarities of Mr. Johns' writing, pointing out all the absurdities, which he alleged were due to spasmodic motions which Mr. Johns could not control. It would be impossible for a man not in Mr. Johns' physical condition to produce these absurdities. He compared these absurdities with certain characteristics in the disputed signature, arriving at the conclusion that they were all written by the same hand and that any apparent difference in appearance is due to paper, ink and conditions under which they were written.

At this point Mr. Ames was interrupted to permit George Hodge, a previous witness, to examine and identify three receipts for rent, given to him by Mr. Johns. After looking at them he declared that he saw Mr. Johns write the signatures.

When an attempt was made to offer them in evidence there was trouble. Mr. Hiram Johnson wanted time to examine them. He asked Mr. Hodge a number of questions which indicated that he was suspicious about the receipts. Mr. Hodge said he gave a book of receipts to Judge Grant. There were some blanks in it. Mr. Johnson demanded that the book be produced. Judge Grant said he had the book, but would not produce it except on the order of the court. The court thought the contestants were entitled to see it and Judge Grant handed it over. Mr. Grove Johnson objected to remarks of counsel, as he thought them a reflection on Judge Grant. Mr. Hiram Johnson disclaimed anything of the kind. Judge Grant remarked that he did not see how the remarks could be construed in any other manner than as a reflection upon him. Mr. Hiram Johnson again made a disclaimer and Mr. Grove Johnson arose to make some reply, but Judge Gaddis refused to hear any more and ordered all attorneys to sit down. After Mr. Hodge had testified that he wrote the body of the three receipts he was permitted to retire.

Judge Grant took the stand and testified that with the exception of the time the receipt book was in the possession of Expert Ames, it had been in his exclusive charge since he obtained it from Mr. Hodge. None of the receipts had been altered and he tore the three in question from the book for the purpose of disputing an allegation made by an expert for the contestants.

Expert Ames testified that the book was in his possession about three weeks. He returned it to Judge Grant in person on Monday. While the book was in his possession he did not make a mark on any of the receipts with any instruments. Mr. Ames said he designated to Judge Grant some of the receipts in the book that would overthrow the allegation of the expert on the other side.

Mr. Grove Johnson then offered the receipts in evidence, but Mr. Hiram Johnson objected and asked to be allowed until Friday morning to examine them. The court thought the request reasonable and allowed it.

An adjournment was then taken until Friday at 9 A. M.

TODAY'S PROCEEDINGS.

When court convened this morning there were no traces of the trouble between counsel and experts which was the sensational feature which closed Thursday's session. The attorneys were all apparently in a good humor, and no allusion was made to the unpleasant episode that followed the offer of three additional receipts not heretofore numbered among the exemplars. No time was lost in getting down to business. Expert Ames at once took the witness stand and resumed his comparison of the note signature with signatures that are admitted to be genuine. According to the expert's theory every abnormal form, every absurdity, the result of spasmodic effort, and every characteristic due to inability to control his nerves found in genuine signatures are found in the note signature.

The court enquired if the expert could find in the genuine signatures any of the so-called spasmodic angles in any of the downward strokes. Expert Ames took exemplars 44 and 46 and pointed out a great many instances in which he contended that the spasmodic angles occurred in the downward stroke. He declared that a great many of these peculiarities cannot be observed except enlarged, as in this instance, nearly 1000 times.

Mr. Ames contended that the photographs are unfair because the note signature was written on soft, pulpy paper, while the other two signatures with which the note signature is compared written on a much better quality of paper and upon which the ink did not spread so much.

Many strokes in the note signature which Experts Kytka and Eisenschimel declared had been retouched, Mr. Ames said furnished the strongest evidence of having been made by Johns because these absurdities are the result of spasmodic motions which Johns could not control. He never duplicated. Absurdities were pointed out in No. 46 which Mr. Ames said could not be found in any other signature.

Expert Ames said that allegations of tracing had been made, and yet every effort of experts for contestants has been to show that the note signature does not conform with any signature admitted to be genuine.

Exemplars 44 and 46 were selected by expert to show that there is no other signature in all the collection that either of them would cover.

Witness declared that there are no indications of retracing or retouching in the note signature. The ink on good paper will dry on the surface. On poor paper it will sink and loosen and swell the fiber.

The court asked if there is not a greater degree of symmetry in the letters G and W in the disputed signature than is found in any of the exemplars. Witness answered in the affirmative, but attributed the fact to the quality of the pen, ink and paper. The witness analyzed nearly all the signatures photographed together on a big card.

Mr. Ames used a microscope which multiplies 400 times for the court's examination of the note signature as regards the first downward stroke of the W at its base, and the first downward stroke of the J. He contended that there are no evidences of retracing in the first or of an erasure in the second.

Mr. Grove Johnson called attention to a number of Gs in the exemplars and in each instance the witness declared the letters were as symmetrical, and in some instances more so, than the same letter in the disputed signature.

At 11 o'clock the court ordered a recess of fifteen minutes.

After recess Mr. Grove Johnson asks the court to examine the letter J in exhibit 16, to see the effects of a paroxysm at the base of the letter.

"In the dissimilarity of all Johns' signatures," said the witness, "there are characteristics which make his writing decidedly personal and give it an individuality against the world."

Witness called attention to the connection from the staff of the h to the second stroke, which experts had alleged never occurred in any of Johns' genuine signatures. He went over a great many of the exemplars to show that similar connections occur numerous times.

Witness explained the usual methods of retracing and the methods used to detect tracing. He declared that the quality of the paper, ink and pen would certainly make a difference in the appearance of writing.

The witness concluded his direct testimony with the positive opinion that the note signature bears no evidence of having been traced, and there is no evidence that an eraser has ever been used on the paper.

At the afternoon session Mr. Grove L. Johnson again offered in evidence the three receipts given by Mr. Johns to George Hodge, and which came so near precipitating a row Thursday evening. Attorneys for contestants made no objection and the receipts were admitted.

Mr. Hiram Johnson conducted the cross-examination. In reply to his questions Mr. Ames said he had two contracts, both verbal and made with Judge Grant. The first one covered an examination and a report on the note and the exemplars. The second was to give testimony at $60 per diem. Witness had no contingent interest in the note or the result of the trial.

Mr. Johnson tried to get witness to admit that at first he declared the disputed signature a forgery, but Mr. Ames insisted that he had only stated that his first impression was not favorable, but as soon as he began to study it his impressions changed.

Mr. Johnson led witness through many of the cases in which he had testified in this State and tried to get him to admit that he had frequently changed his mind. Witness said he had never changed his opinion but twice.

Mr. Grove Johnson objected to audible remarks made by Expert Eisenschimel. The court called the expert to order and warned him not to repeat the offense.

The passages between Mr. Johnson and the witness were at times very peppery. Both were on their mettle. Questions were fired at the witness with great rapidity, and he answered with equal vigor.

The cross-examination was going on when this report closed.

THE JOHNS NOTE.

The Expert Testimony Has All Been Heard.

Court Adjourns at Three O'clock and the Case Goes Over Until Tuesday, May 29th.

The cross-examination of Expert Ames was going on when the DEMOCRAT's Friday report of the proceedings in the Johns estate closed.

Mr. Johnson had witness analyze the disputed signature and point out all the evidences of spasmodic motion.

Witness said he observed no evidences of Mr. Johns' tremulousness in the letters G and W in the disputed signature, because the spread of the ink, owing to the poor quality of the paper, destroyed such evidence.

Mr. Johnson enquired if there was no equal amount of evidence of spasmodic effort in the disputed signature and exemplars Nos. 44 and 46. "No," replied the witness, "and I do not believe the signatures were selected so that there should be."

This brought Mr. Johnson to his feet, and he insisted with some vehemence that the witness had no right to intimate that the signatures were selected with the idea that they bear more evidence of dissimilarity with the disputed signature than do any of the other exemplars.

At 3 o'clock a recess of fifteen minutes was ordered.

Witness resumed by again pointing out the spasmodic movements in the disputed signature.

All the exemplars on the big card were pointed out and analyzed and the witness was requested to designate particular letters in them which were similar to the same letters in the disputed signature.

Witness next pointed out how in exemplar 50 the ink had run into the hair lines. This was due to the quality of the paper and, though the paper of the exemplar was somewhat better than that of the disputed signature, it illustrated the same phenomenon, that is, showed the same ink-running irregularities.

At this point court ordered a recess until tomorrow.

At the close Mr. G. L. Johnson made the request that as it would be impossible to finish the case tomorrow, the case should continue only up to 3 o'clock, so as to give those from Sacramento a chance to catch the afternoon train. The court so ordered. He also requested that the case be taken up again next week. This the court refused unless the consent of counsel in the cases on the calendar for next week be obtained. Mr. Johnson stated that the defense had at least three more experts to testify and also several other witnesses, including Mr. George Gregory, and that the case would consequently take considerable more time.

TODAY'S PROCEEDINGS.

This morning when court opened Judge Gaddis stated that at 3 o'clock this afternoon the case would go over until next Tuesday at 9 A. M. Counsel stipulated that the case would go on Wednesday, that being a holiday.

The cross-examination of Expert Ames was resumed. He began by saying that he saw no indication of the use of a blotter on the note. Said he had never before formed or expressed an opinion as to the probability of the use of a blotter on the note. He examined the Becker-Creegan draft. Used photographs made by Mr. Kutka. These photographs did not bring out anything not shown in the originals.

It is not possible for an unskilled person to trace and reproduce a signature exactly. Witness again went over and explained the absurdities in the disputed signature. The note was soiled and bore evidence of much handling when first handed to witness. Witness was not allowed to repeat the conversation between himself and Judge Grant.

G. W. Bush, cashier of the Bank of Yolo, was the next witness. He examined the note and expressed the opinion that it is genuine. He pointed out four features that he believed to be characteristic of Mr. Johns' writing. Witness testified that Mr. Johns did business with the Bank of Yolo and he was familiar with his signature.

Chas. Richmond, assistant cashier of the Bank of Yolo, was the next witness. His testimony was substantially the same as that of Mr. Bush. The cross-examination of this witness was unimportant.

N. A. Hawkins was next called to the witness stand. The most important point in his testimony was the declaration that he was present when the will of Mr. Johns was probated; that he asked questions of George W. Gregory and did not hear him say anything about the debts of the estate.

Mr. Hawkins went over the history of the proceedings in the administration of the estate, so far as they had come under his observation as attorney for the executors. Witness was not allowed to testify that he wrote G. W. Gregory he need not come to Woodland on the 19th of February and received a reply that he would not be here.

Witness identified the first annual account of the executors in the Johns estate and fixed the date set for hearing.

Mrs. Ella Graham, nee Kellogg, of Cloverdale, testified that she knew deceased in Colusa county. When he moved to Woodland overheard him ask Mary Gregory to come and live with and keep house for him. He visited San Jose and other places and finally decided on Woodland. Mr. Johns told Mary Gregory if she would live with him he would surprise somebody one of these days.

Mr. Johns asked witness to come to Woodland and live with him and Mary Gregory. Witness accepted the invitation and lived with them for some time. Heard Mr. Johns say Mary was good to him and he would do right by her if she lived with him until he died. Witness knew that George W. Gregory transacted business for his grandfather.

Mrs. Rose Torrey, of Grass Valley, testified along the same lines, corroborating much of Mrs. Graham's testimony.

Henry Gregory, father of George Gregory, was on the stand when the noon recess was ordered, at which time we were compelled to close our report for today.

THE JOHNS NOTE.

The Attorneys for the Executors Rest Their Case.

Many Witnesses Testify That Frank Allen's Reputation for Truth and Honesty is Good.

When our Wednesday's report of the proceedings in the Johns note case closed G. W. Gregory was still under cross-examination. He stated that he showed the note to his sister and Mr. Hawkins on the 3d or 4th of June and that his mother first saw it on the day of the petition for a partial distribution of the estate. He does not recollect that he ever received a letter from Teddy Allen requesting him to petition for a partial distribution. Could not recall that any of the heirs ever said to him that they were hard up and would like to have some money on account. He denied ever having told Mr. Mitchell that the old man had left him nothing by the will and that all he would get out of it were his fees as executors.

On redirect examination witness testified that he never asked his grandfather for pay for his services, as he had confidence that he would do the right thing when he got ready. Referring to his testimony on cross-examination that he gave his wife money on July 7, 1898, he said he received a letter from her asking for money. He explained that he had not told anybody of the existence of the note prior to the dates named because his grandfather had requested him not to do so. On re-cross examination witness admitted that he could give no reason why he did not tell of the existence of the note as soon as his grandfather died.

Mrs. Geo W. Gregory was the next witness. In the early part of July, 1898, she was at home. She came to Woodland on the 3d instant. Her children came with her. Found her grandfather, Miss Mary Gregory and her niece.

On the 7th of July, middle of the afternoon, husband of witness arrived from College City. Her husband and his grandfather went into the house together. Later the witness followed. She found Mr. Johns in the dining-room and some writing material on a small stand. She asked who had been writing and Mr. Johns replied, "George."

Mr. Johns frequently told her to tell her husband to do certain things. She knew that he had made several trips for him, procured his meat and wood and done other things. Mr. Johns told witness her husband would be well paid for all that he did for him.

On the 19th of February, 1900, witness accompanied Mrs. Henry Gregory to Arbuckle in response to a telephone summons. Her husband left for Woodland on the afternoon train. Witness said she wrote a letter to her husband on the 6th of July, requesting him to send her some money. The cross-examination brought out nothing new.

Henry Gregory was recalled for examination. He was at home on the 20th of February, 1900. Saw George on the 18th and 19th, at College City. Was certain as to dates because he had looked up the dates on which he had transacted certain business. The cross-examination was brief and without results.

Miss Mary Gregory was recalled and testified that her brother was in College City on Sunday, February 19th.

"You have those dates down so that you cannot be mistaken?" queried Mr. Hiram Johnson. "I think I have," was the reply.

E. L. Knox was the next witness. He was employed by Mr. Gregory in February, 1899, when Ike Bedell and Mr. Pratt called there and had a conversation with Mr. Gregory. Heard all that Mr. Bedell said and there was nothing said about the Johns estate.

Mr. Grove L. Johnson said Mrs. Elizabeth Gregory is not feeling well. He wanted to prove by her that George was in College City on the 19th of February. Counsel for contestants consented that she might testify out of order.

Counsel for executors offered in evidence the petition of Tandy Allen et al., filed May 18, 1899, for partial distribution; the answer of executors, filed June 1st; the transcript, in long hand, of the testimony of George W. Gregory, taken June 5th; the order of the court found on page 266, volume 2, in probate orders, in which petition was denied; the decision of the court, filed June 9, 1899, and the endorsement on the claim, filed the same day; the notice of motion of J. C. Ball to vacate and set aside the order approving the act of the executors and the affidavit of Tandy Allen; the order of the court on June 12th denying the motion. An objection was made by Mr. Hiram Johnson. The court overruled the objection.

Judge Grant was put on the stand and testified that no notice of appeal or motion to set aside this last order, allowing the claim, had been served upon him.

The court was asked to testify in regard to the circumstances which led up to and attended the making of the various orders cited above. This Judge Gaddis did, to the apparent satisfaction of the attorneys for both sides.

The court ordered an adjournment until 9 o'clock Thursday.

TODAY'S PROCEEDINGS.

There was some delay in calling the court to order this morning. Judge Gaddis announced that Court Reporter Miss Hallie Williams is sick and unable to appear. Attorneys agreed that the court should telephone to Warren Dean and request him to send a competent shorthand reporter on the first train. It was nearly half-past 9 o'clock when court finally convened.

Counsel for contestants asked to be allowed to introduce a witness out of order, as to the character of Frank Allen. By stipulation it was agreed that Mr. Hiram Johnson should take the testimony of this one witness.

Sheriff Griffin was put on the stand and testified that so far as he knows Allen's reputation is good. He never heard it discussed.

After the offer in evidence of the legal documents mentioned about the close of Wednesday's proceedings, it was understood that their admission raised the question of res adjudicata. After Mr. Griffin left the stand this morning the court remarked that while waiting for the arrival of a shorthand reporter from Sacramento, counsel might as well argue this question.

The argument consumed the remainder of the morning session and was participated in by Mr. Delliger and Mr. Hiram Johnson for contestants, and Mr. Grove L. Johnson for the executors. The court in effect decided that the order of the court refusing to vacate the order by which the allowance of the note as a claim against the estate was made, and the failure of contestants to appeal from such order, did not constitute this a case res adjudicata.

At the afternoon session Frank De Witt, a Sacramento shorthand reporter, was present and took Miss Williams' place at the reporter's desk.

Mr. Grove L. Johnson asked that the testimony of Sheriff Griffin be stricken out, but the motion was denied.

Mrs. Elizabeth Gregory was recalled, and testified that she saw George Gregory at home, morning and evening, on February 19th, in College City.

Attorneys for contestant recalled George Gregory for further cross-examination. He testified that three or four months after the note was given he put the revenue stamps on the back of the note and canceled the same. Counsel for executors announced that they rested.

I. Charurak, of Sacramento, testified that he has known Frank Allen several years and regards his general reputation as good. A. Morris, of Woodland, testified substantially to the same thing.

J. D. Smith, of Romsey, formerly an Arbuckle constable, also testified that Allen's general reputation is good. He insisted on putting a literal construction on questions, and when Mr. Grove L. Johnson asked if he based his opinion of Allen on the manner in which he had treated him, witness declared that Allen never "treated" him in his life.

Henry Kraft, who resided in Arbuckle for several years, never heard Mr. Allen's reputation discussed, and believes that it is good.

Frank Rehm was the next witness. He testified that he does not know the general reputation of Frank Allen.

Nightwatchman Read was the next witness, but as he was in the same frame of mind as Mr. Rehm, he was directed to stand aside.

Earll Dinsler testified that he knew Allen between the '80s and '90s and his reputation was good.

Oscar Parker was testifying along the same lines when this report closed.

THE JOHNS NOTE.

Trial Resumed After a Vacation of Two Days.

Many Witnesses Introduced to Asperse the Reputation of Witness Frank Allen.

When the Johns note case was resumed this morning, Mr. Grove L. Johnson stated that there were several witnesses present whose testimony would be brief and they were anxious to return to their homes on the morning train. He asked that the cross-examination of Miss Gregory be postponed temporarily and that they be put on the stand. No objection was made and B. W. Kline, an Arbuckle harnessmaker, was the first witness. He testified that when Frank Allen was a permanent resident of Arbuckle his reputation was not good.

Mr. Hiram Johnson cross-examined the witness, but brought out nothing of particular interest.

W. H. Evans, an Arbuckle bookkeeper, was next called. Witness had known Frank Allen for ten years or more, and his reputation for truth, veracity and integrity is bad.

Witness never had any difficulty with Allen and had nothing against him. He had nothing particularly against him except his sporting propensities. Witness is friendly to Allen and believes the friendship is reciprocated.

F. M. Allen, an Arbuckle fruit-dealer, also testified that Frank Allen's reputation while in Arbuckle was not good.

Witness has never been a close friend of Allen, but has no feeling against him. His reputation was probably discussed at the time he was interested in a divorce case more than any other time.

S. P. Worley, a Colusa county farmer who resides five miles east of Arbuckle, was the next witness to testify that Frank Allen's reputation in Arbuckle is not good. His reputation was probably more discussed at the time of the difficulty with his wife than any other time.

J. R. Houseworth, a business man of Arbuckle, corroborated the testimony of the preceding witness. Knew nothing against him except from hearsay.

P. D. Cain, of College City, next testified that Mr. Allen's reputation is not good in Arbuckle and College City. Personally witness is friendly with Allen and knows nothing against him except what he has learned from public sentiment.

E. E. Brown, of College City, testified practically along the same lines as the previous witness.

W. E. Blakely, a College City contractor, also testified that Mr. Allen's reputation is bad. Witness admitted that he sometimes gambles, but does not do so for a living. First heard Allen's reputation discussed during the county division fight.

L. O. Johnson, a hardware merchant of Arbuckle, was the last witness called to testify as to the character of Frank Allen. He thought that the general opinion around Arbuckle is that his reputation is bad. Mr. Johnson said that he had nothing against Mr. Allen, but they do not speak, because he does not consider him congenial company.

Miss Mary Gregory next took the stand and her cross-examination was resumed. She testified that during her residence with her grandfather in Woodland he treated her as a father would treat a daughter, and she endeavored to reciprocate, but her clothing was paid for by her own people.

Once when witness asked her grandfather for screens to the house he said to her: "The house is yours and you can do as you like with it when I am dead and gone; and I have further provided for you and your brother."

Witness had heard her grandfather say that George was transacting some business for him, but she never inquired the nature of the business. She never heard of the note until two or three days before the petition for partial distribution. Her brother, George, showed it to her. She was not surprised. Mr. Hiram Johnson made witness go over again the scene she witnessed in the diningroom, between her brother and grandfather on July 7, 1898, the date of the note.

Mr. Hiram Johnson hinted and apologized for asking witness her age when she came to live with her grandfather. Witness answered without any hesitation: "I was born in 1862."

Mr. Bush gave the deed to the house and lot and the bill of sale to the household goods to witness after the death of her grandfather.

Mr. Hiram Johnson led witness through a maze of questions with an apparent view of testing her memory as to dates and places of purchasing writing material. But nothing special came of it.

On redirect examination witness said that she had a conversation with her brother and Mrs. Friel, shortly after her grandfather's death, in relation to having a claim against the estate. She also stated that she was not surprised when her brother showed her the note, on account of a previous conversation she had with him. Witness testified that both she and her brother were at their father's house on the 19th day of February. If George left it was on the 3 o'clock afternoon train.

On recross examination witness said that her brother told her she need not put in any claim for her services, but the note was not mentioned. She did not weep when the will was read because it made no provision for her.

Mrs. Elizabeth J. Gregory, one of the executors, was the next witness. She testified that she has no doubt that the note signature is genuine. Her father told her he would like to have Mary keep house for him in Woodland and he would see that she was well provided for. Mary did come and she frequently visited there. She sometimes remained with her father while Mary took her vacation. Witness and her husband gave Mary money to buy clothing. Witness was with her father for about six weeks prior to his death. She had frequent conversations with him in which he stated that he had made provision to pay both George and Mary for services they had rendered him.

Attorneys for contestants objected to this line of testimony, but the court allowed it.

The court ordered the usual noon recess until half-past 1 o'clock.

The examination of Mrs. Gregory was resumed at the afternoon session. She stated that the winter after her father came to Woodland he told her he wanted her and George to manage his affairs after his death. He also told her that he might buy the Patterson place for George. Another time he wanted George to go to Texas and take care of him.

Witness walked with Mr. and Mrs. Friel, Mr. Allen and George across the courtyard after the will was read. She never heard George say that the estate owed nothing but funeral expenses. Mrs. Gregory further testified that she was at home on the 19th of February and her son was there also. He left on the 3 o'clock train for Woodland.

On cross-examination witness said that the note was presented to her as a claim on the 5th of June in the office of Attorney Hawkins. She first knew of the existence of the note on the night previous. She approved of the claim at the time. This answer was objected to by both Mr. Hawkins and Mr. Grove L. Johnson, but it was allowed to stand.

Witness said her father told her during his last sickness that Mrs. Chas. Allen had told him Mary intended to put in a $4-a-day claim. Witness told it was not true. Mr. Johns said he said Mrs. Allen he would give Mary and George what he pleased.

Mrs. Gregory was still under cross-examination when this report closed.

THE JOHNS ESTATE.

Findings of Fact and Conclusions of Law Filed.

The findings of fact and conclusions of law and judgment in the matter of the petition for settlement of account of George W. Gregory and Elizabeth Gregory, executors of the estate of G. W. Johns, have been filed. The findings recite in regard to the validity of the note that the decedent executed the note and the claim presented for the same was duly itemized and verified according to law and approved and allowed by Mrs. Elizabeth Gregory, as executrix; that thereafter the claim was presented in open court and its allowance opposed by Polly Ann Friel and Tandy Allen, but the court being fully advised endorsed its approval of the note on June 9, 1899.

The court further finds that on July 7, 1898, the deceased was indebted to G. W. Gregory and Mary Gregory for services theretofore rendered, for a sum undetermined, but which was, at said date and immediately before the execution of said note, determined by G. W. Johns to be $10,000, and for which sum he executed the same.

Upon the petition of T. J. Allen and Polly Ann Friel, for removal of executors and answer of the latter the court finds: That said executors have not wasted or mismanaged the property of the estate and have not committed a fraud upon said estate or are about to commit a fraud, nor are they incompetent to act as executors or have ever for a long time neglected to perform their duties; that said note presented by executors in their account is not forged or fraudulent, or spurious, but is true and genuine and not allowed for the purpose of defrauding the heirs of the estate; that neither executor filed any exhibit or report in said matter until February 9, 1900, but such failure was not due to the purpose of said executors to keep any knowledge of said note from any persons interested in the estate; that Mrs. Elizabeth Gregory, as executor, did not allow the note without inquiry as to its genuineness and validity but did not inquire of other persons entitled to a share of estate.

In conclusion the court orders judgment as follows: The order previously made suspending the duties of the executors be set aside and that they be reinstated as such executors and that J. D. Lawson, special administrator, turn over to said executors all the property of the estate in his possession within ten days after notice is served on him. The executors recover their costs from Tandy Allen and Polly Ann Friel.

JUDGMENT IS SET ASIDE.

Crookedness Alleged in a Superior Court Suit.

SUSPICION CONCERNING T. D. M'KAY'S NOTE.

[illegible]

Denial That Any Summons Was Served on the Defendant Before the Entry of His Default.

A judgment against Thomas D. McKay for [illegible] was set aside by Judge Hebbard yesterday on account of alleged fraud. McKay, who has been a railroad and steamship agent in the Orient for several years, was well known about town when he represented a railroad company here, and his diamonds and tall silk hat were noticeable on the streets and in hotel lobbies. The suit against him was on a promissory note, of which the following is a copy:

SAN FRANCISCO, August 25, 1896. [illegible] [illegible]

T. McKAY.

The complaint was filed on August [illegible] [illegible] the plaintiff. On the following day [illegible] made an affidavit that he served the summons on Thomas McKay personally. Neither McKay nor any person representing him appeared in the case, and on August [illegible] a default judgment for the plaintiff was entered. The court was informed that McKay had given the note to Mrs. [illegible], the keeper of a resort, with whom he was friendly [illegible] which he had received from her. On November 25, 1899, [illegible] assigned to Mrs. [illegible] the judgment which was for $[illegible] and for costs amounting to $[illegible] [illegible]

[illegible]

Kay was paid in Japan.

"I think that proper notice of this motion has been given," Judge Hebbard said. "It looks to me as if Mrs. Jacobsen knew that something was wrong, and did not care to proceed further."

He then granted the motion.

A few minutes later Bamberger appeared in court with McKnight, and exhibited signs of distress at the Judge's order. It had been thought that the assignment to Mrs. Jacobsen was merely to complicate the judgment so that McKay could not avoid payment eventually, but Bamberger said that she paid $1400 for it, though he did not say to whom this sum was given.

MUST PROVE PAPERS WERE NOT PUBLISHED.

Bold Line of Defense of Young Hay, Accused of Mulcting Dunsmuir's Sons Co.

J. H. Hay, who is accused of having collected [illegible] from the [illegible] Sons Company by pretending to publish certain advertising, has undertaken a line of defense which the attorney for the prosecution admit will put them to some disadvantage in proving the charges. While there is evidence to show that Hay collected a bill of [illegible] from bookkeeper Walter A. [illegible] May [illegible] for advertising in the "[illegible] Gazette," there is no evidence to show that the advertising and the paper were not published.

[illegible]

The case was continued to Tuesday, when the defense will present its [illegible]

CURTIN IS IDENTIFIED.

The Detective Must Now Answer for His Crime

MRS. LE BLANCHE SAYS HE IS AN ACCESSORY.

[illegible]

[illegible]

Present to the Bohemian Club.

Theodore Kytka, the [illegible], has made a handsome present to the Bohemian Club, an enlarged photograph of Miss [illegible], the [illegible] mare, and her first colt. The photo was taken at the stock farm at [illegible] and is a wonderful enlargement of a [illegible] taken at 6 o'clock in the morning. [illegible], the trainer, is holding her, and the large picture shows [illegible] This [illegible] photograph is framed in [illegible]

[illegible]

Note on Which Suit Was Brought Declared Spurious.

[illegible]

STEPHEN CASSINELLI.

[illegible]

FORGERY CHARGED.

Attorney for Stephen Cassinelli, Says a Note Was Changed

In the suit of Giovanni Ferrera against Stephen Cassinelli and wife for $400, called for trial before Judge [illegible] yesterday, a charge of forgery was made by the attorney for the defendant.

[illegible]

[illegible]

Alibi of Alleged Forger Attacked in the Courts.

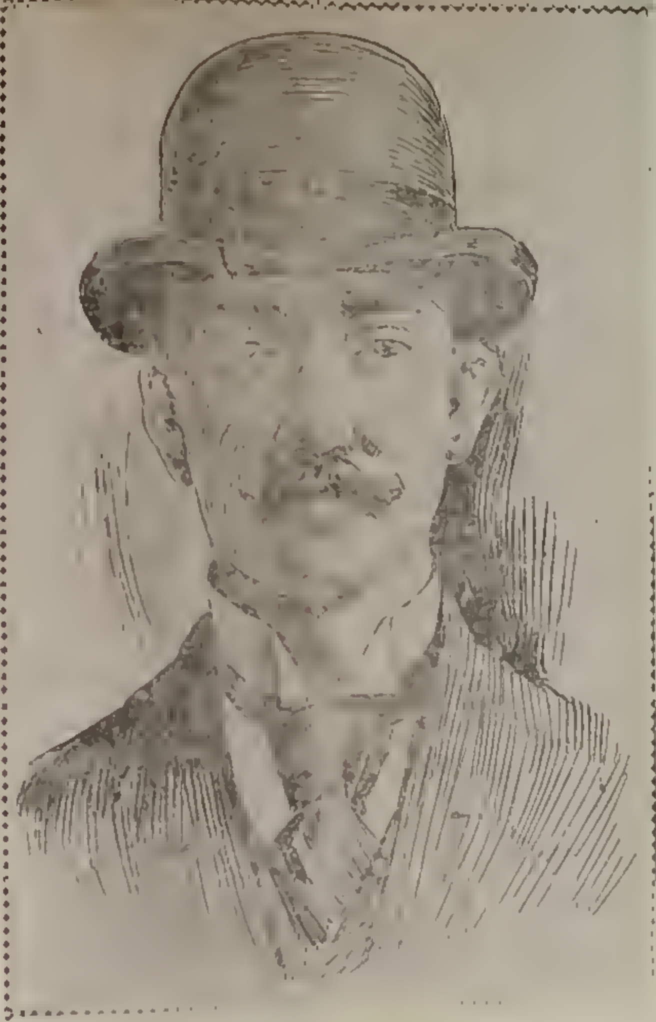
[illegible]

[illegible]

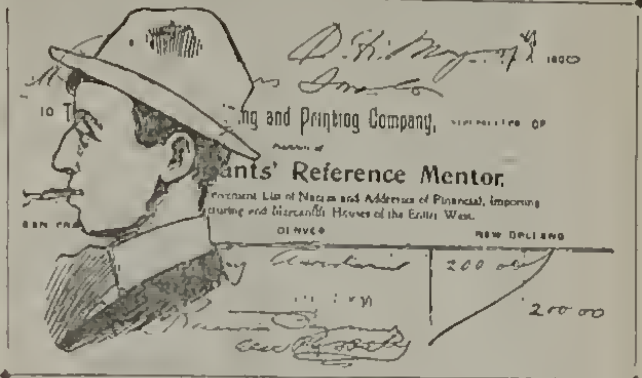
Mrs. [illegible] Bail Raised.

[illegible]

PRIVATE DETECTIVE CURTIN ACCOMPLICE OF LE BLANCHE



SMOOTH SWINDLING SCHEME OF FICTITIOUS ADVERTISING COSTS ONE FIRM OVER $4,000



PORTRAIT OF J. R. HAYES AND ONE OF THE BILLS HE IS ACCUSED BY CASHIER WALTER A. GOMPERTZ OF COLLECTING FROM THE DUNSMUIR'S SONS COMPANY.

AN illustration of the ease with which the average cashier can be induced to pass out his employer's cash is furnished in the advertising transactions of the firm of R. Dunsmuir's Sons Company, during the month of May.

Walter A. Gompertz, the cashier of the big coal firm, paid twenty-two bills during the month of twenty-six business days, aggregating $4,300. He did not discover that he had been robbed until he was checking over his accounts on June 11th. Then the services of Harry N. Morse's Detective Agency was secured and the cashier was soon aware of the fact that the publications or newspapers for which he had been drawing and issuing the firm's checks had never had any existence. Yesterday Gompertz swore to a complaint charging J. R. Hay, alias J. R. Hayes, known familiarly as "Bob" Hayes, with obtaining money by false pretenses.

The scheme which was worked on the Dunsmuirs, and the cashier is very positive in his identification of Hayes as the man who worked it, was clever, though the idea was by no means a new one. The almost daily repetition of the trick and the unusual size of the bills are points which might have attracted the attention of some people, but Gompertz never even grew suspicious. He drew a check for everything that was presented and Captain Jules J. Callundan of the Morse Agency has a bunch of the firm's checks an inch thick lying on his desk.

The first application which was made to the firm for advertising was to put the business address in the city directory in black type. The cashier was told that it would cost $1, and a contract was signed. In addition to the signature of the cashier was the O.K. of John A. S. Lowe, business manager of the company. It was represented that the advertising was to be in the directory of 1901. A few days later the individual who had secured the contract came around and collected the dollar and surrendered the contract. When the contract was surrendered the collector presented "a cancellation of contract," which he asked the cashier to sign. This was to release him from all further obligations. The last words on this "cancellation" were "In cancellation of contract No. ——." Now in the printing of this stipulation it was carefully planned that the "contract No. ——" should stand in a line by itself. Then about two inches of blank space was left between here and the lines which were printed for the signature of the firm. This "cancellation" was carefully cut with the scissors just above the line which contains "contract No. ——." Then in the blank space was printed a contract stipulating the name of the publication and writing in the amount to be paid and the advertising space to be used. The firm's signature which had originally been attached to the cancellation was now on a contract, and these agreements ranged in amount from $80 to $250.

The name of John A. S. Lowe, which was written on the original contract for $1, had been studied and a clever imitation was added to the new contracts at collection time. As each of these bills was paid Gompertz was asked to sign another "cancellation." The next day this would come back as a contract with the O.K. mark of Manager Lowe, and only four days out of the twenty-six business days of the month did the cashier miss paying a bill and signing—always in pencil—another "cancellation." He might have still been paying and signing had he not checked up his accounts one day and found that he had issued checks for advertising $4,300 in excess of the usual monthly bills. He explains his willingness to pay these bills, though he had no recollection of having signed the numerous contracts, by saying that he simply saw the O.K. of Manager Lowe. This imitation in some instances is rather clumsy.

The bills were all made out on fancy bill heads, indicating that the printing bills of the operator must have been considerable. The agent represented that he had offices in the Mills Building.

The bill paid by Gompertz May 15th was for $140. It is on this that the complaint and arrest were made. It is a fair sample of the bunch, the heading reading as follows:

SAN FRANCISCO, May, 1900.

R. Dunsmuir Sons Co.

To Mercantile Publishing Company, Dr.

Publishers of "The Mercantile Gazette," comprising a complete list of names and addresses of banks, importing, wholesale, manufacturing and mercantile houses of the Pacific Coast. Denver, San Francisco, Portland.

The bill is receipted by "A. Bell, per A."

The last bill paid by Gompertz was a week ago yesterday. The same day he discovered the swindle. A few days later Hayes called at Raphael's with another young man and bought a hat. He presented a check for $210, evidently one issued by Gompertz for advertising. All the checks were being cashed in the same manner, but it seemed impossible to get trace of the man passing them, for they were usually issued in the name of the publication in which the advertising was supposed to appear. The collector signed all sorts of names when collecting, and in many instances the signatures to the bills are nothing more than scrawls.

When Hayes presented this particular check the clerk informed him that it was unusual for the firm to accept such paper from strangers. Then Hayes called upon a friend in the store to identify him, and this identification is what finally resulted in his arrest. He was located Saturday night, living with his mother, brothers and sisters at 557 O'Farrell street. Sunday night he was arrested. He was held without a warrant until yesterday afternoon in order to prevent publicity, as Captain Callundan says he has two partners and it was desired to capture these. The two persons who are described are residents of San Francisco and left last week when it became known that their work was discovered. The last visit of a collector was June 6th, and he was told to return in a few moments when the cashier would be in. He was suspicious and never came back. It is promised that one of the men will be arrested to-day.

Hayes is twenty-three years of age, is constantly smoking cigarettes and has a manner which is most aptly described as belonging to "a fresh lad of eighteen." He declines to say anything about his case, or what he has been doing for a living. He was once a messenger boy. Afterwards he worked in the men's furnishing departments of several stores and he made one trip to Manila on a transport.

His arrest on a warrant yesterday was made necessary by his attorney bringing habeas corpus proceedings in the Superior Court. Captain Callundan is trying also to locate the printing firm which did the work for the swindlers.

SAYS HE PAID FIVE HUNDRED DOLLARS

WHICH SUM WAS TO HAVE PURCHASED THE PULL,

TO GET A JOB ON THE POLICE FORCE

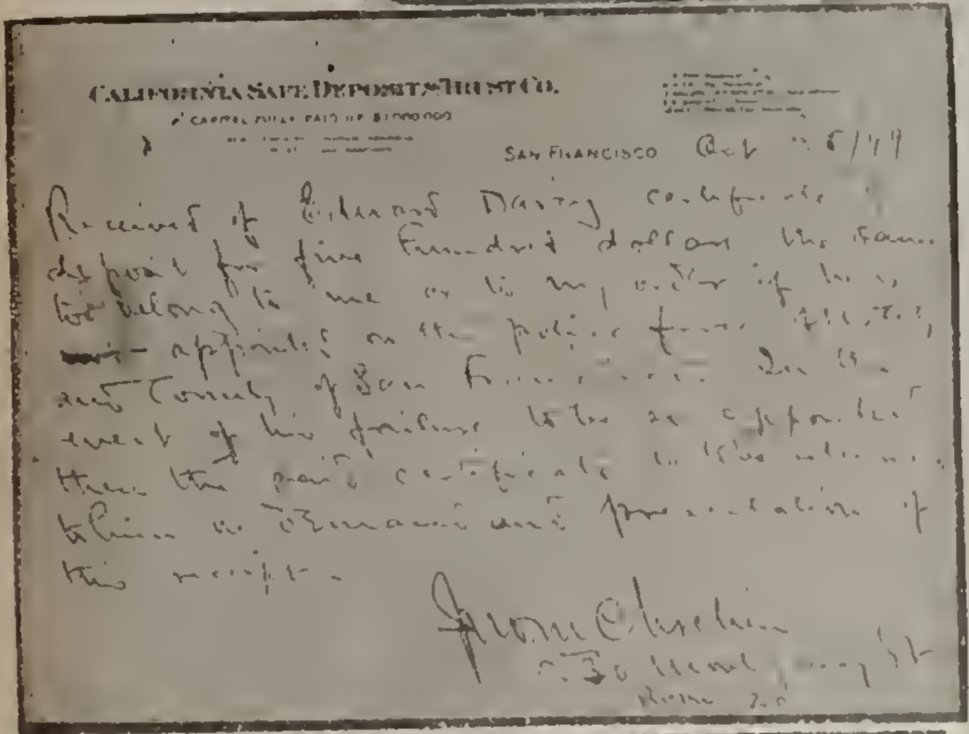
Edward Darcy Deposited the Amount With Attorney J. M. Chretien in October.

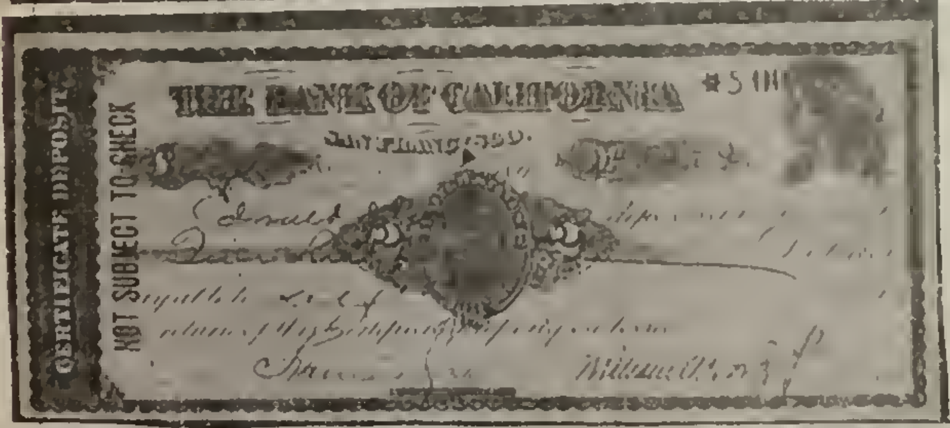
Grand Jury Investigates Story, Which Involves Policeman Hickey, Also Kelly.

FIVE hundred dollars is what Gripman Edward Darcy of the Market-street Railway says was demanded of him for a position on the police force. When the "pull" which he brought to bear failed to work, he made complaint to Chief Sullivan.

In the statements made by Darcy to the Grand Jury and to the Chief of Police during the investigation, Attorney John M. Chretien, Policeman Jerome J. Hickey and one Kelly, whose given name Darcy does not know, are mentioned.

Darcy says Chretien received a certificate of deposit for the amount he was willing to pay for a star. Chretien denies that he ever made an attempt to get a position on the police force for Darcy, but says the money





was put up as a fee providing Darcy was appointed.

Captain [illegible] says there may be [illegible] in the matter to-day. "It is possible," he says, "there are men on the force who have [illegible] of [illegible] positions and who think the payment of the money got them there. I believe the [illegible] of this [illegible] will bring forward others who have paid for places on the force. Where money was accepted under such circumstances I believe we can prosecute under the statute regarding receiving money under false pretenses."

In the story which he tells the police Darcy says that some time prior to October 26, 1899, he was introduced to Kelly by Policeman Jerome J. Hickey, who is a door keeper of the City Prison. The introduction, he says, was for the purpose of having him meet with one with enough influence to get him a position on the police force. Hickey, he says, knew he had put up his coin for the position, but he did not know the amount nor the person to whom it had been given. He says Kelly knew all about it.

By previous arrangement, says Darcy, he met Kelly at a cafe at [illegible] street, a small court off Montgomery street, between Pine and California. The object of the meeting being to have him meet Chretien. Darcy says he took with him his friend Thomas [illegible] to witness all that took place. Proceeding, Darcy says:

[illegible]

[illegible]

JOHN M. CHRETIEN.

[illegible]

The certificate of deposit was to be held in Chretien's safe deposit box until I got my position on the police force and then the certificate of deposit was to be [illegible].

[illegible]

In a statement given out last night the Chief of Police says:

[illegible]

When Darcy was called before the Grand Jury he changed front in regard to the indorsement of the certificate. He declared that it was he who indorsed it, and besides, he said he got his money back.

To test the matter Darcy was requested to write his name on a separate sheet of paper, and on comparison it was seen that it widely differed in appearance from the signature on the certificate. While this was patent on the most casual examination, District Attorney Byington advised the Grand Jurors that Darcy's approval of the act of his agent was sufficient to relieve him from successful prosecution on a charge of embezzlement or obtaining money by false pretenses.

Samuel H. Daniels of the Bank of California told the Grand Jury that he paid the money called for by the certificate of deposit to Chretien.

This is Chretien's statement of the transaction with Darcy:

I never made a contract with Darcy or anyone else to procure a position on the police force for him. I was merely the custodian of a certificate of deposit for $500 in which I had a [illegible] interest in the event that Darcy became a policeman. These are the details of the affair:

Last October Kelly, [illegible], Thomas [illegible] and Darcy and I met in the [illegible] by Darcy. Prior to that meeting Darcy and Kelly [illegible] introduced Darcy, saying he was [illegible] on the police force. I was requested to be custodian of the [illegible], which Darcy was to put up, and consented. If he got the appointment I was to receive a fee.

I gave Darcy a receipt for a certificate of deposit, and it was understood that it was to be returned to him on demand. The certificate was sealed in an envelope, indorsed by Kelly and Darcy and deposited in the Safe Deposit. I want to state right here that I never mentioned Darcy's name to anyone in reference to getting him on the police force. I never turned my hand over in the matter, nor did I approach anyone connected with the department, Commissioner, Captain, Lieutenant or Sergeant, in his interest.

Another thing: Darcy indorsed the $500 certificate in my presence, and in the presence of [illegible] and Kelly. A short time, only a few days after that certificate was deposited in the safe, Darcy came to me and requested me to pay his friend Kelly $100 out of it. I told Darcy I could not advance the money and he asked me to cash the certificate.

I went to the Bank of California at his request, got the $500, gave $100 to Kelly and placed the remaining $400 in the Safe Deposit. The whole matter then rested until a week ago last Thursday, when Darcy came to me and said he had decided to drop the whole business. He demanded his money and I asked him when he wanted it. He said the following day would do, but he could have had it that day.

On Friday, the day following his demand, I met him at my office. I asked Darcy about the $100 I had given Kelly at his request and he replied he knew nothing about that, that was none of his business. I then saw I was the "sucker." Darcy had my written contract to return the $500 and I had to make good and take chances on recovering the hundred.

I took the $400 from the Safe Deposit, added another $100 and obtained a certificate of deposit from the Bank of California for $500. I adopted the method of returning the money because I had received a certificate of deposit and I wanted to return another for self protection.

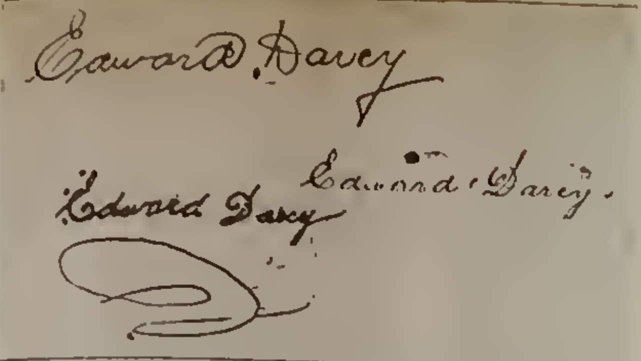
Darcy took the certificate, duly indorsed, from me and gave me a receipt, which, by the way, I had [illegible], who was present, indorse as a witness. The three of us went out and had a drink. Darcy seemed pleased and said he was glad he got his money back. I asked him why he expressed that feeling.

"Because," he said, "I was told I never would get it."

Then I demanded an explanation and he said he had been summoned before the Grand Jury and asked me what to say. I told him to stick to the facts, to tell the whole truth, and he said he would.

[illegible] no further attention to the matter, and [illegible] about it except to get back the [illegible] any [illegible] and he has [illegible] the money to me on the 30th.

The police say they are not ready to drop the matter, though the Grand Jury did not think there was sufficient ground on which to return an indictment.



THE FIRST SIGNATURE IS THAT OF EDWARD DARCY, AS IT APPEARS ON THE CERTIFICATE OF DEPOSIT, AND WHICH CHRETIEN SAYS WAS WRITTEN BY DARCY AT CHRETIEN'S OFFICE. THE SECOND WAS WRITTEN BY DARCY AT THE OFFICE OF CAPTAIN OF DETECTIVES SEYMOUR. THE THIRD SIGNATURE APPEARS ON THE CERTIFICATE OF DEPOSIT WHICH CHRETIEN GAVE TO DARCY IN RETURNING THE DEPOSIT.

NEW GRAND JURY IMPANELED; WILLIAM T. KIBBLER FOREMAN

A new Grand Jury was impaneled by Presiding Judge [illegible] of the Superior Court yesterday. The foreman is William T. Kibbler, and Henry T. Gibbs [illegible] Secretary. Following are the names, business [illegible] and addresses of the Grand Jurors:

[illegible], manager San Francisco News Company, 1[illegible] Henry street.

JOHN [illegible], liquors, corner Larkin and North Point streets.

[illegible], real estate, [illegible] Bush street.

[illegible], secretary [illegible] of Wells, Fargo & Co., [illegible].

[illegible], real estate dealer, southwest corner Masonic avenue and Frederick street.

HENRY T. GIBBS, secretary George W. Gibbs & Co., hardware dealers, [illegible] Fremont street.

[illegible] of Green Bros., proprietors Cafe Columbia, 15 Powell street.

[illegible], upholsterer, 22[illegible] Union street.

WILLIAM T. KIBBLER, druggist, [illegible] Larkin street.

[illegible], stationer, [illegible] Market street.

[illegible], proprietor California Boiler Works, 125 Fremont street.

[illegible], grocer, [illegible] Turk street.

[illegible], clerk with Justinian, Caire & Co., 121[illegible] Vallejo street.

JOHN [illegible], proprietor Pioneer Glass Works, [illegible] Francisco street.

JOHN W. [illegible], proprietor St. George Stables, [illegible] Bush.

PETER [illegible], wholesale liquor dealer, 112[illegible] Green street.

FRANCIS [illegible], street contractor, 220[illegible] Geary street.

FRANK [illegible] VAIL, of Sanborn, Vail & Co., stationers and art dealers, 7[illegible] Market street.

[illegible] WOLF, cigar dealer, 1[illegible] Buchanan street.

[illegible] did not give any special instruction to the Grand Jury [illegible] to be important. He admonished the Grand Jurors [illegible] inquire into all alleged infractions of the law and [illegible] indictments or presentments, as the [illegible] of law.

A DEALER IN POLICE JOBS

John M. Chretien in a New and Interesting Role.

ACCUSED OF OFFERING STARS AT SO MUCH PER.

EDWARD DARCY PAID FIVE HUNDRED DOLLARS AND STILL IS A CIVILIAN.

When the Grand Jury Took Up the Case the Attorney Made Haste to Pay Back the Money.

Attorney John M. Chretien, who was expelled from the [illegible] Committee last year for attempted extortion, has distinguished himself again. This time he is accused of receiving money from would-be policemen through representations that he would obtain them positions on the "force." Chretien's accuser is Captain of Detectives Seymour, who claims to have evidence that Chretien obtained $500 of the money of Edward Darcy, a cable car gripman who wanted to be a policeman. Chretien got the money last October, it is alleged, but paid it back nine days ago, when an incident of the transaction was brought to the attention of the Grand Jury. Darcy is still a civilian, and before his money was returned to him he charged that some one had forged his name in order to cash a certificate of deposit. Since then he has admitted the signature, but when asked to do so he finds it hard work to write his name in a similar way.

The accusation against Chretien is based on the following document:

SAN FRANCISCO, October [illegible], 1899.—Received of Edward Darcy certificate of deposit for $500, the same to belong to me on my order if he be appointed on the police force of the city and county of San Francisco. In the event of his failure to be appointed, then the said certificate to be returned to him on demand and presentation of this receipt.

JOHN M. CHRETIEN,
[illegible] Montgomery street, room [illegible].

According to the story told by Darcy before he got his money back he was taken to Chretien by a man named Kelly. Darcy was accompanied by Thomas Duran, a fellow gripman, and in the presence of Duran and Kelly the ambitious Darcy handed Chretien a certificate of deposit for $500, which amount the gripman had deposited in the Bank of California. The certificate, which was in Darcy's name, was put in an envelope. Then the envelope was placed in Chretien's safe deposit box. Months went by. No star fell Darcy's way. He ceased dreaming on May 7th, when he learned that his certificate of deposit had been cashed. He was shown the indorsement and at once declared it to be a forgery. Then Captain Seymour was notified, and the case was called to the attention of the Grand Jury. On June 5th, while the case was pending, Chretien paid Darcy $500. A change came over Darcy, and when called before the Grand Jury he declared that the indorsement on the certificate of deposit was in his writing. As the signature was unlike his natural writing, samples of which were in the possession of the police, he was asked to write his name. He worked hard, but the signatures he made in the jury room hardly bore a family resemblance to the indorsement. However, his admission that the indorsement was genuine blocked the investigation.

In speaking of the case last night Captain Seymour said: "Chretien obtained Darcy's money through false pretenses. He cashed Darcy's certificate of deposit the very next day after he received it. S. H. Daniels of the Bank of California can testify to that. Darcy called at the bank on March [illegible]th, and said that he had lost his certificate of deposit. He wanted to know if it had been cashed. When asked if he had indorsed it he said he had not. Being assured that no one could cash the certificate without his signature he went away satisfied. After he went out the clerk looked up the matter and found that the paper had been cashed. Of course, Darcy had not lost his certificate, he merely wanted to find out if it had been cashed. When he went to the bank again on May [illegible]th he learned that Chretien had drawn his money. He declared that the indorsement was a forgery, and did not fall down on his story until Chretien paid him back the $500.

"Chretien is said to have cashed another certificate of deposit given him by another man who wanted to buy a place on the police force, but Daniels cannot remember the name of the depositor. Chretien ought to be indicted, and I shall bring the matter before the attention of the next Grand Jury. In the meantime I shall continue my investigations."

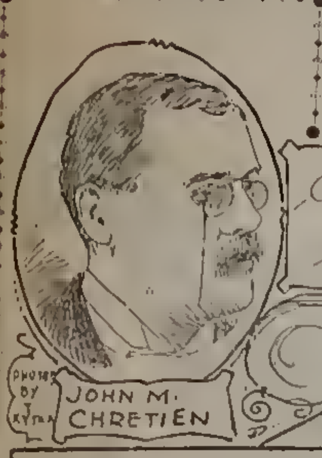
The accused man denies that he has ever dealt in police positions.

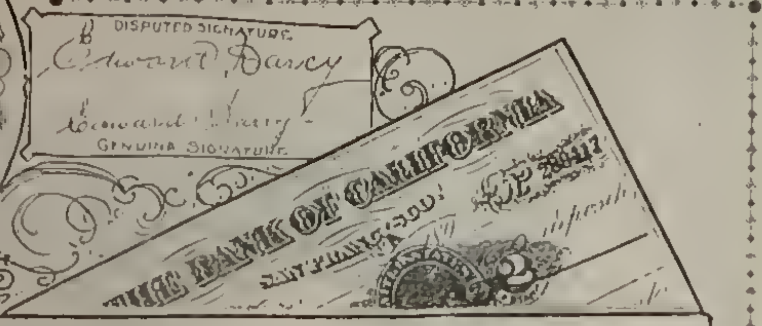
"Darcy merely made me a depositary of the certificate," says Chretien. "Kelly and Daniel O'Connell, a broker, brought him to me. I did not promise him any position on the force. At Darcy's request I paid out $100, but I returned him [illegible], so I'm out $100."

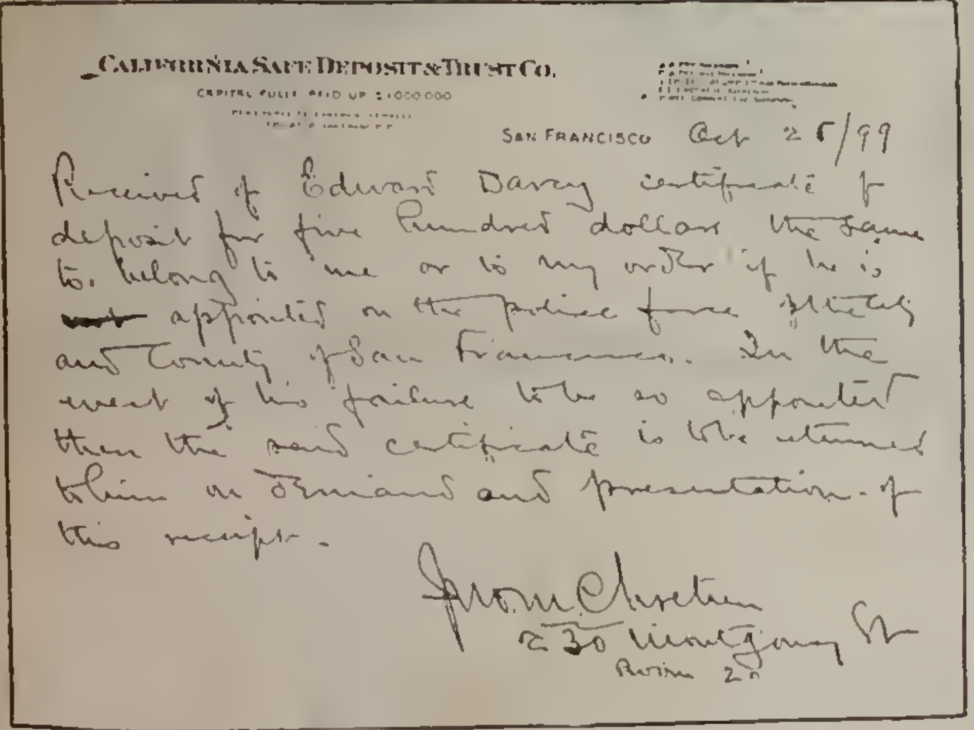
The mysterious Kelly, who figures in the affair, is said to be in Chicago now. He left here shortly after Darcy put the check in Chretien's keeping.

LAWYER CHRETIEN SAVED BY DARCY'S POOR MEMORY

Could Not Say Whether or Not He Had Indorsed That Certificate of Deposit That Lay So Long in a Safe-Deposit Box.







Lawyer Chretien and the Agreement He Entered Into With Edward Darcy.

I DO not intend that Attorney Chretien or any one else shall negotiate for the sale of positions in the Police Department while I am at the head of the detective force. Notwithstanding the fact that the Grand Jury refused to indict him I have determined that he shall not go unpunished. I have consulted with the District Attorney and expect that a warrant will be issued for Mr. Chretien's arrest in a few days."

Captain of Detectives Seymour seems determined to prosecute "Jack" Chretien, the well-known attorney, [illegible] for negotiating for the sale of a position on the police force to Edward Darcy, a gripman in the employ of the Market-street Railway Company. Darcy was anxious to become a policeman, and [illegible] the necessary influence he was [illegible] to Chretien, who was [illegible] as the friend and legal adviser of [illegible] [illegible]

Darcy's story of subsequent events, as told by himself in the presence of Captain Seymour and the official stenographer of the department, is as follows:

Statement of Darcy.

"Several weeks [illegible] Officer Hickey, who is doorkeeper at the City Prison, [illegible] a man named Kelly, whom [illegible] I do not know. The object of the introduction was to make me acquainted with some one who had sufficient influence to get me a place on the police force. Hickey knew that I had some money which I was willing to give for the privilege of wearing a star. Kelly was also aware that I had [illegible] and would willingly give it to any one who would have me appointed a member of the Police Department. [illegible] by a previous agreement with Kelly I met him in a saloon on [illegible] street, a [illegible] the west side of Montgomery street, between [illegible] and [illegible] [illegible]. The saloon is on the south side of [illegible] street.

"The object of the meeting was to have Kelly introduce me to John M. Chretien. John Doran, a friend of mine, accompanied me to the saloon. My object in taking him with me was to have him as a witness to the transaction.

Introduced to Chretien.

"When we reached the saloon both Kelly and Chretien were there. Kelly introduced me to Chretien, who, he said, was the proper man to see to get a place in the Police Department. Kelly at that time said that it would require money to get the position, and that Chretien was just the man to fix it. Hickey was not present at the meeting. After Kelly introduced me to Chretien he walked away after promising to return and talk the matter over with me.

"I had [illegible] with me the amount I was to put up for being made a policeman. I drew the money out of the Hibernia Bank. As an evidence of good faith I went to the Bank of California where I deposited the money, receiving a certificate of deposit for the amount. My friend Doran was with me at the time. We returned to the saloon shortly afterward and met Kelly and Chretien.

"After a short conversation Chretien, Doran and I went to the Safe Deposit building at California and Montgomery streets.

"There," Darcy said, "the following agreement was drawn up:

The Agreement.

SAN FRANCISCO, Cal., [illegible] 1899.
Received of Edward Darcy certificate of deposit for \$500, the sum to belong to me or my order if he is appointed on the police force of the city and county of San Francisco. In the event of his failure to be appointed then the said certificate to be returned to him on demand and on presentation of this receipt.
JOHN M. CHRETIEN.

"I gave Chretien the certificate of deposit for the \$500," continued Darcy, "and [illegible]

[illegible]

The Certificate Disappears.

[illegible]

Seymour Takes Action.

[illegible] threatened investigation by the Grand Jury, sent for Darcy and returned the amount to him. When the investigation was held Darcy was suddenly stricken with a defective memory. He could not tell whether or not he had indorsed the certificate of deposit, notwithstanding the fact that he positively stated to Captain Seymour that the signature was a forgery. He was then asked [illegible]

Chretien to Be Prosecuted.

[illegible]

[illegible] PHILLIPS CAPTURED.

Young Couple, Said to Be From San Francisco, Arrested.

PHOENIX (A. T.), June 19.—A young man giving the name of A. B. Hale and his seventeen-year-old wife are in jail, charged with forgery. They say they are natives of San Francisco and were married in Los Angeles two years ago, since when they have been in Arizona. Hale is of French and American parentage, and his wife is an exceptionally pretty Portuguese woman. The former came in [illegible] piece of work and Hale realized \$40 on three checks. Hale appeared at the Phoenix National Bank today to cash a fourth check drawn for \$300, when he came face to face with H. W. Stevens, whose signature had been forged and who is a former employer of Hale, who worked at the Trilby mine. Hale escaped and got as far as Tempe with his wife before he was overtaken by the Sheriff. The forged signature is a fine imitation of the genuine, and was probably designed by the woman.

Beverly Bolkin Arrested.

Beverly Bolkin, the son of Cordelia Botkin, was arrested late last night for disturbing the peace. He gave bail and was released. Bolkin created a disturbance on Market street, where he was celebrating the approach of the Fourth of July.

When you read the dispatches from the front have one of the Chronicle's new war maps at hand. In this way you can thoroughly understand what is going on. Post, 10 cents.

VAST WEALTH DEPENDS ON A MEMORANDUM

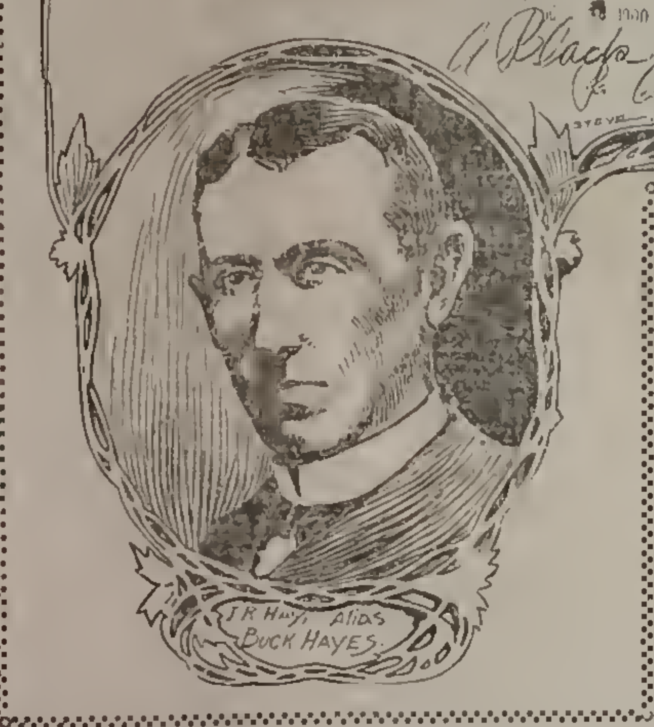
Sailor's Claim to Millions of Cape Nome Gold.

LINDBLOOM HIS PARTNER

Contract Made When Both Were Victims of Adversity.

[illegible]

DUNSMUIR COMPANY AN EASY VICTIM FOR THESE SHARPERS.



R. DUNSMUIR'S SONS COMPANY holds more than forty receipts for advertising [illegible] bricks, [illegible] about $[illegible], and "Buck Hayes," formerly a messenger boy, is in the City Prison charged with helping to manufacture and unload them. Back of these hard facts, however, is an unaccountably successful bogus advertising scheme virtually new to San Francisco. So far as is known now the Dunsmuir people are the only victims, but the [illegible] was so easy and afforded such a good living for the schemers that they did not need to enlarge their sphere of operations and increase the probability of being caught. "Hayes," whose name is really John R. Hay and [illegible] the city's [illegible] as a clerk with a [illegible] street, is only one of a gang, and it is expected before long that his comrades will be with him behind the bars. Hay was taken to the City Prison early yesterday morning by Captain John J. Callundan of the Morse Patrol Agency, although it had been intended to keep him out until all the men were arrested.

The scheme has been in operation since February last, but did not come under investigation until Thursday of last week, when John A. H. Lowe, [illegible]ager for the Dunsmuirs, noticed that he had signed an astonishing number of checks for advertising and sent to Walter A. Gompertz, the cashier, for information. Lowe said that he had not made any such contracts, and Gompertz said he was equally at a loss to explain the bills, since they had come to him with what he took to be an acknowledgment by Mr. Lowe and would not make an inquiry.

Lowe sent for Detective Harry Morse and asked him to investigate. It was soon found that there were no such concerns as those whose high-sounding names appeared on the bills. No two of the stack of bills are credited to the same firm, and there is not a [illegible] address on one of them, although a few have the names of persons purporting to be those of officials. Headquarters are only designated "New York," "San Francisco," "Denver," "Chicago," and some firms are large enough to have all four cities noted as the location of branch house. Almost all the billheads seem to have been printed at the same place and the paper, with but few exceptions, has the same watermark.

The accounts which have been paid without question at the office of R. Dunsmuir's Sons Company have come from as many firms as there are accounts, and include the "Merchants' Reference Memorandum," "The Trade Register," "Austin Brothers' Printing Company," "Wilson Brothers & Co.," "R. L. Jones Brothers Company," "Jones Commercial Company," "Reference Book," "Drake Brothers Company," "The Mercantile Gazette," "Hall's Annual Business Record," "Commercial Printing Company," "United States Business Register," "Merchants' Chart for Business Reference," "[illegible] Business Reference," "United States Commercial Reference Journal," "United States Register" and "The United Coast Journal."

Hay was traced through the last check, one for $120. He did not cash it immediately, but one day early last week went into Raphael's with two friends and treated them to a hat and some [illegible]. When he came to settle he found that he did not have money enough and presented the check, receiving $[illegible] in change. This was his undoing, for when the check was presented at the bank Captain Callundan traced Hay within a few hours. When he took him Hay did not deny that he knew something of the scheme, and expressed himself as willing to aid in finding the ringleaders. He remained quietly with one of Morse's men, and on Sunday afternoon told Lowe how the work was done, although never admitting that he had anything to do with it. His explanation was as follows:

One of the men would go and solicit the advertisement and would put it into a liberal space in the book, which was presented as a dummy of the publication, for a trifling amount, generally 75 cents or $1. This was usually paid out of hand and a receipt given. Soon afterward the man who got the advertisement or another would call with what he termed a "cancellation blank," the upper part of which would correctly record the transaction. A member of the firm or a responsible employe would be asked to sign this unusual voucher on the ground that "the firm" wanted to know that the amount was duly paid before the advertisement was printed. The manipulators of this advertising scheme would then make out a bill for any amount, from $50 to more than $[illegible], according to what they wanted or thought they could get, using one of the innumerable billheads. Then they would tear off that end of the "cancellation blank" which had the firm signature and pin the fragment to the bill.

In the case of the Dunsmuir accounts the bills were presented one after another until some forty-five had been paid by Gompertz. He noted his own signature or that of some one in the office "by order of Mr. Lowe," and prepared every check which Mr. Lowe signed as having come through regular channels. In March one spurious bill was passed. In April and May there was thirty-[illegible] of them. It was then that Lowe began to wonder at more than $[illegible] worth of advertising in one month.

Many of the receipts are signed so illegibly that it is almost impossible to decipher them. Ordinary names were used and "color names" were most in favor. One is signed "A. Black, per A.," another "E. Walton, per Brown," and so on.

The investigation progressed favorably until Sunday afternoon, when Gompertz appeared at Morse's office when Lowe and others were questioning Hay. Gompertz recognized Hay as one of the men to whom he had paid the money, and Hay said in an aside: "That is the cashier at Dunsmuir's." After that Hay was unmanageable and would give no further aid, asking why they were bringing people up to identify him. He insisted that he was not the kind of a man to "peach," and finally nothing remained but to lock him up and work out the rest of the fraud without him.

Hay, who is 23 years of age, lives with his mother and sisters, and a cursory inquiry into his habits shows that he has no visible means of support and that he had his mail sent to a saloon at Geary and Mason streets.

Captain Seymour is co-operating with Captain Callundan and thinks that in time the accused, who is held on a complaint sworn to by Gompertz for obtaining money under false pretenses, will be connected with an attempt to work other firms in this city. The fraud which has been exposed is somewhat akin to the "directory swindle" in New York in 1898.

All day yesterday Hay, through his attorney, was trying to get out on habeas corpus proceedings. A writ was issued returnable before Judge Cook, who had to go out of town, and Judge Dunne was notified to take up the matter. He was busy and agreed to hear the case at 10 o'clock this morning. In the meantime, however, the complaint was sworn to and the warrant served.

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Snap Judgment Not Granted.

Alfred A. Van Hovenberg, attorney for ... A. ... in his suit against Mrs. Florence Hettie Hinckley Moore, sought to have her default entered yesterday in the case, although her time to answer had been extended, but Judge ... refused its demand. The suit is for the Thomas ... estate, ... claiming title under a deed from Alice Edith Dickason.

NEW TRIAL ORDERED BY THE SUPREME COURT FOR MURDERER HOFF

ALBERT HOFF, MURDERER, WHO HAS BEEN GRANTED A NEW TRIAL, AND MRS. BOTKIN, MURDERESS, IN WHOSE FAVOR A DECISION MAY BE RENDERED ON THE SAME GROUNDS.

When a Judge tells a jury that although there is no evidence of motive on the part of the defendant for the commission of the offense charged, there may nevertheless have been a motive undiscovered, and that circumstantial evidence (the evidence relied upon to convict) has the advantage of direct evidence because it is not likely to be fabricated, he certainly expresses an opinion upon the force and effect of the testimony and intimates his view of the evidence.—Excerpt from the majority opinion of the Supreme Court remanding the Hoff murder case for retrial.

THE Supreme Court on rehearing of the argument has confirmed its first opinion remanding Albert Hoff, convicted of murder, to the Superior Court for retrial.

The ground for reversing the case, as set forth in the opinion handed down yesterday ... up in ...

[illegible]

Van Dyke, in concurring with Justice Garoutte, says:

"I dissent and concur in the main with what is said in the dissenting opinion of Mr. Justice Garoutte."

Justice McFarland wrote no opinion, contenting himself with the words: "I dissent."

Judge Intimated His View.

Justice Beatty, speaking for the majority, says:

"When a Judge tells a jury that although there is no evidence of a motive on the part of the defendant for the commission of the offense charged, there may nevertheless have been a motive undiscovered, and that circumstantial evidence ... has the advantage of direct evidence because it is not likely to be fabricated, he certainly expresses an opinion upon the force and effect of the testimony and intimates his view of the evidence."

Upon oral argument at the time of a rehearing the Attorney-General called the court's attention to the ... of ... Webster ... New York ... In commenting upon those cases the Supreme Court says the trial Judges in those instances were free from any constitutional or statutory restriction as to commenting on the evidence ... to the jurors. Continuing, the court says:

"It is scarcely necessary to extend this review of cases decided in other jurisdictions, since we may find in our own decisions the ... explicit statements of the true ... of the clause in question."

Instant Case Not Apt.

A number of California cases are cited and opinions of McFarland and Henshaw are quoted, while the instant case in which the instructions were given by Judge Murphy is distinguished as having no bearing on the Hoff case.

In his dissenting opinion Justice Garoutte, after ... calling upon the ... and legal style of the instructions given to the jury, says:

"Notwithstanding the foregoing suggestions, I see nothing in the instruction upon circumstantial evidence that justifies an order of this court calling for a second trial of the defendant. The declarations taken from the instructions and quoted in the majority opinion have been repeatedly given in the juries in criminal cases in the past, and upon appeal to this court have been ... ... in the ... of the law. These cases have declared the criminal law of this State too long to be now overthrown and cast aside without the gravest reasons. I think these reasons are entirely lacking.

... antial evidence ... to courts of ... matter not ... king up ... duty to ... At ...

[illegible]

SHERIFF'S ERROR A CAUSE OF DELAY

Peter McGlade's Third Trial Opens Up With a Brief Sensation About the Summoning of Men for a Jury.

Mr. Lackmann Called a Veniro of 200 Instead of 150 and Assumed Authority of Granting Dismissals.

Defendant's Attorneys Challenge the Venire as Irregular and the Point That They Made Is Sustained.

The Peter McGlade case, so prolific of scandals in the attempt to help this man out of the penitentiary, developed a small sensation yesterday. It wasn't a matter of much importance, but it gave to the defendant an additional day of delay.

Tuesday morning Judge Burnett of Santa Rosa was in readiness to begin the trial, having come to this city to relieve Judge Cook, who had conducted three McGlade trials and was weary of them. A venire of 150 talesmen had been summoned, but Attorneys Lennon and Hawkins, who represented the prisoner, were not willing to proceed. Mr. Lennon presented technical objections by which he obtained a continuance for a day.

When the case was called yesterday morning there was a similar array of court officials, attorneys and jurors.

"We object to this venire as irregular," said Mr. Lennon, taking the floor at the very beginning of the proceedings. "A venire of 150 talesmen was ordered, but the Sheriff had summoned 200, some of whom he had dismissed at his own volition. The entire venire has been corrupted and we charge that the Sheriff has been actuated by bias and cowardice."

Mr. Byington and Mr. Deuprey were both eager to talk, but Judge Burnett had inquiries to make and he ordered that Deputy Sheriff George Hare, who had been detailed to summon the jurors, be called to the witness stand.

Mr. Hare testified that in order to obtain the special venire he had taken names from the directory and the assessment roll. In order to be sure of the required 150, he and his assistants had summoned 200, and of these he had excused forty. There were 140 in court.

"Did you have any conversation with District Attorney Byington about the jurors?" inquired Mr. Lennon.

"Yes, Mr. Byington asked me to summon good, respectable men."

Judge Burnett held that the Deputy Sheriff had exceeded his authority, and so he dismissed the entire venire, ordering a new venire of ... men to be summoned for today.

Judge Burnett then asked Mr. Lennon for proofs to substantiate the charge that the Sheriff was actuated by bias and prejudice, but Mr. Lennon withdrew the charge, reserving the right to renew it if he should have the proofs.

[illegible]

Petition for Letters.

In the estate of Peter Christensen, who died February 11, 19[illegible], a petition for admission of will to probate was filed yesterday by Public Administrator [illegible]. The estate is worth about $[illegible] and is disposed of by an olographic will under date of February 6, 19[illegible], in which John [illegible], Louis [illegible] and the Children's Home Society are named as the devisees. It will be remembered that the will disposed of only a small part of the estate, and that there was a lively contest among certain alleged heirs for the remainder. [illegible] White is the attorney for the petitioner, with James H. Budd and [illegible] of counsel.

Says the Deed Was Forged.

In the suit for recovery of property belonging to the Anna Herzo estate before Judge Coffey, Expert Theodore Kytka yesterday testified that Mrs. Herzo's signature had been forged on the deed by which a restaurant on Third street was conveyed to John Clecak and M. J. Catusich.

SAYS SHE PROPOSED A DEATH-BED MARRIAGE.

Michael Catusich Testifies That Mrs. Anna Herzo Wished to Wed Him Before She Died.

Michael Catusich, one of the executors of the will of Mrs. Anna Herzo, was on the witness stand in Judge Coffey's court Tuesday. Mrs. Ellena Hadisich, sister of Mrs. Herzo and one of the principal legatees, complained that Catusich and John Clecak, the other executor, had misappropriated property belonging to the estate and she asked that they be removed and be compelled to [illegible]. The alleged misappropriation was denied by both of them. They said that they had purchased a restaurant in this city which Mrs. Hadisich averred belonged to Mrs. Herzo's estate, and that they paid her [illegible] for it.

It had been stated that Catusich [illegible] Mrs. Herzo and that he was anxious to marry her [illegible] her wealth. She left a large estate. Catusich testified that during her last [illegible] he was [illegible] and night [illegible] for her and that shortly before her death she asked him to send for a Justice of the Peace so that they might be married.

"She told me that if we got married she would die happy," Catusich said. "I told her that she would soon be well and then we would get married and go away on a wedding trip. I [illegible] to encourage her. She turned her face away and tears came to her eyes."

Attorney [illegible] asked Catusich to give samples of his handwriting. [illegible] had an idea that the documents produced by Catusich and Clecak [illegible] the transfer of property to them by Mrs. Herzo were not genuine. The hearing will be resumed next Monday.

FORMER MAYOR OF CHICO HELD TO BE A PERJURER.

Mrs. S M Houseworth.

Dr. J. Ellis Rodley, Convicted of Perjury

Decision of Supreme Court in Case of Dr. Rodley.

DR. J. ELLIS RODLEY, ex-Mayor of Chico, must serve out the twelve years of imprisonment meted out to him as punishment for perjury committed in subscribing his name to the bogus will of Alfred Fuller. This is the judgment of the Supreme Court, which body handed down a decision affirming the action of the lower court.

The arrest of Rodley was the sensation of the year in Chico. It was charged that he, Mrs. S. M. Houseworth and J. M. Harner had entered into a conspiracy to obtain possession of the estate of Alfred Fuller. Harner confessed a few days after his arrest, and it was his testimony that exposed the method of the conspirators. According to Harner, Mrs. Houseworth had promised to pay him $[illegible].

Fuller was an old resident of Butte county and had accumulated about $72,000. His health was poor for many years, and for a long time he was attended by Mrs. Houseworth. After his death, which occurred on October 11, 19[illegible], a search was made for a will but none was found. Several months later Mrs. Houseworth presented a purported will, by the terms of which she was to receive the entire estate with the exception of $[illegible]. The distribution of the sum excepted was provided for in a clause which read as follows: "I request $[illegible] to be equally divided between the legal heirs of my estate." The will was dated June 9, 19[illegible], and the attestation of Rodley and Harner, the witnesses, bore date of August 3, 19[illegible].

A contest was begun by the legal heirs of Fuller, and at the trial expert evidence was introduced that forced the Court to find that the will was a forgery and that Rodley and Harner had committed perjury in swearing that they had signed the will as witnesses at Fuller's request. Rodley gave bonds promptly when arrested, and stubbornly fought the charge, but despite his efforts to keep out of prison his trial resulted in a conviction.

An appeal was taken to the Supreme Court upon the question of the admission of certain evidence and upon instructions delivered by the Court, and others asked for by the defendant, was refused. One of the points raised was that conspiracy had been shown between Mrs. Houseworth, Rodley and Harner to filch the estate. The testimony in question was presented by a witness, [illegible], that Mrs. Houseworth long after the death of Fuller had approached him and asked him to become a witness to the will, saying that she would pay him $[illegible] for his services, as she had agreed to pay Dr. Rodley the same amount for his signature. The Supreme Court held that this evidence was admissible, as it went to show that the defendant was in the conspiracy. There were fifty objections taken to instructions and rulings of the Court, all of which rulings were passed as valid.

The decision just rendered settles the matter finally so far as the courts of this State are concerned, but it is intimated that the attorney for the defendant will apply to the Supreme Court of the United States on a writ of error.

Fighting Off the Stripes.

In his hard fight to keep out of the penitentiary, Dr. J. Ellis Rodley of Chico was yesterday given a temporary respite by the Supreme Court. Chief Justice Beatty, in acting upon his writ of habeas corpus, ordered the Sheriff of Butte county to keep the prisoner in his custody pending action in the United States Supreme Court on a writ of error. Provision is also made for Dr. Rodley's release on bail, but the bond must be approved by the Chief Justice.

Dr. Rodley is under sentence to serve twelve years at San Quentin for perjury committed in the Fuller will case. He has been for years a prominent physician in the northern part of the State and was at one time Mayor of Chico. His arrest and conviction caused a sensation.

LIKE A PUZZLED CHILD, WIFE TELLS ENDING OF ROMANCE

Pretty Mrs. Chadwick-Cooper Home Again, Leaving Her Husband in the Ogden Jail.

PRETTY Norine Schneider's [illegible] is ended. All her castles in the air have disappeared like thistledown before a summer wind. After a five-weeks ardent courtship [illegible] with diamonds and dreams of wealth and [illegible] in Mamma Schneider's comforting [illegible].

"It is all like a novel, just like a novel," said Mamma Schneider yesterday, [illegible]

MRS. CHADWICK-COOPER [illegible] NORINE SCHNEIDER, AS SHE APPEARED IN TELLING OF HER MATRIMONIAL [illegible] WITH ADVENTURER HARRY [illegible] COOPER

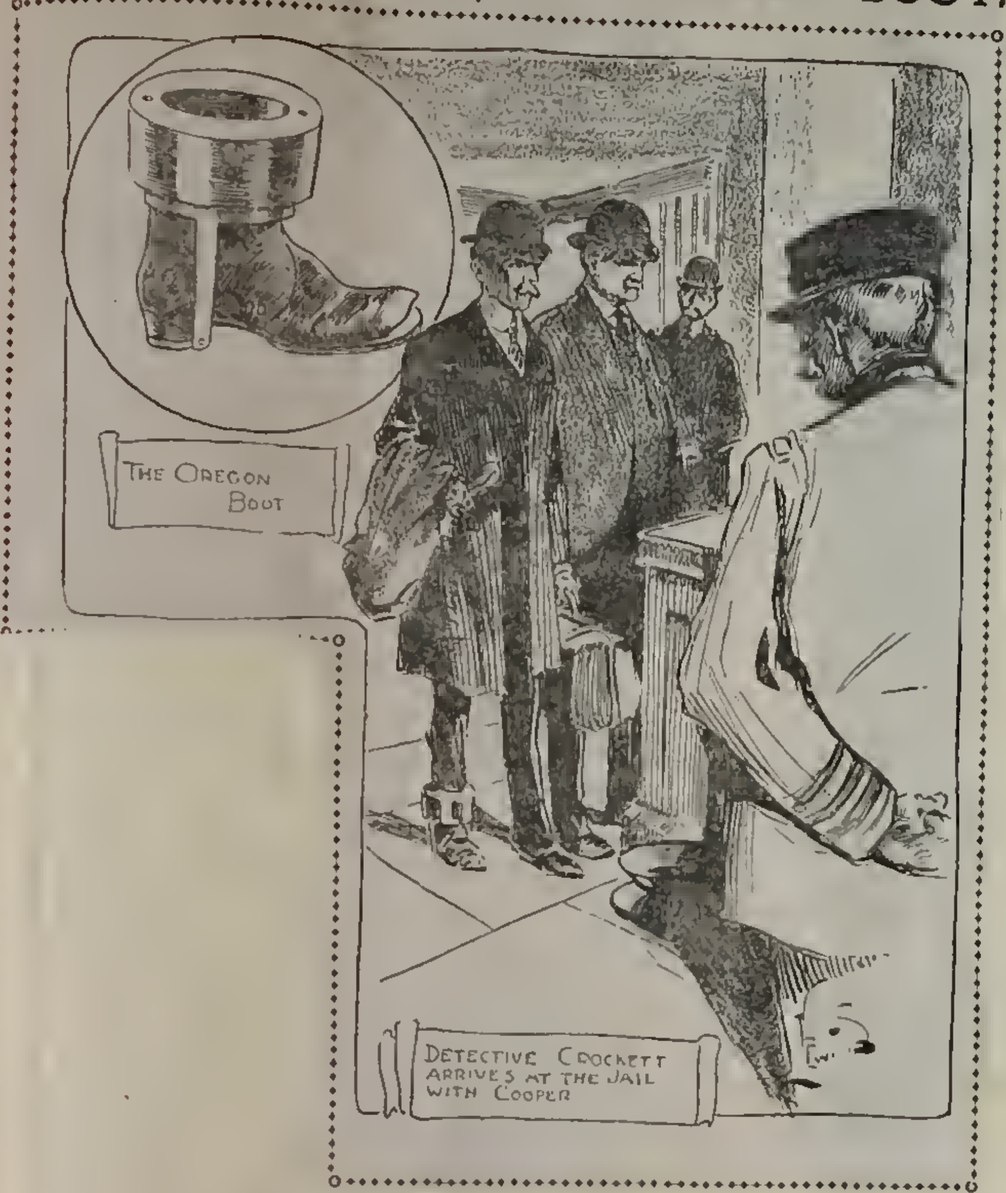
[illegible] and a few days [illegible] a trial experience like a [illegible] drama, she is back again [illegible] with her mother.

Her swindling bigamist [illegible] Ernest Moore [illegible] for her at the [illegible] Colonel Andrews' diamond palace.

Of all the romance that began [illegible] with the gallant and engaging [illegible] Crockett doctor in her papa's hotel at Vallejo Junction there is nothing left [illegible] forged [illegible] telegrams [illegible] the tawdry [illegible] love letters of a criminal and the tears of a hoodwinked, confiding, tender girl in [illegible]

[illegible]

COOPER COMES BACK WEARING SEVENTEEN-POUND OREGON BOOT.



MUST NOT TAMPER WITH THIS JURY

Judge Lawlor Takes Pains to Warn the Jurors Selected to Try Daniel J. Sullivan on a Charge of Forgery.

A Suggestive Lapse of Memory Concerning the Circumstances of the Case Manifested by Many Talesmen.

Court Enjoins Them to Report to Him the Effort of Any Person to Engage in Conversation About the Case.

"The Court admonishes you that it is your duty to report promptly to the Court the effort of any person to engage you in conversation on any subject connected with the trial of this case, or to carry on a conversation in your presence or hearing, or in any way do anything calculated to create impressions in your minds concerning the facts involved or the result of the trial, so that appropriate action may be taken thereon."

The jury selected to try Daniel J. Sullivan, formerly bookkeeper in the office of Bond and Warrant Clerk Charles A. Perry, was made the object of special admonition by Judge Lawlor yesterday, probably because of the suggestive lapse of memory concerning the circumstances of the case manifested by many of the talesmen examined before selection.

Sullivan is charged with forging the name of Police Judge Cabaniss to an order of release for a prisoner in the City Prison. There are two other similar charges against the defendant.

After the impanelment of the jury a continuance was granted until to-day, owing to the illness of Assistant District Attorney Alford, who has charge of the case. In dismissing the jury for the day, Judge Lawlor cautioned them in the words already quoted. The jurors are:

[illegible]

TO TRY FORGERY CHARGE FIRST

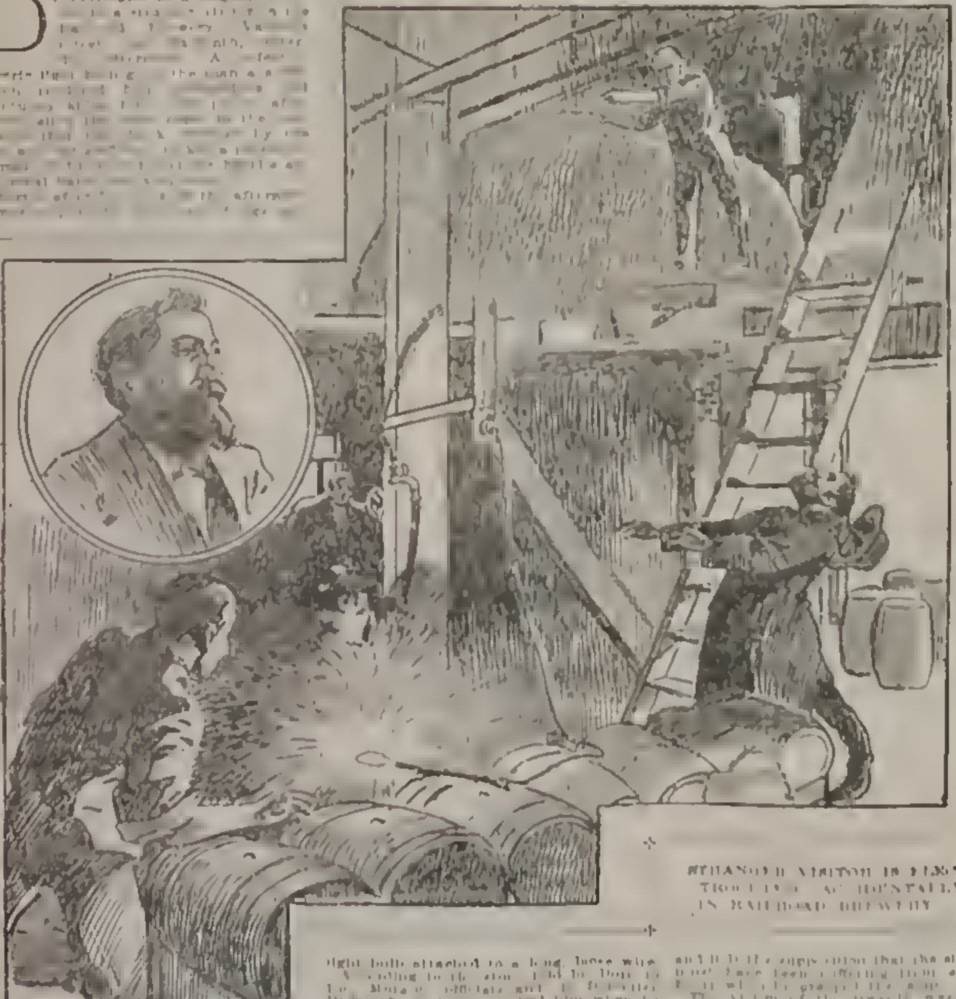
"Sir" Harry Westwood Cooper's Cases Before the Courts.

"Sir" Harry Westwood Cooper, alias Ernest Chadwick, appeared in Judge Carroll Cook's court yesterday, but his trial for forgery was postponed until Saturday. At that time a beginning will be made in impaneling a jury. The trial on a charge of perjury will be assigned by Judge Dunne Saturday.

ASKS FOR A GLASS OF BEER AND RECEIVES FATAL SHOCK

Death of a Stranger in a Brewery Follows Contact With Defective Electric Light Bulb.

D[illegible]



STRANGER VISITOR IS ELECTROCUTED ACCIDENTALLY IN RAILROAD BREWERY

[illegible]

May 8 – 1900

June 2 – 1900

Vol. XIX

CALIFORNIA DECISIONS.

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CRIMINAL LAW—LIBEL—EVIDENCE—EXPERT TESTIMONY—HANDWRITING—QUESTION FOR JURY.

In a [illegible]tion for libel, where the indictment is based upon an anonymous letter, which the defendant claims was not written by her but by another person and samples of the handwriting of the latter person are shown to an expert on examination for comparison with the anonymous [illegible] are put in evidence the expert testifying that there is no similarity or resemblance [illegible] it is error for the court to strike the [illegible] from the evidence on the motion of the [illegible] attorney on the ground that there had been no independent evidence connecting [illegible] of the samples with the libelous letter, as the jury had a right to pass upon the question of the resemblance or similarity of the handwritings and [illegible] with reference [illegible].

Appeal from Superior Court of Santa Barbara County.

For Appellant, H. F. Starbuck, C. T. Currier.

For Respondent, Attorney General Ford.

Filed May 3, 1900.

IN BANK

The People of the State of California, Plaintiff and Respondent, vs. Vida Addis Stoake, Defendant and Appellant.	Crim. No. 595.

Defendant was convicted of the crime of libel and prosecutes this appeal from the judgment and order denying a new trial.

It appears from the evidence that during the year 1895 a number of scurrilous letters reflecting upon Dr. Martha Case, Dr. Winchester and others of Santa Barbara were put in circulation in that town. The letters were all anonymous, and differed considerably both in penmanship and style, some appearing to have been written by women in a feminine hand, some quite illiterate in style, and others in a business, clerical hand, and of this class was the letter addressed to Dr. Martha Case, accusing her of being the mistress of Dr. Winchester, and imputing to Dr. Winchester immoral and scandalous conduct. The indictment in the case was based upon this particular letter. The defendant denied having written these letters, and, aside from showing that she was unfriendly to Dr. Winchester, the evidence was circumstantial, resting upon the opinion of witnesses as to the similarity between defendant's handwritings and these anonymous and libelous letters. The greatest stress seems to have been laid upon the opinion testimony of Theodore Kitka, an expert in handwriting. His testimony, which ran through several days of the trial, was to the effect that all the libelous letters introduced in evidence were in the handwriting of the defendant. The defendant claimed and sought to prove that one F. N. Gutierrez, who seems to have been an expert in various styles of handwriting, had written these anonymous and libelous letters at the instigation of other parties who were enemies of the defendant, for the purpose of implicating her in the offense charged. During the progress of the trial, while the witness Kitka was under examination, a large number of samples of the writings of Gutierrez was shown him, and he was asked to compare them with the handwritings of the libelous and disputed letters, and particularly in reference to certain peculiarities both of the letters written by Gutierrez and the disputed letters; the witness, however, testified that in his opinion there was no similarity or resemblance between them.

Before closing his case in rebuttal the district attorney moved to strike out all the samples in the handwriting of Gutierrez which had been admitted in evidence for the purpose of comparison, as stated, on the ground that there had been no independent evidence connecting Gutierrez with the disputed and libelous letters. Defendant's attorney objected to striking out said evidence, contending that, having been introduced for the purpose stated, the jury were entitled to examine the same and determine for themselves from a personal inspection. The court granted the motion to strike out, on the ground, as appears in the record, that there was no independent evidence tending to connect Gutierrez with the disputed writings, and therefore the jury had no right to consider the admitted writings of Gutierrez for the purpose of comparison with the disputed writings.

We think the court erred in striking out the evidence in question. In a case involving a comparison of different writings, the ordinary individual can frequently arrive at a conclusion quite as correct as that of the opinion of the most skilled expert in handwriting, particularly where, as in this case, the expert testified that there was no resemblance or similarity. Such is the rule of law not only in this State, but in others. C. C. P., § 1944. As said in Garvin vs. State, 52 Miss., 207: "Jurors may use their eyes as well as their ears." See also Gannt vs. State, 50 N. J. L., 490; Vinton vs. Peck, 14 Mich., 287; Dietz vs. First Nat. Bank, 69 Mich., 287; Rose vs. First Nat. Bank, 91 Mo., 399; Wagoner vs. Ruply, 69 Tex., 567; Brobston vs. Cahill, 64 Ill., 356.

The jury, therefore, should have been permitted to pass upon the question of the resemblance or similarity of Gutierrez writings with the disputed writings and form their own conclusion in reference to such similarity or resemblance. As it was, this expert witness was substituted for the jury in passing upon this question of fact under consideration. By a personal inspection the jury might have formed a different opinion from that of the expert. At any rate, an examination of the letters by comparison might have raised a reasonable doubt as to whether the disputed writings were by the defendant.

The other points presented on the part of the appellant are not of sufficient importance to require special consideration, but on account of the error already pointed out the judgment and order denying a new trial will have to be reversed; and it is so ordered.

VAN DYKE, J.

We concur:
TEMPLE, J.,
BEATTY, C. J.,
MCFARLAND, J.

ILLEGAL USES OF PHOTOGRAPHY.

By Thomas W. Hayes, U. S. Secret Service.

The use of photography in making counterfeit bills and stamps of the United States has become so general that the members of the Secret Service division of the Treasury Department has undergone a course of instruction upon the practical uses of that science.

The statutes of the United States forbids the making, procuring, or even the possession of a photograph of any government obligation. Although this law is generally known, the Secret Service has to seize some print or likeness of a Treasury certificate or coin every day or so. It is well for photographers generally to be fully informed of the law upon the subject, so that they can instruct prospective customers as to its danger.

Most of the counterfeiters of bills now use photography in reproduction. One of the most dangerous bills the Secret Service ever had to combat was made through a photographic process. Newspaper readers are familiar with the gigantic plot of the Jacobs-Kendig gang in Philadelphia last year. The counterfeit "Monroe head" one-hundred-dollar bill was one of the best counterfeits ever turned out.

W. L. Jacobs, a wealthy cigar manufacturer, together with W. L. Kendig and Arthur Taylor, two engravers, planned to bribe a Treasury official, issue $10,000,000 of the fraudulent notes, place them in the Treasury, and draw out $10,000,000 in good money. Had it not been for the cupidity of the engravers, there is not a doubt but what the great steal would have been an accomplished fact. Each member of the gang was to get $2,000,000 as his share of the proceeds.

The plates were photographed on steel, etched, and the finished bills were perfect. Banks accepted them without hesitancy. The lathe work on the back of the bills was even more perfect than that upon the original bills. The camera had brought out every single line on the original bill, and the finished product was a perfect piece of the engraver's art. But the engravers grew impatient and did not wait for the steal on the Treasury to be consummated. They passed hundreds of the bills, and the counterfeit was discovered. A few days later Chief Wilkie of the Secret Service had unearthed the whole plot and arrested all of the conspirators.

Walter C. Cresson was arrested by the writer in a St. Louis cellar just as he had completed an exposure of a $10 certificate. He was a noted counterfeiter, but a conviction was not secured because the government could not prove that he had made a photograph of the bill. Had we allowed him to develop his negative, a conviction would have been certain.

In 1895 William J. Beane, alias W. J. Furton, also a noted counterfeiter, was arrested in Oakland. He had in his possession a complete photographic outfit, and was engaged in turning out an exceedingly dangerous $10 bill. He was sentenced to four years' imprisonment.

On the whole, it is best for photographers not to experiment with Uncle Sam's bills as subjects.

Call May 15 — 1900

MRS. BOTKIN SEEN BY MORE THAN COOK

Two Ex-Sheriff's Employes Who Are Sure They Met the Woman on Market Street.

The Judge and the Prisoner.

[illegible]

[illegible] No. 22 – Alexander Farm [illegible] Fields
Lost $2500 here

T Kytola [illegible]

good,

DUE WARNING TO ALL CAMPERS AND HUNTERS

Heavy Fines Must Be Paid to School Districts by Those Causing Forest Fires.

Special Dispatch to The Call.

CALL HEADQUARTERS, WELLINGTON HOTEL, WASHINGTON, May 14. The following bill, which recently became a law, was championed by Representative Julius Kahn of California. It will be of particular interest to hunters, campers, etc., to know the danger they run unless they extinguish the fires built by them:

[illegible]

Call
May 15
1900

HORSE HAVEN

MOTHERS OF FAMOUS SONS

BRENTWOOD STOCK FARM. HOME OF MANAGER.

GROUP OF FAST HORSES FLYBYNIGHT ON LEFT.

NOWADAYS, when high-bred horses earn thousands and sometimes hundreds of thousands of dollars during a single season, as much care is bestowed upon them by owners, grooms [illegible] as though they were princes of the blood royal. Indeed, no prince, though a kingdom hung upon his life, is watched so jealously and treated with [illegible] care as a king or queen of [illegible]. As the fame of California as the home and training ground of world beating trotters and runners spreads through the country more and more interest is taken in the methods [illegible] here in the breeding up of horse flesh. California is watched with eager interest by horsemen the world over, for here are being developed ideas in the scientific development of strength and speed in horses that may revolutionize the sport.

To the glorious climate of California must be given the largest praise for the wonderful work already done. Nowhere else can the sensitive and highly strung thoroughbreds stay in the fields day and night, winter and summer,

HAMILTON II.

TAKING A STROLL.

HAMILTON II.

LOADING BARLEY FOR FEED.

MOWING ALFALFA.

w[illegible] benefit to health, wind and limb. [illegible] grass regions of Kentucky are swept with snow and sleet part of the year and the [illegible] of England are [illegible] in cool mist and rain, but [illegible] and warmth transform the pastures of California into an equine paradise.

In several parts of California the [illegible] care of horses is being studied, [illegible] of money on a lavish scale. The more famous stables and breeding farms have been described in detail. One of the most interesting of the newer institutions, about which little has yet been said, is the "horse sanitarium" near Brentwood, in eastern Contra Costa county, at the head of the San Joaquin valley. There many novel methods are in vogue which are worthy of the notice of all lovers of horse flesh.

Brentwood stock farm is situated five miles north of Brentwood station, on the Southern Pacific, and within a mile or two of the new station of Oakley, on the Valley Railroad. It is owned by H. Dutard of San Francisco, who has already expended $100,000 in making this a Garden of Eden for horses. From the time five years ago, when analyses of the soil were made until the present day, when seventeen kinds of grasses are grown for horse feed, nothing has been left undone to bring out the matchless qualities of California soil and climate for the recuperation and building up of horses. The place is in reality a practical application of the rest cure to horses, with intelligent care and watchful skill in assisting the animals to throw off weakness, injuries, diseases or conditions inimical to speed or endurance.

Brentwood farm is in reality "made land." It is situated in the triangle formed by [illegible] arms of the San Joaquin river and is therefore nearly surrounded by water. By great labor and expense [illegible] levees have been thrown up, holding back the water of the river and confining it to the two [illegible] that stretch on either side of the farm. These canals have ten or twelve feet of water at all times, sufficient to float [illegible] schooners and large barges, which carry most of the freight of the farm and transport horses to and from the river steamers, and go to San Francisco.

When the land was first reclaimed it was low and boggy. That was four years ago. It has been steadily rising from the [illegible] until, in places, it is almost up to the level of the [illegible] after crop of alfalfa [illegible] feed, while the grass pastures send up their velvet growth so rapidly that herds of horses [illegible] The surplus is cut and [illegible]

The [illegible] however, is a secondary matter in the care of the horses [illegible] pastures. It is the [illegible] quality of the ground that [illegible] first. This quality may be appreciated when the terrific pounding to which a horse's feet are subjected in racing is recalled. During the season a horse runs almost daily, at frantic speed, over a hard, beaten track, and in spite of the utmost care it is impossible to avoid injuries to hoof and ankle. [illegible] animals are often sent to Brentwood apparently irretrievably ruined through this constant pounding. Often they cannot walk and are hauled to the grassy pasture and fed by hand for a day or two. Then, as they cool out and feel the grateful springy sod under them, they gain confidence, and gradually their feet and ankles return to original suppleness and strength. In an incredibly short time the horses are frisking about, sniffing the fresh breeze, and kicking up their heels as if they were colts again.

Coach horses, heavy truck horses, hackneys and cobs, which pound their feet to pieces on the basalt blocks of San Francisco, show such genuine surprise and astonishment when they are placed on the green sward of Brentwood that they arouse laughter. Some of the poor animals are frightened with the elasticity of the ground and tremble as though they expected a sewer to open under them. Others walk slowly about, sniffing the fresh earth, which is so strange to them, until they are sure of their ground, when they rush wildly about, head and tail up, in the first great romp of their lives.

Frank Nugent, whose intuitive knowledge of horseflesh is as great as David Harum's, is in charge of affairs at Brentwood. He originated most of the reforms in the big sanitarium, and personally watches the progress of every horse that comes to take the rest cure. He pointed proudly to a heavy Percheron mare passing by drawing an enormous load of hay, and said: "There is a mare that was broken down by the paving stones of San Francisco. She hurt her back—a horse's weakest and most vulnerable spot—and was worthless. I got her for [illegible]. I took her just to see what I could do in building her up. She could not walk when I brought her here. I fed her with a little [illegible] at first, and she was so utterly broken in spirit that she dared not try to stand on her feet. By degrees she acquired confidence, until within a few weeks she was galloping about, perfectly free of every sign of weakness. I have been using her here, and have refused [illegible] for her. She is absolutely sound and does not hesitate to pull any load."

The same history is recited of high-bred race horses, which have taken the Brentwood rest cure to recover from over-racing, too much dope or bad feeding. They gain the glow of health and the swiftness of their prime.

Brentwood farm contains [illegible] acres. It is divided and subdivided into a [illegible] of fields, pastures and paddocks. Not a foot of barbed wire is on the place. Rotation of fields and change of grasses are used in the [illegible] of Superintendent Nugent to bring a horse out of the dumps in the quickest possible time. In his experiment with grasses, Mr. Nugent was the lucky discoverer of a new grass, short stocky, quick growing, nutritious and agreeable to the finicky palate of his pets. The savants of the State University have been asked to define and classify this grass, which seems to be new to California. Besides this grass, alfalfa, barley, blue grass and the native grass are used to a large extent. The native grass is in some respects superior to any other. It grows with such luxuriance in the Brentwood pastures that it is no unusual sight to see a bunch of colts wading through it with only their heads visible.

[illegible] that it contains a piece of high, somewhat hard ground, as well as the soft and elastic bottom. The animals are thus enabled to try out their own feet and test them [illegible] in returning strength. At certain seasons when the alfalfa requires it the bottom can be flooded from the levees without reaching the higher ground upon which the horses continue grazing undisturbed.

This flooding process, by the way, is a most ingenious one, the outcome of an intelligent perception of the natural advantages of the situation. The power that raises the water and carries it through the ditches is the Pacific ocean, though the farm is sixty miles inland. When the tide runs into the Golden Gate, forcing millions of tons of water into the bay, it backs up the waters of the San Joaquin river, and this in turn raises the water in the little canals on either side of Brentwood farm. The rise and fall averages six feet. By a system of gates Superintendent Nugent has artfully contrived to let the tide force the fresh water into ditches, where it is locked as the tide recedes and diverted into the field where required. Thus, in five minutes' time and by the mere closing of a gate the force of the ocean is used to irrigate alfalfa fields far out of sight of the ocean.

"We have built the levees on the safety plan," said Superintendent Nugent. "That is, we have run them up to a point higher than the highest flood ever known. Our ditches work both ways, too, which is a novelty. If there is a flood of water that we want to get rid of, all we have to do is to open the gates when the tide is low and it runs off into the canal and so to sea. If the water is wanted, and it is too low to reach the gates by the tidal power, we use the big siphon that runs over the side of the levee into this ditch. We use a hand-pump, like a kitchen pump, to suck the air out of this big siphon, and then, the land being lower than the water on the other side of the levee, the water flows over the levee and irrigates our fields. No labor at all is involved, either in pumping or directing the flow of the water."

In many cases horses require delicate handling when they first arrive at Brentwood. They are nervous with much racing, overstrung, off their feed and generally broken down. They are placed in a separate paddock, with an eight-foot double-tight board fence, insuring them isolation, quiet and absolute rest. **Hay, water and feed can be given to a horse without entering the paddock. The paddock itself is a miniature field, covered with alfalfa, or blue grass, or young barley.** Under these circumstances a horse quickly recovers his spirit and then his strength. The same treatment that would be beneficial to a neurotic human being is applied to the horse, with equally beneficial results. Each paddock has an inclosure in which the horse may withdraw in rainy weather.

When Mr. Dutard selected Brentwood for his novel horse sanitarium he did it with the object of securing for the animals immunity from mosquitoes or other insect pests. The constant breeze blowing from the sea secures this result at Brentwood, where mosquitoes are unknown. The breeze is the same as that which sweeps over the peninsula of San Francisco, save that it is tempered by [illegible] miles [illegible] over cultivated fields and long stretches of chaparral.

One of the enthusiastic admirers of Brentwood farm is Sam Hildreth, trainer for William C. Whitney, ex-Secretary of the Navy. Hildreth said: "Taking into consideration everything, from the climate to the care of each horse, there is no place to equal this. It is an ideal place for the recuperation of race horses."

Barney Schreiber, too, is a believer in the California rest cure for race horses. He has a number of valuable animals at Brentwood now, including Flyby-night. He argues that the cool pastures are of more benefit to horses than the higher lands, which are dry and hard. Whenever one of his numerous racers is knocked out by hard riding, accident or indiscreet feeding, he sends it to Brentwood for the rest cure. In a few days it is returned, glossy as silk, hard fleshed, sound in hoof and wind, and full of spirit.

The success of Brentwood in handling local and Eastern horses of renown has attracted great attention. Famous horses are sent there from all parts to undergo the treatment that practically remakes them. A whole string of Eastern horses is to be taken in hand this summer, to be turned out in the early fall ready to run.

With the success of Brentwood established it is more than likely that other model farms will be laid out in various parts of California, where peculiar advantages of climate, water supply and soil will render them profitable. The State in time seems bound to wrest the laurels from Kentucky as the ideal home for horses, [illegible] haven in a sense both large and wide.

Mch 25 1901

SCHOOL BOARD HELD IN CONTEMPT OF COURT

SPECIMEN OF THE CALIFORNIA SYSTEM, WHICH IS SAID TO BE THE LEGAL COPY-BOOK SERIES.

We minded that the sharpest ear
The buried brooklet could not hear.

CALIFORNIA

Hundred Years War with France
Shakespeare was born at Stratford

SHAYLOR

SPECIMEN OF THE NEW YORK SYSTEM, FOR UPHOLDING WHICH JUDGE HEBBARD SAYS THE MEMBERS OF THE BOARD OF EDUCATION ARE IN CONTEMPT

CONTEMPT of court is the charge that stands against the Board of Education on Judge Hebbard's calendar. Cecil W. Mark, Mrs. Mary Kincaid, James Denman and John H. Casserly must show cause why they should not be punished for neglecting to obey an order of the court in regard to a change in copy books.

The members of the board were before Judge Hebbard yesterday, and their explanation was only half satisfactory. They said they had taken an appeal from the ruling of the court, and therefore considered they had a right to consider Judge Hebbard's order as a negligible quantity until the Supreme Court's decree is received.

A discussion in regard to the legal phase of the matter ensued. It grew out of the suit of J. C. Green against the former Board of Education. About a year ago the board directed that the California system of vertical writing published by the H. S. Crocker Company of San Francisco should be discarded, and that the Shaylor system of vertical writing, published by Ginn & Co. of New York, put in use in the public schools of San Francisco. Crocker & Co. had Green bring the suit to test the validity of the School Directors' action, and Judge Hebbard decided Crocker's books to be the only ones from which the young idea of San Francisco may legally learn to write. He therefore directed that Ginn's books be abandoned and Crocker's reinstated.

The members of the Board of Education compared the two systems and could discover no material difference in them, so it was resolved to await the Supreme Court's ultimatum before switching back to the California system. It was figured out that the parents of 30,000 pupils had paid for the Crocker books when they were first introduced, and that an equal number subsequently purchased the New York system. Now if the California books be restored, it will necessitate the buying of 30,000 new books, and if the Supreme Court reverses Judge Hebbard's decision it will require 30,000 more new books, and so on through the intricate mazes of litigation.

It was contended that if the Judge had granted a prohibitory writ the appeal would not stay proceedings, and the Board of Education would be in contempt, but there was a mandatory order, and appeal from that part of the judgment would stay proceedings. Judge Hebbard intimated that next Wednesday, unless restrained by a writ of prohibition from the Supreme Court, he will formally adjudge the respondents guilty of contempt.

HALF-BREED HEIR MUST DISGORGE

Asked to Show His Proofs of Heirship.

MOODY & CO. VS. TREAT & SON

Gridley Merchants Having Some Difficulty in Collecting a Bill of Some $200 or More From a Slippery Jap—Win the First Case But an Appeal is Taken.

Special to the Enterprise.

OROVILLE, March 22.—The attorneys for the Eastern heirs of Alfred Fuller have filed notice directed to William Fuller which may cause him to "show his hand," so to speak. In other words, they have filed notice directed to the alleged heir, for an inspection, on April 3d, of all copies of accounts, books, papers, documents, letters and written matter of every kind, which may be in the possession of Wm. Fuller, involving his proof of heirship.

ANOTHER MOVE IN THE ALFRED FULLER CASE

Attorney for Eastern Heirs Wants to See the Indian's Documentary Proof

OLD MAN'S LETTERS ARE SOUGHT

Motion to be Made April 3d for an Order Commanding Their Production in Court

Special to The Record.

OROVILLE, March 22.—Attorneys Carter and Dockweiler, who represent William Fuller, the half breed Indian of Tuolumne who claims to be the son of Alfred Fuller, deceased, on account of whose estate three prominent persons are in jail, may be compelled to produce for the benefit of the eastern heirs of Alfred Fuller, their important documentary evidence tending to prove the heirship of their client.

Attorney Carleton Gray, representing the fifteen eastern heirs of Fuller, today gave notice that on Tuesday, April 3d, at 10 a. m. he will offer a motion for an order directing the attorneys for William Fuller to produce for inspection and copying, if necessary, all the accounts, books, documents and letters in their possession or under their [illegible], and more particularly the [illegible] to William Fuller in [illegible] to show that Alfred Fuller [illegible] William Fuller as [illegible]. The motion will be made under Sec. 1000, Code of Civil Procedure. Attorney W. H. Carlin of Marysville is now associated with Attorney Gray.

COURTS WILL HEAR OF BELL SECRETS

MRS. TERESA BELL, WHO DECLARES THAT THE ESTATE OF HER LATE HUSBAND, THOMAS BELL, IS NOT INSOLVENT, AS WAS REPORTED

THAT the bonds of a [illegible] that [illegible] back financial life to an estate that has long been regarded as hopelessly involved in debt and litigation is the latest and most unexpected [illegible] that [illegible] from the tangled affairs of Thomas Bell's estate.

The mystery that has [illegible] of the administration of this estate is to have a remarkable chapter added, which it it turns out as Mrs. Teresa Bell predicts, will be the brightest episode in the gloomy history of a [illegible] aged estate.

San Franciscans are tolerably well acquainted with the [illegible] the Bell family that began to [illegible] and [illegible] after the death of Bell over seven years ago. Mrs. Bell, the widow of Thomas Bell, who now has taken the [illegible], has hitherto remained in the background [illegible] a retiring person who scarcely dared to call her soul her own, while across her life pathway fell the shadow of the influence of Mrs. Mary E. Pleasant, a [illegible] mental [illegible] known [illegible] as "Mammy" Pleasant [illegible] attained prominence in the Sharon-Hill-Sharon litigation.

At last Mrs. Bell [illegible] herself and [illegible] a secret which [illegible] the [illegible] Mammy Pleasant, after the [illegible] letter [illegible] that [illegible] years had been [illegible] against her [illegible] information concerning her own affairs.

With all the [illegible] has been [illegible] Mrs. Bell has plunged into the task of rejuvenating her husband's estate [illegible] hopeless loss [illegible] out of their [illegible].

First and foremost [illegible] are the mining properties [illegible] estate of her husband is interested. This property is located near [illegible] Mexico and Mrs. Bell has expressed a determination to go to Mexico for the purpose of adjusting and protecting the rights of her husband's estate in that country.

The mining properties in which the Bell estate is interested is [illegible] proposition, the works employing not less than [illegible] men continuously [illegible] extensive machinery and utilizing [illegible] and mules in its operations. Mrs. Bell says that she and her children, as the heirs of Thomas Bell, are entitled to a controlling interest in these mines and also will [illegible]

[illegible] of the heirs as well as of the creditors.

Mrs. Bell recites that Bell died October 16, 1892, leaving an estate worth in the neighborhood of $1,000,000; that she was granted a family allowance of $2,000 a month from October 16, 1892, to October 14, 1896, when the allowance was reduced to $1,[illegible] a month, and that June 18, 1895, it was fixed at $[illegible] a month, at which figure it still remains. In consequence of the family allowance Mrs. Bell represents that she is a creditor of her husband's estate to the extent of $[illegible], exclusive of interest on overdue installments that Stacke represented himself unable to pay.

[illegible] Stacke's management of her husband's estate Mrs. Bell says that she was not aware of his delinquency to the [illegible] until last December, when she was informed of his duplicity. Stacke was Thomas Bell's partner and was named as [illegible] executors of Bell's will, Henry [illegible] and John W. [illegible] Maxwell being his co-executors under the provisions of the will. [illegible] resigned in 1892 and Stacke and Maxwell had joint control and management of the estate until September [illegible] 189[illegible], when Maxwell resigned, since which date Stacke acted as sole executor until he was suspended by Judge Coffey last Friday.

Mrs. Bell alleges that prior to his acceptance of the trust as executor of the Bell estate Stacke was the agent and attorney in fact of Mrs. Louise J. Thompson of New York, one of the creditors of the Bell estate; that Mrs. Thompson held a $[illegible] mortgage on [illegible] acres of land in Santa Barbara county, appraised at $134,750, and that the ranch was rented at $4,0[illegible] a year until July 189[illegible], after which it was rented for $[illegible] a year; that the executors collected the rent but did not attempt to pay off the mortgage; that Stacke wrote to Mrs. Thompson that there was no money with which to pay what was due her, that the ranch was worth double the amount of her claim and [illegible] foreclosure of the mortgage, telling her that he could manage it for her after she secured the title; that he would retain her power of attorney so that it would not appear that he was her agent at the time of the foreclosure proceedings, which he did February 13, 189[illegible], it being understood that no defense to the foreclosure proceedings should be made by Stacke or Maxwell, that the foreclosure suit did take place and the property was bid in by Mrs. Thompson for $[illegible], being the amount of the note with interest to the date of sale. She says that Stacke allowed the interest to become in arrears in order to induce Mrs. Thompson to foreclose the mortgage.

[illegible]

DEVONSHIRE'S NEPHEW ENGAGED TO AN ACTRESS.

[illegible]

April 5 - 1900

MARGUERITE SILVEY ON TRIAL FOR HER LIFE

Special Dispatch to the Call.

PRINCIPALS IN THE MERCED MURDER CASE AND THE SCENE OF THE TRAGEDY.

MERCED, April 4.—The trial of Miss Marguerite Silvey, charged with having killed Charles A. Thomas last December, commenced in the Superior Court this morning, Judge J. K. Law presiding. J. W. Knox appeared for the defendant and District Attorney F. G. Ostrander, assisted by F. W. Henderson, represented the people.

Shortly before 10 o'clock Miss Silvey, accompanied by her father, mother and her sister-in-law, Mrs. [illegible] Silvey, who was with her when she shot Thomas, entered the room and was seated near Miss Silvey's attorney. The defendant was very pale and showed signs of nervousness.

The following jurors were selected: C. [illegible], R. H. Waller, Thomas Max[illegible], W. C. Wil[illegible], G. W. Hasler, William Robinson, [illegible] Howell, [illegible] Chittenden, F. M. Preston, W. H. Mc[illegible], J. [illegible] and A. J[illegible]. The taking of evidence will commence to-morrow.

The young lady whom Thomas married after he [illegible] his divorce from the wife he left in Iowa arrived here yesterday to appear as a witness in the case. Her grandfather, Rev. A. H. Hitchcock, and [illegible] are also [illegible] here as witnesses. The latter married a sister of Thomas [illegible].

Promise of Marriage.

The circumstances of the murder are as follows:

Charles A. Thomas, a reporter on the Merced Star, after several [illegible] was [illegible] with Miss Marguerite [illegible] by her father to [illegible] several times [illegible] that he had [illegible] her. [illegible] after several [illegible] betrayed [illegible] train [illegible] they were [illegible] Los Angeles [illegible] at Fresno they got [illegible] a hotel [illegible] wife [illegible]

After a few days Mrs. [illegible] Fresno, to follow [illegible] Merced [illegible] his wife and the two [illegible] the girl's father [illegible] the marriage [illegible] Thomas [illegible] at least made an excuse regarding his whereabouts.

As the father was unable to obtain any proof that a ceremony had been performed he demanded the return of his daughter. Thomas refused and the girl seemed desirous of remaining with him. Her brother, Lace Silvey, armed with a pistol, called at the house where the two were rooming and demanded that his sister return with him to her father's home, and when Thomas attempted to interfere he fired several shots at him, none taking effect. He succeeded in getting his sister to her former home, but through a secret means, she succeeded in carrying on a correspondence with her lover and asked him to take her back to him that both might be happy. This correspondence was carried on about a week when on the afternoon of December 2[illegible], accompanied by her sister-in-law, she waited at the door of the Star office, where Thomas was employed, and waited for him to leave the office. At 4:30 o'clock he started out of the door and was met by the woman that claimed to be his wife. She engaged him in conversation for a few moments and then pistol shots were heard by those employed in the office. Thomas rushed back into the office closely followed by Miss Silvey, who held the still smoking revolver in her hand and was about to aim again when she was disarmed by parties in the office. Thomas sank into a chair, exclaiming "I'm shot." He was removed to his room and medical aid summoned. He suffered greatly during the night and on the following day the bullet was removed. After lingering through the night he died at 7 o'clock on Friday morning.

Released on Bail.

Miss Silvey, after she fired the fatal shot, walked with her sister-in-law down the stairs to the street and started toward home, but was overtaken and arrested and lodged in jail, but was afterward released on [illegible] bail. After the death of Thomas she was rearrested and charged with murder. She appeared in the Justice Court and was held to appear before the Superior Court. On a doctor's certificate which represented that the jail was unfit for one so delicate, she was released on [illegible] bail.

Thomas was born in Henderson, Iowa. Before he came to California he married, but was divorced. After coming to California he located in Suisun, where he again married. After a short time he separated from his wife, but did not get a divorce, which explains why he did not marry Miss Silvey.

Ap. 6. 1900

EXAMINER, SAN FRA[illegible]

FAINTS AT THE BAR OF JUSTICE

Woman on Trial for Murder Becomes Unconscious in Court.

IS CARRIED IN ON A LOUNGE

Prosecution Closes Its Case Against Margaret Silvey of Merced, Who Shot Her Betrayer.

[Special Dispatch to "The Examiner."]

MERCED, April 5.—A sensational incident occurred during the trial of Miss Margaret Silvey to-day in the Superior Court. The young woman is on trial for murder, she having shot and killed C. A. Thomas, whom she accused of betraying her, in this city in December last. This afternoon, during the examination of one of the witnesses for the prosecution, the defendant arose, gazed about the room for a moment and then fainted away. Her mother and numerous other ladies who were present went to the girl's assistance and she was carried into the clerk's office, adjoining the courtroom, where she was restored to consciousness. Court was adjourned for an hour and the trial was resumed and Miss Silvey was carried back into the courtroom on a lounge, upon which she rested until adjournment this evening.

No new facts have developed thus far, the testimony merely going over the occurrences as already published in "The Examiner."

After the fainting episode to-day the prosecution rested its case and Attorney J. W. Knox made the opening statement for the defense. He promised to prove that C. A. Thomas was a moral pervert and said the evidence to that effect will be given by Thomas' own relatives. He also said he would prove that Miss Silvey was subject to epileptic fits, St. Vitus' dance and other afflictions, and that when she shot Thomas she had no control over the muscles of her arms and hands. At the conclusion of the attorney's statement court adjourned till to-morrow morning.

THOMAS WROTE THE LETTER.

So Says Expert Kytka of the Anonymous Note.

During the past few days District Attorney F. G. Ostrander of Merced has been in San Francisco awaiting the result of handwriting expert Kytka's examination of an anonymous letter found upon the body of C. A. Thomas, who was killed by Miss Margaret Silvey, and which letter brought about the murder. The result of Miss Silvey's trial, which is now in progress at Merced, depends in a great measure upon Kytka's findings. The anonymous letter, which Thomas alleged he received through the mail, reflected upon Miss Silvey's character and caused the breaking off of her engagement with a Bakersfield young man. The note, with several admitted writings of the deceased, was placed in Kytka's hands several weeks ago. Last night the expert informed Mr. Ostrander that it is his belief that Thomas wrote the anonymous letter himself. The writing, as compared with the admitted letters of the deceased, corresponds in every detail.

Mr. Ostrander was dumfounded when the findings of the expert were made known to him, and left for Merced at once. It is believed this discovery will result in the acquittal of the young woman.

Ap. 7. 1900 [illegible]

MARGUERITE SILVEY ACQUITTED BY A JURY

While Testifying for Herself the Young Woman Broke Down and Her Mother Fainted.

Special Dispatch to The Call.

MERCED, April 7. The jury in the Silvey case rendered a verdict to-night of "not guilty." The day was occupied in examining witnesses, and this morning Lace Silvey, brother of the defendant, was placed on the stand, and during the testimony he was interrupted by the mother of the prisoner fainting. She was removed from the courtroom and restored to consciousness.

After Lace Silvey had given in his testimony the defendant took the stand and recited her relations with Thomas, telling how he promised to marry her and of her trip south when she thought that she was being taken to Los Angeles, but instead was taken off at Fresno, and on account of Thomas not having sufficient money to get married she was compelled to return to Merced the following four days later. She was [illegible] during the time she was testifying [illegible] broke down, [illegible] the afternoon session [illegible] the stand and continued [illegible] Thomas had deceived her.

After the examination of the witnesses for the defense the case was submitted to the jury without argument. They retired to the jury room and in a few moments returned with the verdict that acquitted the young woman of the crime.

TAKING LONG-DISTANCE PICTURES OF CRIMINALS WITH THE TELEPHOTO

[illegible]

By Theodore Kytka.

[illegible]

The size may [illegible] from [illegible] times the size of [illegible] with an ordinary lens from the same [illegible] point. This class of photography had [illegible] the limiting of [illegible] until a few [illegible].

Instantaneous pictures were impossible with the former class of [illegible] the advent of the [illegible] and [illegible] exposures of [illegible] of a second the [illegible] of times [illegible] the size of the one taken with an ordinary lens from [illegible].

[illegible] progressive manufacturers [illegible] predict a great future for this branch of photography, chiefly in astronomical, military, geographical and surveying experiments. The size of the telephoto camera may vary from a 4x5 inch to a [illegible] feet.

A figure taken with a telephoto lens will preserve much better proportions in foreground and background than any portrait lens of the best make without telephoto [illegible] will [illegible] by [illegible] a figure facing [illegible] will be greatly exaggerated in size owing to the short focus of the lens. It will [illegible] found that all the foreground is exaggerated and the background greatly dwarfed. The same subject taken with a [illegible] lens will reproduce, [illegible] the [illegible] distance between the subject and lens which is at times twenty-five [illegible] the proper proportions of the [illegible] fore and background and the relative [illegible] of [illegible] will have [illegible] of drawing [illegible].

[illegible] made was taken by [illegible] a photograph of the summit of Mount [illegible] feet high, which was taken at a distance of forty-four miles, on a [illegible] negative, showing wonderful detail, and for which he was awarded the gold medal of the Royal Photographic Society of England.

Ships may be thus photographed many miles out in the ocean. The experiments with modern projectiles and cannons and explosive forces may be photographed with safety.

[illegible] of the [illegible] taken from Geneva forty-four miles away. The small picture of the same [illegible] taken at the same distance with an ordinary camera.

How Telephotographs of Criminals Are Taken at Long Distance With an Ordinary Camera.

[illegible]

Hopkins Institute of Art, taken from the Crocker Building by Theodore Kytka. The small picture was taken with an ordinary camera.

AMES ON FORGERY

ITS DETECTION AND ILLUSTRATION

WITH

NUMEROUS CAUSES CÉLÈBRES

[illegible]

BY

DANIEL T. AMES

[illegible] Editor of The Penman's Art Journal of New York
Author of Ames's Compendium of Practical and Artistic Penmanship,
Ames's Alphabets, Ames's Guide to Practical Writing, and
[illegible] Examiner of Questioned Handwriting,
[illegible]

SAN FRANCISCO
DANIEL T. AMES
24 [illegible] STREET

NEW YORK
AMES-ROLLINSON COMPANY
1900

PHOTOGRAPHS ON THE SKIN.

A scientific discovery is bound to be picturesque and interesting and must attract universal attention. A Roumanian chemist named Dinkerescu discovered a means of combining the substances which are used in sensitizing paper for photographic purposes so that they can be applied to the human cuticle without injuring it, and the skin thus be made a sensitive plate for the printing of photography. Dinkerescu's remarkable discovery is a combination of photography and the etching process, and that to some extent the image is "bitten" into the cuticle, says the Chicago *Chronicle*.

At any rate, the impression is permanent, the image is clear and distinct, and the skin is not made a negative. The impression does not wear away with the change of the tissues and the renewal of the surface of the skin, because the substances or changes which have been produced by the process of photography are renewed according to the modifications produced by the "biting" process, just as those of a tattooed outline are. And whatever the mechanical means employed, the results are remarkable. By this means every human being becomes a sort of photograph album. The likenesses of his friends, landscape views associated with his childhood or with significant events in his life, portraits of the great men and heroes whom he admires, and many other things may be reproduced beautifully and permanently on his surface.

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Office of the

San Francisco Savings Union.

532 California Street, corner of Webb Street

San Francisco, February 23, 1900.

DANIEL T. AMES, Esq.
#34 Post Street, San Francisco.

Dear Sir:- We have had the opportunity to examine the advance sheets of your work on "FORGERY, ITS DETECTION AND ILLUSTRATION" and it impress us as an exceedingly interesting work to the general reader, and more especially one of great value to bankers and others who have to guard against the attempts of characters who seek to prey on society through acts of forgery.

Very truly,

Germania Trust Company.

12 Montgomery Street, S. E. cor. of Sutter

Paid up Capital & Reserve $ ...

San Francisco Cal. February 13th, 1900.

Mr. Daniel T. Ames,

San Francisco, Cal.

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Yours truly,

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Tales Told by Handwriting

By Wm. J. Kinsley

THE employment of professional handwriting experts as witnesses in court cases that often involve enormous sums of money, or the liberty or even lives of suspected malefactors, has awakened widespread interest in the methods of this class of experts, their resources and capabilities in conserving the ends of justice.

Many uninformed people appear to look on the handwriting expert as one who, by intuition or the possession of some mysterious occult power, is enabled to distinguish at a glance the true and the spurious in any questioned handwriting. Nothing could be further from the fact.

The secret of his power—as in any other line of scientific research—lies wholly in his intimate familiarity with the innumerable physical details which comprise the written line or word or letter—sometimes so slight a matter as the dotting of an i or the placing of a comma. It is precisely the same specialized sense, born of acute observation and minute scrutiny that enables an expert chemist to take two powders of like weight and color, identical in appearance to the common eye and perhaps in taste to the common palate, and say: this drug is harmless, wholesome; that is a deadly poison—and to specify not only their various individual constituents but the exact proportion of each. The trained eye of the handwriting expert (as in another case could that of the expert chemist) can often detect at a glance certain distinguishing earmarks of submitted writing that enable him to fix the identity of the writer almost offhand. In the great majority of cases, however, the cunning of the forger calls for deliberate, painstaking study and investigation before the conscientious expert is willing to announce with absolute surety an opinion so often fraught with tremendous possibilities for good or for evil.

Nothing else that a person does is so characteristic as the handwriting, and the identification of the individual can be established by it better than by portraits or almost any other means. As lawyers and laymen and courts are finding this out, the handwriting expert is more and more called upon to untangle snarled questions and to right wrongs.

PHOTO BY [illegible], NEW YORK

WILLIAM J. KINSLEY

It is only when attention is directed to this interesting science by the wide publicity given to some great case in which handwriting plays an important part that the notice of the general public is drawn to it. The average person would be surprised to know of the great number of cases that find their way to the office of the handwriting expert. The man who has made a success in this line is constantly in demand, and makes frequent trips to distant points to appear as witness in courts.

THE EXPERT AND THE CHARLATAN

Though nearly every large town has some one who devotes some attention to handwriting, there are but five or six men in this country who give to it practically all of their time, and who have gone very deeply into the subject.

To allow any person to qualify as an "expert" and to testify as such is a matter wholly within the discretion of the court. Unfortunately, courts frequently are lax in determining this question. Almost any one who can write is permitted to give alleged "expert" testimony regarding handwriting. In one case within the writer's experience—a case, too, involving life and death—the court unwittingly accepted the "expert" testimony of a witness who, it was afterward proven, was unable to write even so much as his own name. In the litigation attending the disposal of large mining interests held at Butte, Montana, the court permitted testimony in regard to the handwriting of the testator from a witness who admitted that he had seen the testator write but once, and that in lead pencil over twenty years before.

Any one accustomed to writing is usually allowed to qualify as an "expert." To the lay mind it is natural to confound experts who have studied the subject deeply in all its various phases with those who have had occasion to examine it casually, or who may possess uncommon facility with the pen without ever having had occasion to investigate scientifically just those little illusive points upon which the professional expert places his reliance.

Hence, when we read of "experts" being mistaken, or of an equal number of them appearing on opposite sides of the same case, it will nearly always be found upon investigation that they are of the class described above, whose lack of thorough special training and specialized experience really should have disqualified them from giving testimony. Though any one may call himself an "expert," or a "professional expert" for that matter, thus opening the door to charlatanism in exactly the same manner that it is opened more or less in all vocations, yet, as a matter of fact, it is very rare that professional handwriting experts testify to a contrary state of facts, and the cases in which they have been proven mistaken are remarkably few.

THE WEIGHT OF THE ANTI-DREYFUS TESTIMONY

A case such as the Dreyfus affair has a tendency to confuse the public mind and leads to wrong conclusions. In initiating the prosecution of Dreyfus the French Government submitted the documents to expert Gobert, of the Bank of France, who is considered the leader in this line in France. Gobert reported that Dreyfus did not write the incriminating documents. The prosecutors then placed the papers in the hands of Bertillon, the inventor of the anthropometric system of measurements (used principally on criminals) which bears his name. It mattered not that Bertillon had never appeared in a handwriting case before, or that his skill in this line was unknown. He was a man of science, of great renown in other lines, and the Government relied on these facts to bolster up its claim that Dreyfus wrote the incriminating papers. Bertillon reported in favor of the Government's contention, and it was an easy matter to get some alleged experts—weak as to skill and ability—and one or two honest but misguided men to agree with him. Some of these afterward changed their opinions when better standards of writing were given to them.

Dreyfus' friends sent engraved reproductions of standards and disputed documents to the best known experts all over the world, and without exception these reported that Dreyfus was not the writer of the disputed papers. On the side of the French Government were a few so-called "experts," headed and dominated by a man with no experience whatever. The experts of skill and experience in France and the world over were practically unanimous in favor of Dreyfus. The writer's critical examination of the documents in question produced an absolute conviction that they could not possibly have been written by Dreyfus.

Unless the individual is fitted by nature and inborn liking for investigations of this character, no amount of education and experience will fit him. But, given natural equipment and inclination, it is necessary first of all that the expert have a good general education. He should have a sufficient command of language to make others see what he sees. He should have a good eye for form and color, and a well-trained hand to enable him to describe graphically as well as orally what his trained eye has detected. A few strokes on a blackboard or large sheet of paper will often make a clouded point appear much plainer to court, jury and lawyers than hours of oral description. The ability to handle the crayon and to simulate well the writings under discussion is a great aid.

THE HUNDRED AND ONE STUDIES OF THE EXPERT

Making a collection of the handwritings of all nations, classes and conditions of people; collecting autographs; collecting and testing thousands of samples of paper and the various makes of inks, visiting paper mills and ink laboratories, investigating ordinary lead pencil and indelible pencil writing and the manufacture of these pencils; studying rubber-stamp impressions; collecting all kinds of pens and experimenting with them—these are some of the things the writer has found of use to him in his studies. His experience as student, bookkeeper, teacher of penmanship and bookkeeping, and editor has also been drawn on for many helpful ideas. In this, as in other callings, the expert keeps his eyes and ears open and makes use of anything that will be of use in reaching a conclusion.

Editor's Note—This is the first of two papers.

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The services of the expert are required in a wide range of civil and criminal cases. Where handwriting is questioned on notes, checks, drafts, receipts, wills, deeds, mortgages, bonds, anonymous letters, money orders, registered letter receipts, "green goods" letters, pension papers, and in smuggling and (a strange and gruesome thing) names of jurors on coroners' inquisitions—in short, on any kind of document where it becomes necessary to establish the identity of the writer, the expert is called in. Life, liberty, honor and property are frequently balanced on a pen point—a few marks of a pen being the determining feature in many a case.

The handwriting of the schoolboy and schoolgirl, though crude, is conventional and idealized. It has but few characteristics so long as the school model or copy book hand is the goal. The pupil gives constant attention to the handwriting as well as to the thought. A number of students of about the same grade, under the same teacher, will write much alike. Fifteen or twenty of these students could each write a line on a page and it might baffle a layman, and perhaps puzzle an expert, to tell whether or not more than one person wrote the page. This constant striving after one ideal, and putting thought on the handwriting, had drawn them all toward that ideal and away from individuality.

THE GROWTH OF A MATURE HANDWRITING

A glance at Plate 1, presented herewith, will illustrate this point. Each line is written by a different student, ages from seventeen to twenty, who have been under the same school influence from five months to a year.

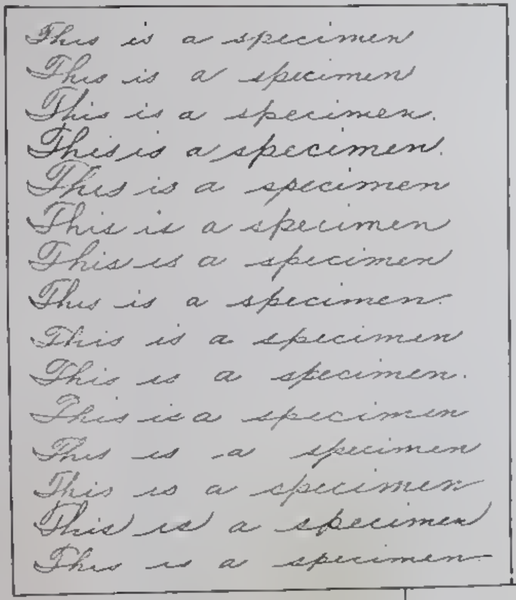


PLATE 1—EACH WRITTEN BY A DIFFERENT PERSON

In a twelvemonth these students will be scattered and their occupations and environments will be totally different. One will be a banker, another a lawyer, another a teacher, another an insurance policy writer, another a farmer, another a blacksmith, another a bookkeeper, another an editor, and so on through the various occupations of life. The conditions of life and the manner and frequency of writing will be as varied as the individuals. Temperament, too, will assert itself, and whereas in the student-writing all gave thought to the mechanical or handwriting part of putting thoughts on paper, now the whole attention is focused on the thought itself and not the means of expressing it. By countless repetitions of the various forms and combinations of letters in each person's handwriting they become fixed unconsciously and irrevocably, and the handwriting is really without thought—reflex action.

So gradually do we depart from the conventional standard or copy book hand that we scarcely realize it. By degrees we lop off here and add there until we have a handwriting that suits us, so far as our skill will go, and one that is peculiarly characteristic of us. It bears the stamp of our personality in every angle and turn in i dot and t crossing, in shade and alignment—in every part of it.

DIFFICULTIES THAT CONFRONT THE FORGER

In ten years this same group of students—now bankers, lawyers, and so forth—if asked to write the word *This* would likely write it about as it appears in Plate 2. In this plate are here specimens of handwriting of mature persons who have been applying their writing to various occupations.

When a handwriting once becomes settled and firmly fixed it is an impossibility to throw it aside like a cast off coat and put on a new one at will. It is here that a person who attempts to disguise his own writing or to simulate that of another meets with insuperable obstacles. No one knows all of the characteristics of his own writing. They are so common and have been acquired so unconsciously that the writer himself is usually unaware of their presence.

Even did the writer know his characteristics he could not throw them off. When a person attempts to simulate the handwriting of another he doubles his difficulties. He imagines that he knows all of the characteristics of the other hand and that he has the skill to imitate them. To simulate characteristic handwriting, full of departures from the copy-book style, is far more difficult than to produce conventional or copy book hand. In simulating the handwriting of another your hand and mind would be doing double duty—endeavoring to avoid your own and trying to copy the characteristics of the other.

Emerson has pointed out that "every man is a prisoner to his powers." Once our handwriting passes the formative period and becomes settled it has departed from the standard, and these departures are termed characteristics. These characteristics are the hall-marks of identification.

FIXING THE IDENTITY OF A WRITER

Disraeli has said: "Nature has given to every man a peculiar handwriting, as she has given him a peculiar countenance, voice and manners." Believing that this is true, the expert, when beginning to study a case, critically examines the "standard" or "exemplar," as the known writing is called, and notes the characteristics in it. In this study he takes into account size, slant, shape, shade, speed, spacing, movement, proportioning, alignment, pen pressure. Some of these may be disguised successfully, but it is not possible to disguise all. Each of the fifty-two letters and the ten digits gives opportunities for display of personality, and when the connections and various arrangements of the letters are taken into account, the combinations that can be formed from the strokes are so numerous as to be almost beyond the power of figures to express. It makes a difference whether or not a letter is used at the beginning, the end, or in the middle of a word.

Some characteristics are more markedly peculiar than others—more individual and personal. Of course a characteristic peculiar to one hand alone would and should be given much more weight, because of its very personality, than a characteristic common to many hands.

No particular number of characteristics is needed to enable the expert to reach a conclusion. It depends upon how strongly marked the characteristics are. If two striking characteristics are found, it is obvious they should be given more weight than twice one. And if three are found, it much more than trebles the strength of the opinion.

The expert studies and investigates until he discovers a lack of similarity, or finds a sufficient number of characteristics to render it almost mathematically certain that the same person wrote both the standard and disputed writings. It would be considered a strange coincidence if two human beings were found with two bodily marks identically the same. If the number were increased to five or six marks (cast in same eye, moles in same place, loss of same fingers and toes, etc.) it would be considered miraculous; and if increased to twenty, an impossibility. This is a fair illustration of the reasoning followed.

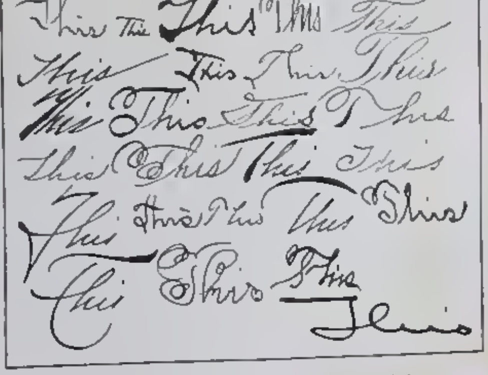


PLATE 2—EACH WRITTEN BY A DIFFERENT PERSON

Marks that are strong and peculiar to the individual are given more weight than characteristics common to many, and fewer of these peculiarly personal marks would be needed to reach a conclusion than where the departures from the copy book hand are of a more frequent kind.

HOW THE PICTORIAL EFFECT DECEIVES

Pictorial effect—or the writing picture as a whole—is what deceives laymen and pseudo-experts frequently, especially if they are obliged to make an offhand decision. A skillful forger can imitate the general arrangement in such a way that the piece of writing has a very puzzling appearance. It is this pictorial appearance that misleads bankers and others who do not get below the surface.

The expert places no reliance whatever on the pictorial resemblance of a piece of disputed writing to the standard. Of course there must be some resemblance or unlikeness, otherwise there would be no need of an expert investigation. The pictorial resemblance between standard and disputed writings may be compared to the likeness existing between stage impersonations of Gladstone, Bismarck, Blaine, and other noted men and the originals themselves. The impersonator is "made up" to look like the distinguished individuals he poses to represent, but a careful scrutiny of him, in which the beards and wigs are removed and the grease paint washed off, proves not only that the personator is a base imitation, but reveals his own identity as well. This is what a scientific examination does in the case of forged and simulated handwriting. It demonstrates the forgery first, and in nearly every case unmasks the forger.

WHAT THE WRITING TELLS OF THE WRITER

It is possible to tell with fair degree of accuracy the nationality, sex and age (approximately). A study of the handwriting of the different nations makes it comparatively easy to recognize in any questioned specimen the nationality of the writer. The aggregate characteristics of a nation are reflected in the style of handwriting adopted as a national standard. The style most in use in the United States is the semi-angular, forward slant hand, although the vertical round hand is now being largely taught in the public schools and will affect the appearance of the writing of the next generation quite appreciably.

Frequently educational and newspaper critics compare unfavorably American writing with that of other nations. The writer has investigated the subject by collecting from many countries copy books and specimens of writing from leading teachers of writing, students in various grades of schools, clerks and business men.

America is so far in advance of any other country in artistic and business penmanship that there is really no second. Americans as a whole write at a much higher rate of speed and with a freer movement than any other nations, and, consequently, many critics stop when they have criticised form alone, not making allowance for quantity. Nervous, rapid writers (and such the Americans are) produce writing more or less illegible, but it is not the fault of the standard so much as the speed with which the writing is done.

THE COPY-BOOK OF THE NATIONS

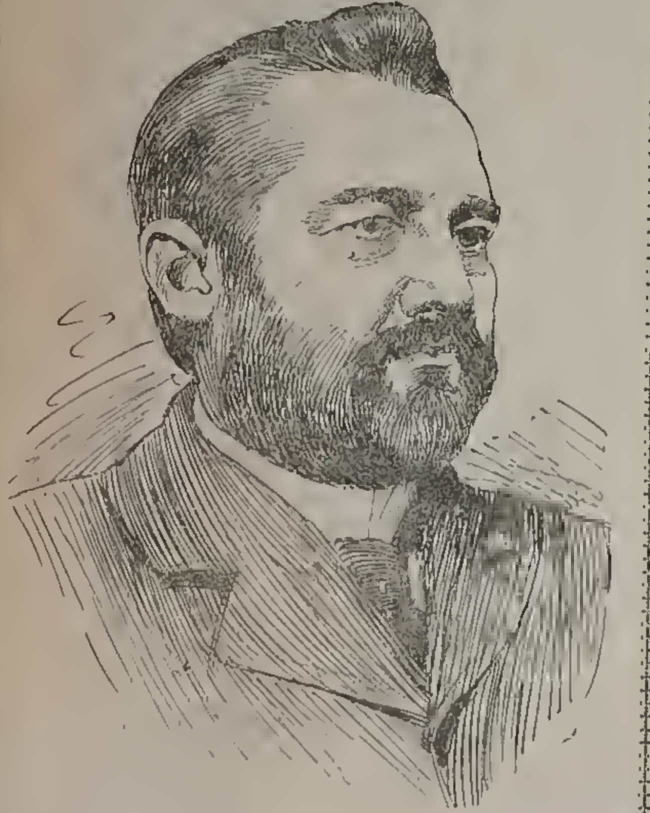
The writing of England is either angular (for rapid business style), or the civil service round hand—too slow for the every-day rush of business. England's colonies, influenced by her copy-books and teachers, write about as England does. Canada is an exception, as her proximity to the United States causes her to mix the English and American styles, with the American gaining ground.

The German and French write two radically different styles. Hence the identity of the nation producing the writer as well as the identity of the writer himself usually can be established. Before the writer is known this frequently is of great benefit to the cause of justice, as it narrows down the search.

In the Baby Clark abduction case in New York, in the summer of 1899, the nurse girl advertisement which secured the place for the nurse was submitted to the writer. He gave as his opinion that the writing was (1) that of a woman; (2) of a person of more intelligence and higher station than the average nurse girl; (3) of a woman accustomed to do much writing—likely a newspaper writer, judging from style; (4) of a person between twenty-five and thirty years of age with a settled handwriting. The arrest and confession of the abductors proved this analysis to be correct.

Chronicle June 1 - 1900

E. C. KILPATRICK, THE DEPOSED PRINCIPAL



KILPATRICK IS FOUND GUILTY.

BOARO OF EOUCATION HANOS IN ITS VEROICT.

DIRECTORS DECLINE TO EXPEND MONEY FOR THE CIVIL SERVICE.

Quarantine of the Burnett School Is Demanded — Teachers Fined for Absence From the Institute.

E. C. Kilpatrick, principal of the Business Evening School, was found guilty yesterday by the Board of Education and discharged from the department. Superintendent Webster stated that, as far as his knowledge of the trial warranted him in speaking, the finding of the Board was correct. Kilpatrick applied to the Superior Court in the afternoon for a writ of review, and Presiding Judge Bahrs directed that the Board of Education send the record of the proceedings in the case to Judge Murasky's court on June 8th.

The action of the Board took the form of a resolution, which reads as follows:

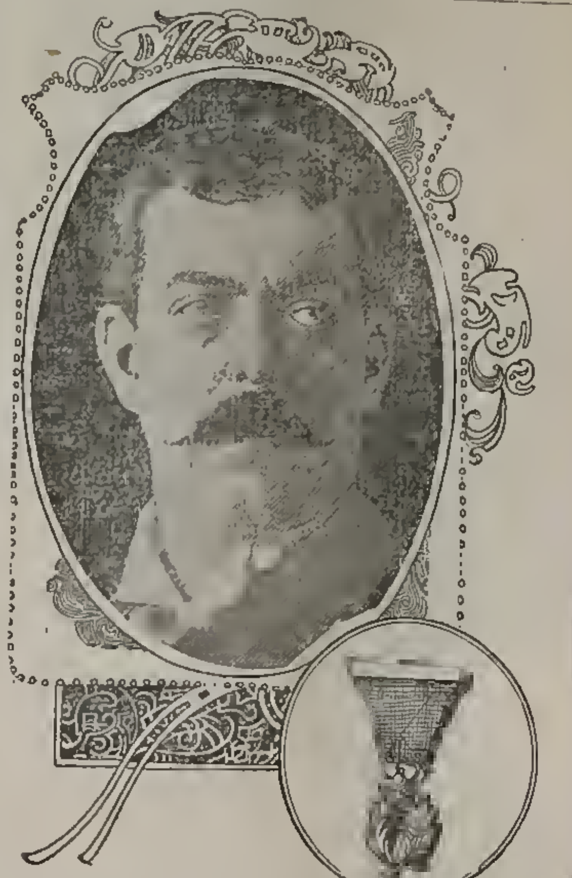
Whereas, Certain charges have been duly preferred before this Board by Walter S. Braun, complainant, against E. C. Kilpatrick, respondent, and a public hearing and thorough investigation were had on May 3d, 11th, 9th, 15th and 24th, 1900, before this Board upon said charges, both complainant and said respondent being present and represented by counsel, and evidence having been introduced by both parties, argument being made by the respective counsel, be it

Resolved, That for evident unfitness for teaching, proved to the full satisfaction of this Board at said hearing, the said E. C. Kilpatrick be and he is hereby dismissed from the School Department of the city and county of San Francisco, such dismissal to take effect June 1, 1900.

Examiner May 24 1900

AMEDEE JOULLIN HAS BEEN DECORATED BY THE BEAUX ARTS

The Great French Art School Recognizes the Merits of the San Franciscan's Paintings of Indian Life.



ARTIST AMEDEE JOULLIN AND THE DECORATION HE HAS RECEIVED FROM THE BEAUX ARTS, PARIS.

ANOTHER San Francisco artist has had his merits recognized abroad. This time it is Amedee Joullin who has won the honors and is being congratulated by his fellow-artists. The Paris Beaux Arts has conferred a decoration on him and made him a member—all in recognition of his meritorious work way out here in San Francisco.

Joullin is the first San Franciscan to receive this honor, and it has been conferred upon few Americans. It is greatly coveted among the French painters. Yesterday morning M. de Trobriand, the French Consul-General, delivered to Mr. Joullin the decoration and certificate of membership, which were issued March 31st by Georges Leygues, Minister of Public Instruction and Beaux Arts, and countersigned by Delcassé. The decoration is a laurel wreath, the certificate says. "M. Amedee Joullin, artist painter of San Francisco, is made an officer of the Academy."

It is Joullin's Indian pictures which have won him the distinguished honor. A few years ago the artist abandoned Chinatown, in the painting of which he had achieved much success, left behind his favored sand dunes, forgot his flower pieces and portraits and went off into New Mexico to paint the strange peoples of the pueblos—the citizens of the fabled "Seven Cities of Cibola." There, in the land made world-famous by the travels of Cabeza de Vaca, Estevanico and Fray Marcos, and by the conquests of Francisco de Coronado, he settled down to study the life and color of the handsome Zunis, who so won the admiration of Cushing and Bandelier. He made friends with Zuni and Moqui, heard the legends of Quivera and the Enchanted Mesa, caught the spirit and witchery of the desert and then sat to his canvases.

When, after long sojourn with the Indians and a journey to the City of Mexico, he came back to San Francisco the connoisseurs opened their eyes at his work. He had gone far ahead of anything he had done before. His "Goor," representing the wailing of a son over his murdered father, made a hit at the Omaha Exposition and at the National Academy in New York. "The Fireman" was purchased by members for the Bohemian Club. "The Weaver," "The Carver of Hieroglyphs," the "Passing the Wampum Belt" and "Watching the Prisoner" were the most notable of his other works—all painted in the land of turquoises. And now their great merit has been formally recognized by the highest French authority.

Mr. Joullin was born in San Francisco, studied first under Virgil Williams at the Art School, spent two years in Jules Tavernier's studio, painted scenery for John McCullough at the old California Theatre under Voegtlin, and then went to Paris, where his masters were Bougereau and Robert Fleury, and then he entered the Beaux Arts. Returning to San Francisco some ten years ago he became an instructor for the Art Association, and has been a prominent figure in local art circles ever since. Now Fame is reaching out a hand to him.

Examiner 1. 5. 1900

A purchase by T. W. Gibbon of Los Angeles will take a Cadenasso south. Another fine piece of this artist's work is on the way to El Dorado. Dr. de Vecchi bought an "Evening," as attractive a picture as Cadenasso has ever done, and Theodore Kritko has secured "The Storm," the largest of the canvases shown by Cadenasso at the Hopkins' exhibition. A number of smaller sales have summed up a profitable season for Cadenasso. Recognition for this artist came slowly for a while, but now a picture completed is virtually a picture sold. Canvas and paint are no longer nightmares. Cadenasso's shivering days are over.

LEFT A TRAIL OF BAD CHECKS

Former Army Employe Traced Across the Continent.

PLACED UNDER ARREST IN PHILADELPHIA.

SECURED BLANKS FROM THE DISBURSING OFFICE IN THIS CITY.

He Filled Them Out Under Assumed Names and Then Had Them Cashed at Various Banks.

Special Dispatch to the "Chronicle."

WASHINGTON, March 9.—Chief Wilkie of the Secret Service Department received word to-night from agents in Philadelphia that they had arrested Edward A. Grinnell, who was formerly employed in San Francisco in the office of Major J. R. Hall, surgeon and paymaster of the Army, and who was wanted on the charge of stealing Government property. On December 23, 1899, it is alleged, he left San Francisco, taking with him a checkbook from the disbursing office containing 400 blank checks, which he filled out under assumed names, and had no difficulty in having them honored. Before leaving San Francisco he cashed two of the checks, and then, it is supposed, went to Texas, where he posed as a Government mule buyer, and succeeded in passing a check for $3400 on the South Texas National Bank of San Antonio.

Since he left San Francisco he has had checks honored at the following banks: The Bankers' National, Chicago, $100; Bank of Commerce, Cleveland, O., $547; Cincinnati National, Cincinnati, $102; First National Bank, Covington, Ky., $50; Continental National, St. Louis, $360; Mechanics Bank, St. Louis, $181; Union National, New Orleans, $300; New Orleans National, New Orleans, $350; Memphis National Bank, Memphis, $1000, and the South Texas National Bank of San Antonio, Tex., $3400. In some instances, when the banks could not cash the check in full, he would take what they would give him and say that he would call again for the balance.

In this way he received from the Memphis National Bank $1000 for a $5000 check. In New York, he posed as E. E. Gordon, a sport, and blew in $3000. His most common aliases were E. E. Grimshaw, S. S. Byrne and F. C. Wallace. He is only 25 years old, but he has already served a term of three years for grand larceny in Ohio. Wilkie says that he has raised $10,000 on his worthless checks. He goes to San Francisco for trial.

Edward A. Grinnell was employed as a clerk in the Medical Supply Department of the United States Army in this city until December 23d last, when he disappeared with a checkbook containing 400 blanks and the check-protector with which Major John D. Hall, the medical supply officer, usually signed checks.

The matter was at once reported to the Sub-Treasury, and steps taken to prevent Grinnell from cashing any of the checks, but before leaving this city he managed to dupe two local merchants with forged checks to the amount of $250. With this money he secured transportation from the city, and all efforts on the part of the local officials to ascertain his whereabouts proved fruitless.

GRAND JUROR IS INVOLVED.

The Sheehan Scandal Takes a New Turn.

REGENSBURGER ACTS AS CHIEF INQUISITOR.

WITNESSES SAY HE COLLECTED THE TAX OFFICE "RAKE DOWN."

Timely Recess of the Inquiry Helps to Extricate the Tribunal From Embarrassing Situation.

The Grand Jury held a warm session yesterday. One member of that body was placed in a very questionable light, and the situation became so embarrassing for the rest that a hasty recess was taken in order to avoid further complications. The trouble came during the investigation of the frauds alleged against former Tax Collector Sheehan, who was charged by certain of his clerks with making false and fraudulent demands upon the city treasury in favor of fictitious persons and having them cashed through the connivance of money lenders and warrant shavers. These accusations became current while Sheehan was still in office and were generally accepted in City Hall circles as true. Two of Sheehan's former clerks, James Wiseman and Hiram Goldstein, who had been discharged from the office because they refused to submit to constant and exorbitant assessments for imaginary causes, made sworn affidavits declaring with much detail that warrants had been issued to persons who had never worked in the office and had never made an appearance there, and that these demands were cashed by a broker who must have had knowledge of the fraud, since his clerk signed the fictitious names.

The case particularly referred to was that of Edwin Chapman, for whom a demand was made and cashed for services rendered during last April, when, in fact, Chapman did not go near the office until many months later, and then only after Sheehan had been threatened by his clerks with exposure. It was then, as Wiseman and Goldstein assert, that he managed to find a Chapman, though with different initials, whom he employed during November, presumably in order to have the man testify in his behalf if the discharged deputies should carry out their threats. In all those transactions Sheehan's chief deputy, Patrick Hagan, was charged with being the chief offender.

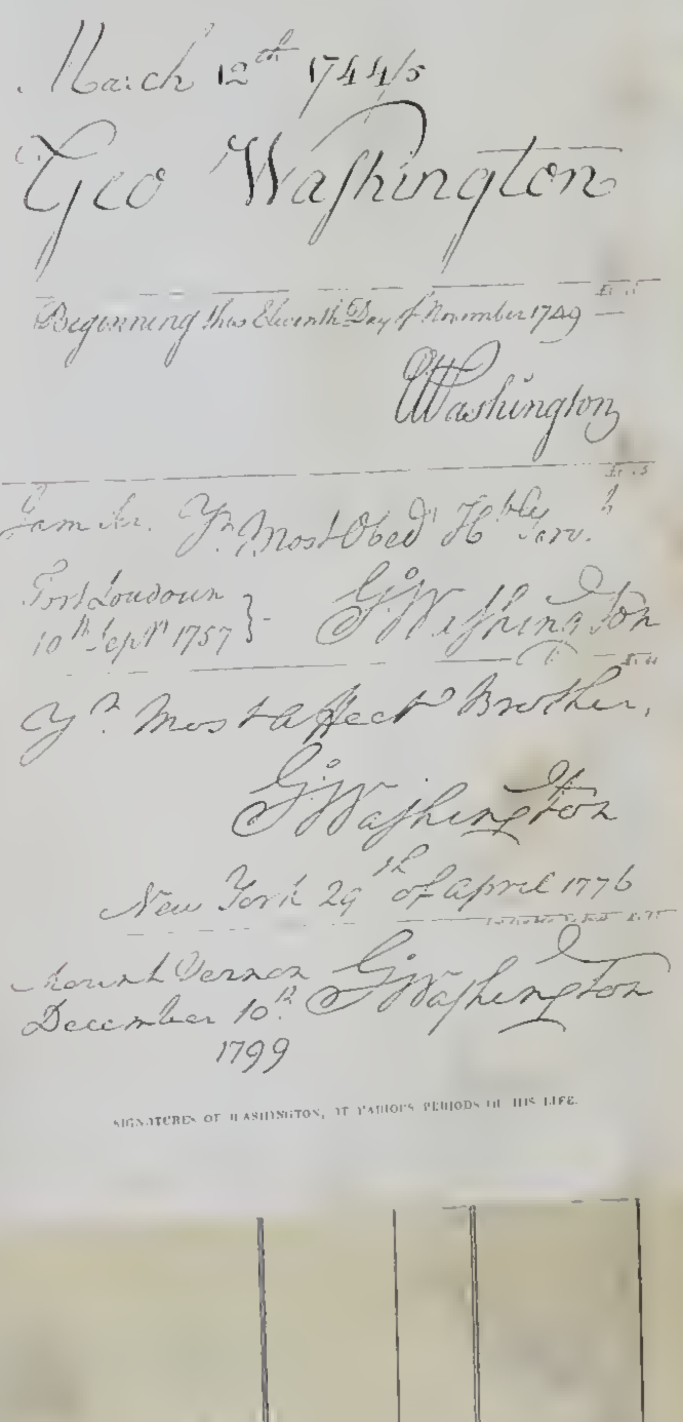
At the end of his term Sheehan had to be ejected by force from the office, after a pitched battle between his followers and those of Scott, who had been elected to the office. Sheehan was routed, but vacated the premises only after an order had been served upon him issued by the presiding Judge of the Superior Court. Shortly after that occurrence Sheehan and Hagan brought charges before the Grand Jury against Wiseman and Goldstein, charging them with having sworn falsely in the affidavits in the case. Sheehan, Hagan, Chapman and several of their friends gave testimony before the Grand Jury in an effort to prove that Wiseman and Goldstein were guilty of perjury in swearing to those affidavits. Evidently the Grand Jury was not convinced of the reliability of the evidence, and refused to take action. Yesterday the other side had a hearing, giving such testimony in substantiation of the charges in the affidavits, with additional details and circumstances, as to startle the Grand Jury. Wiseman was among the first witnesses examined. He reiterated every allegation to which he had previously sworn and which had been published. He added a number of details to the transactions of Sheehan and Hagan, and offered to prove every one of his allegations.

Grand Juror Regensburger, who had constituted himself chief inquisitor, cross-questioned Wiseman until the witness appealed to the Grand Jury, objecting to Regensburger's presence and declaring that Regensburger was implicated in the fraudulent transactions. When pressed to name the man to whom he paid the assessment Wiseman said, "I paid it to Regensburger," pointing to the Grand Juror. To relieve the situation a recess was hastily declared, presumably for the purpose of affording the interested juror an opportunity to withdraw. Regensburger did not take the hint, and the inquiry was resumed. Wiseman remained in the room for an hour. He told how Hagan had asked him to sign a fictitious name and he had refused, how the clerks had been systematically assessed under one pretext or another, how they were obliged to go to the brokers to obtain their pay, how the brokers, particularly Regensburger, had exacted the regular percentage and the office "rake down" on every demand, and how he had refused to endure such extortion any longer and was discharged. He swore positively that Chapman never worked in the office, either as clerk, deputy, outside deputy or as distributor of bills, during the month of April, for which Hagan had asked Wiseman to swear to and sign a warrant for the mythical Chapman.

Goldstein gave similar testimony. Regensburger tried to discredit the witness by asking him whether he had not sold his demand for one month twice. This Goldstein denied. He told of Regensburger's connection with Sheehan's transactions, making it appear that the broker was Sheehan's financial agent and the collector of all the assessments and rake-downs.

The tilt between the witness and the juror threatened a repetition of the Wiseman episode, but it was averted by cutting the investigation short.

P. R. McCarthy, at present a deputy under Sheriff Lackmann, but formerly a clerk under Sheehan, testified that he was employed in Sheehan's private office and had charge of the bills which were carried out, but never saw Chapman in the office during that month. J. F. Murray and Homer C. Warren, who had worked in the Tax Collector's office during the time Chapman is supposed to have been there, testified that they never saw him, though they were in a position to know every employe. Each of the witnesses was subjected to a cross-examination by Grand Juror Regensburger and in each case it developed that the money for what was variously designated as the "office," "election" or "charity" fund was invariably paid to Regensburger. A number of witnesses who were ready to testify were excused for the day, but may be called to appear for the next session.



SIGNATURES OF WASHINGTON, AT VARIOUS PERIODS OF HIS LIFE.

MOLINEUX DOOMED TO DEATH CHAIR.

GUILTY OF MURDER.

Long Trial Ends With the Young Club Man's Conviction.

HEARS THE FATAL WORDS WITH UNBROKEN NERVE.

VERDICT CAUSES SURPRISE IN UPTOWN CIRCLES IN NEW YORK.

Slayer of Mrs. Adams Cheered by a Big Crowd as He Was Escorted From the Courtroom.

Special Dispatch to the "Chronicle."

NEW YORK, February 10.—After deliberating seven and a half hours, the jury returned a verdict of guilty of murder in the first degree against Roland B. Molineux, charged with the murder of Mrs. Katherine J. Adams by poison on December 28, 1898. Bartow S. Weeks, counsel for the defense, made the usual motion, and Recorder Goff adjourned court until February 16th, when he said he would hear the motion and sentence the defendant.

From the time the jury went out, at 3:15 P. M., the crowd in the courtroom watched the door through which they had left the court in silent expectancy. The jury came in shortly after 9 o'clock to ask for exhibits of handwriting, and again, at 10:30 o'clock, they came in for instructions. Fifteen minutes later it was learned that the jury had agreed. The court officers shouted for silence. Doors were locked and the gray-haired clerk of the court took his seat below the Recorder's bench. General Molineux sat straight in his chair, a glassy look in his eyes, and his hands folded on the table in front of him, trembling a little in spite of himself. Then there was a hush. The jurors walked to their chairs between a double file of court officials. As soon as they had taken their seats a deputy sheriff brought Molineux from the prison.

There was no sign of apprehension on the young man's face. His step was light and springy and he smiled as if he had not a care in the world. Then he sat down, looked for a moment straight at the Recorder's bench and then whispered to Mr. Weeks, who was showing signs of nervousness. A moment later the Recorder entered. The names of the jury were read and the clerk said:

"Gentlemen of the jury, have you agreed upon a verdict?"

"We have," replied the foreman.

"The jurors will please rise. The defendant will rise."

General Molineux sat with his hands clasped in front of him on the table. His face never flinched as the clerk asked again:

"What is your verdict?"

"We find the defendant guilty of murder in the first degree."

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The following day Mrs. Adams suffered from a severe headache. She asked Cornish to give her some of the bromo-seltzer he had received. He mixed it in water and did so. She complained of its bitterness and he tasted it. In less than an hour Mrs. Adams was dead and Cornish suffering great agony from poisoning. The physicians advised him to send for the Coroner. Instead of doing so he sent for the assistant State's or district attorney, McIntyre, who, it seems, was sufficiently intimate with all the parties in the muddle to desire to have it kept quiet. There were photographs in existence which McIntyre did not like and other evidence which was damaging.

The newspapers and the police took hold of the case. Scraps of evidence collected pointed to Molineux as the one who had killed both Barnet and Mrs. Adams, the latter unintentionally, for the poisonous bromo was intended for Cornish. Molineux denied his guilt and secured powerful counsel. The trial has resulted in his conviction.

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Lizzie Kiesel Went Into Convulsions.

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This morning the girl became more composed and told the story of the quarrel. She had visited the home of Bell last evening and there had been some difficulty between the two over a man by the name of Phillips, who seemed to creep into the love affairs of the two. She was taken to the last boat at 12:25 by Bell, who saw her on board. She began acting strangely on the boat and by the time she reached the Oakland pier she was in convulsions, and Policeman Agnew, who was on the train, thought that poison had been taken. This morning the girl said that she had not taken poison, but admitted that there had been a quarrel between herself and Bell.

Dr. W. S. Porter says that the girl was very nervous and run down in health and that it was an extraordinary case of nervous hysteria, probably superinduced by this lovers' misunderstanding.

Bell came to Oakland this morning and took the girl to her home in Fruitvale. He refused to discuss the affair other than to deny that the girl had taken poison.

"She is only worn out from overwork," said Bell, "and I am not going to discuss the matter further."

The quarrel must have been a severe one as it worked upon her nerves very badly, for several of the passengers on the last boat, including Richard Wise and J. Hazeltine, say that she acted as if she was going to jump overboard and she was carefully watched for that reason.

BOUND TO CONVICT ON PROPER PROOF OF CIRCUMSTANCES.

The Recorder read from the authorities on circumstantial evidence. "Greenleaf divides circumstantial evidence into two classes," he said, "certain, or that from which the inference necessarily flows, and uncertain, or that from which the inference has only the weight of probability. A verdict may be found on circumstantial evidence alone, and is often more satisfactory than if it had been found on direct testimony. Otherwise it would be useless to try to detect and punish criminals. Does the thief take a witness with him to see him steal? We are bound to convict on proper circumstantial evidence."

The Recorder then directed his attention to a discussion of expert testimony.

"There is still another class of testimony, expert evidence. That testimony, like circumstantial evidence, is often misapprehended and misunderstood. I must tell you, in the outset, that the law allows the testimony of experts under proper safeguards to be introduced, and it must be properly considered as evidence. It is proper that I should call your attention to some of the experts' testimony in this case. On February [illegible] Kinsley saw the defendant write. It was not a satisfactory test.

"On the 20th of the same month he saw him write again. He furnished the pen, ink and paper and instructed the defendant how to write. He requested the defendant to write vertically and he replied that he could not. [illegible] Kinsley instructed the defendant how to write vertically, and the defendant wrote, but it was not vertical. On the question of handwriting the prosecution called in experts and bank tellers, fourteen persons in all. In general, handwriting experts are allowed to testify as to the manner of handwriting, as to the time, as to the kind of ink employed and the age and the style of the writing. You have seen the experts show on the blackboard their so-called demonstrations. You have seen enlarged photographs. You have been furnished with copies of the writing done in photographs. And I may say here that never was a jury furnished with such ample opportunities of studying the exhibits in a case.

"I wish to impress upon you that the opinions which have been expressed by these experts are not conclusive upon you. These opinions have been formed by [illegible] in their offices and from studies [illegible] of them under the [illegible]. They have told you of their experience and of their comparison with admitted and disputed handwriting."

WARNS JURY ABOUT THE EXPERTS' OATHS.

Recorder Declares It Would Be Dangerous to Convict on Their Testimony Alone.

"NOW you, gentlemen of the jury," continued the Recorder, "might take up a piece of writing, look at it casually and not see certain things. But if you spent days examining it, put it under a magnifying glass, certain curves, angles, spaces and a number of marks might appear to you which did not upon your first examination. These experts have been able to call your attention to certain characteristics which you might not otherwise have noticed. Yet you are the sole judge of the fact as to whether you see the things they pointed out. You will give the opinions of these witnesses such weight as you choose and that they are entitled to. You must take into consideration their ability, their integrity and their opportunity to observe the things of which they speak [illegible]. Then you must draw your own conclusion and then [illegible] your judgment and your judgment on a fact.

"The prosecution claims that the defendant wrote certain writings and the experts have borne out the contention of the prosecution. Many of such letters have been placed in evidence. They are written on social, private and business matters.

"But I charge you that if the whole issue rested upon the testimony of experts it would be an extremely dangerous thing to convict a man of murder in the first degree upon such testimony alone.

"Yet, on the other hand, if you take the Barnet and Cornish letters and the address on the poison package together with the conceded writings, and compare them yourselves, on your own judgment, and come to the conclusion that the defendant wrote the address on the poison package, I say that you would be safe in returning a verdict of guilty."

J. P. Turner's Unpaid Notes.

A. Everett Ball, administrator of the estate of Edward S. Chester, filed a supplemental complaint yesterday in an action against Ruth E. Turner, administratrix of James P. Turner's estate, for $30,175.50, the principal due on notes which Turner gave to Chester in October, November and December, 18[illegible], and January, 189[illegible]. The notes, it is alleged, were in the hands of Turner and are now among the papers of his late [illegible] unless they have been lost or destroyed. They bore interest at the rate of 1 per cent a month. Turner [illegible] J. P. [illegible] in the Crocker building.

R. Molineux, charged with the murder of Mrs. Katherine J. Adams by poison on December 28, 1898. Bartow S. Weeks, counsel for the defense, made the usual motion, and Recorder Goff adjourned court until February 16th, when he said he would hear the motion and sentence the defendant.

From the time the jury went out, at 3:15 P. M., the crowd in the courtroom watched the door through which they had left the court in silent expectancy. The jury came in shortly after 9 o'clock to ask for exhibits of handwriting, and again, at 10:30 o'clock, they came in for instructions. Fifteen minutes later it was learned that the jury had agreed. The court officers shouted for silence. Doors were locked and the gray-haired clerk of the court took his seat below the Recorder's bench. General Molineux sat straight in his chair, a glassy look in his eyes, and his hands folded on the table in front of him, trembling a little in spite of himself. Then there was a hush. The jurors walked to their chairs between a double file of court officials. As soon as they had taken their seats a deputy sheriff brought Molineux from the prison.

There was no sign of apprehension on the young man's face. His step was light and springy and he smiled as if he had not a care in the world. Then he sat down, looked for a moment straight at the Recorder's bench and then whispered to Mr. Weeks, who was showing signs of nervousness. A moment later the Recorder entered. The names of the jury were read and the clerk said:

"Gentlemen of the jury, have you agreed upon a verdict?"

"We have," replied the foreman.

"The jurors will please rise. The defendant will rise."

General Molineux sat with his hands clasped in front of him on the table. His face never flinched as the clerk asked again:

"What is your verdict?"

"We find the defendant guilty of murder in the first degree."

As the words were spoken the bell in the firehouse near by struck 11 o'clock. It sounded like the tolling of a church bell for the dead. Molineux hardly moved. His neck stiffened a little and he straightened his back. General Molineux reached his hand to his son's shoulder and pressed it hard. Molineux put his own hand on his father's shoulder and stood without further movement, while his counsel asked that the jury be polled.

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A tremendous crowd waited in the corridors of the courtroom and about the buildings until after the return of the verdict and when Molineux was brought out by the deputy sheriff somebody called for "Three cheers for Molineux!" and a remarkable demonstration with great cheering followed. The announcement of the verdict of guilty was received in the up-town districts and about the clubs apparently with great surprise. Many of the clubmen seemed to be staggered by the announcement and it was the main topic for discussion for the night. It is said the trial has cost $200,000.

STORY OF THE POISONING.

Molineux Jealous of Men Who Knew His Wife.

Shake together a bit of "Camille," a little of De Maupassant, "Demimonde," a great deal of Laura Fair, and make the mixture taste exceedingly bad with a strong addition of powder from any "Tenderloin," and you have the Barnet-Molineux-Cornish-Adams murder case in all of its wickedness and mystery.

Roland Burnham Molineux is the superintendent of paint works in Newark. He is a member of the Knickerbocker Athletic Club, in which Harry C. Cornish has figured as an official, athletic trainer and general all-around good fellow. The two men were well acquainted in the past. They were even said to be intimate friends at the time Molineux suspected that his wife was untrue to him. How far this intimacy went is not to be printed. Molineux' wife was Blanche Chesbrough, and she was beautiful, siren-like, mistress of tears and smiles alike, a woman and an actress, a something not quite a perfect peach (as Dumas might say), but withal not showing the speck conspicuously. She was fond of warm dinners, rich wines, yachting parties, pleasures that lie between the border lines of good form and a good time. Once she had known one Henry Barnet, also a member of the Knickerbocker Athletic Club—known him before and after her marriage. How dear their acquaintanceship was was best known to themselves, but Molineux, the husband, suspected, reproached and waited.

Henry Barnet, clubman, wealthy, petted by women and fond of women, died suddenly. At the club it was publicly said diphtheria had caused his death. But among his intimate friends the word passed quickly that he had received by mail a Kutnow powder, taken it without knowing its deadly nature and died. For some reason or other his friends were not quick to apprise the authorities of their beliefs. A mysterious letter was found in his rooms after he died signed with a woman's first name. This letter the police took. Later they found that Barnet was a habitual user of Kutnow powders, but that the one which caused his death contained enough cyanide of mercury to kill a horse. Still there was no clew apparently as to who sent him the fatal powders and caused his death.

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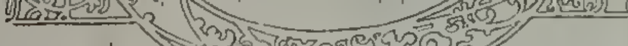

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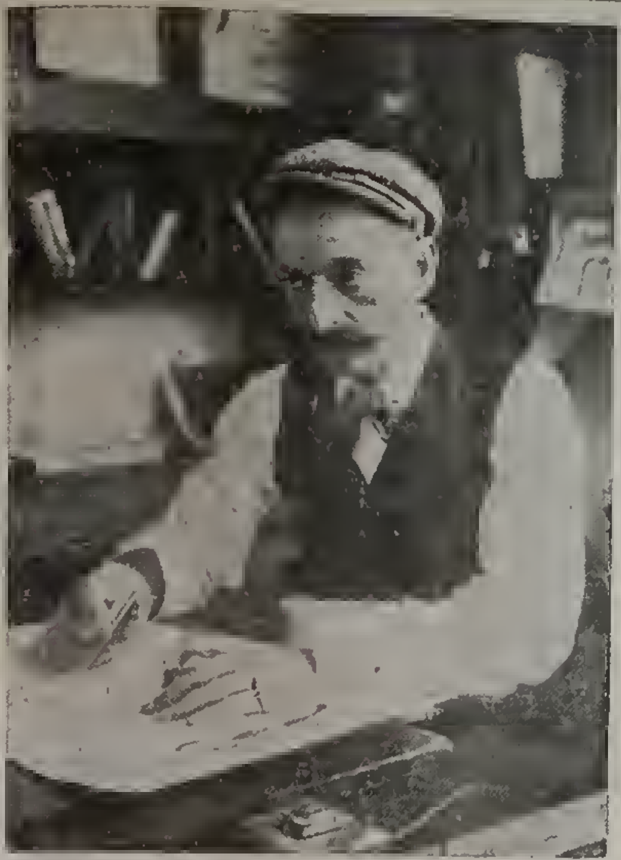
ARTIST SOLLY WALTER DIES IN HONOLULU



SOLLY WALTER, THE WELL-KNOWN SAN FRANCISCO ART TEACHER AND ILLUSTRATOR, WHO RECENTLY DIED IN HONOLULU.

SOLLY WALTER, the well-known artist, art teacher and newspaper illustrator, died at Honolulu on February 26th, at the age of fifty-three. He had been a sufferer from consumption for many years and had gone to the islands in the hope of prolonging his life.

In keeping with his own request his body was cremated, and the ceremony took place at the Government cemetery the day after death. The urn now rests in Nuuanu cemetery, one of the most beautiful burial places in the world.

Solly Walter was a citizen of the world in the best sense of that term. Born in Vienna, he served as a cavalry officer in the war of 1866, an attache of the Colonel of his regiment. His family is one of prominence in Austria, several members of it occupying positions in the Government service, a brother being Government Director of Railroads.

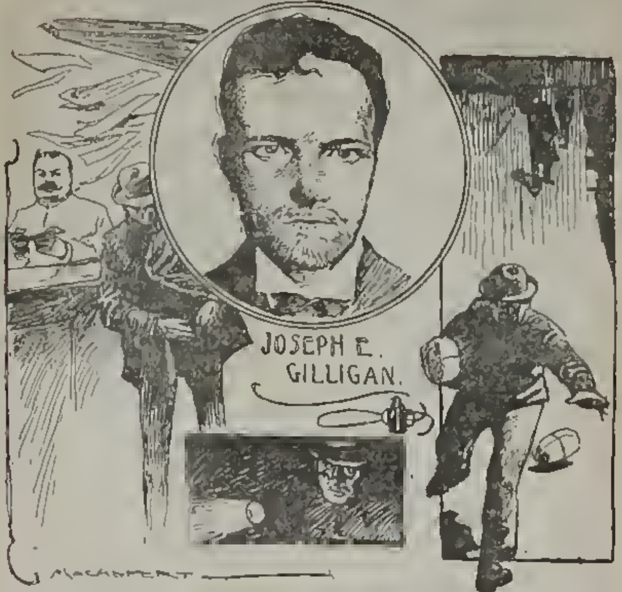
Walter had an artistic temperament. He early devoted himself to a sincere study of art in the ateliers and under the best masters in Paris. He visited many parts of the world, living for a considerable time in Constantinople, all the while doing much meritorious work with palette and brush.

He came to America about 1876, and married in New York in 1883. Coming to San Francisco soon afterwards, he found the city just awakening to a general appreciation of art, and in the beginning of a popular art education.

It was then that he began his work as a teacher of drawing and painting, and his classes soon became the center of art education and appreciation. His influence was felt all over the Pacific Coast.

His health began to fail some months ago, and accompanied by Mrs. Walter, he went to Honolulu in the barkentine Archer in the hope that the sea voyage and the climate there would benefit his health. In this he was disappointed. For some days before his death it was evident that he was steadily sinking.

A CROOK FROM COLORADO CAPTURED BY THE POLICE

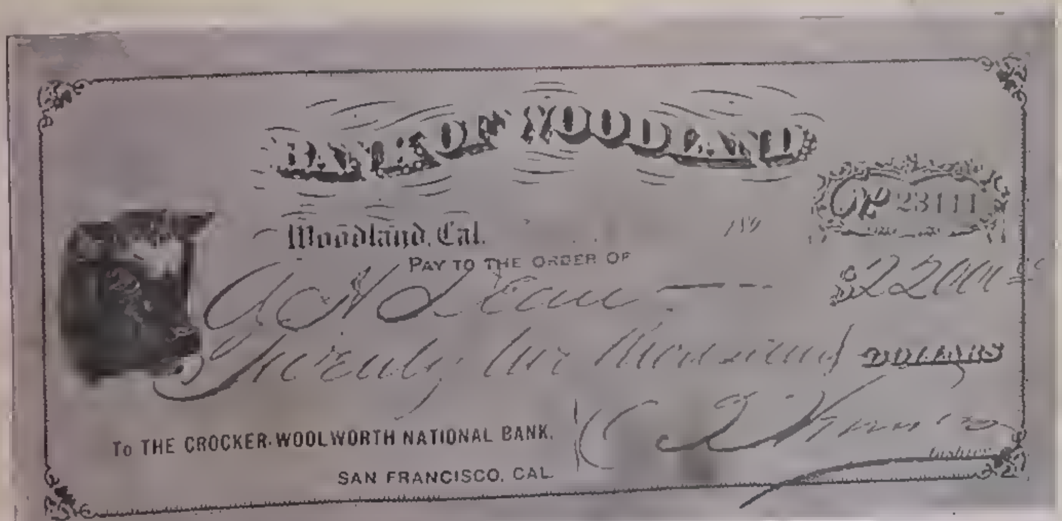


JOSEPH E. GILLIGAN, alias Harry Howard, is a recent importation from Colorado and apparently a very undesirable one. He had been here only a few months when he secured a position as waiter in the Park Hotel, Twenty-fourth and Mission streets, and one afternoon went through ten of the rooms, stealing a considerable quantity of wearing apparel, jewelry and anything else that was handy. He carried the articles to a lodging house at Eighth and Jessie streets, where they were found by Detectives Fitzgerald and Graham. He was arrested on April 30 last and got six months in the County Jail.

Recently Gilligan, alias Howard, got a position as cook in the Capital restaurant, 706 McAllister street, but was discharged. About a week ago he broke into the restaurant and stole several articles. Early yesterday morning he paid another visit to the restaurant. He was walking along Grant avenue with two bundles under his arms, and at Geary street passed Policemen Hurd and Snowball. This was shortly before 5 o'clock. Hurd became suspicious and stopped him. The bundles were opened and they contained two boxes of cigars, a bundle of laundry, a bottle of beer, a can of devilled ham and an oyster opener. Gilligan's answers to Hurd's questions were not satisfactory, but to back up his assertions he asked Hurd to accompany him to his landlady at 507 Jones street. When they got there the landlady said that Gilligan and a man named Campbell had occupied a room, but were ordered out Sunday, as they could not pay the rent. Hurd then started with Gilligan for the City Prison. At Leavenworth and Ellis streets the prisoner broke away and ran. Hurd called upon him to stop. He kept running and Hurd pulled out his revolver and fired four shots over the fugitive's head, thinking to scare him into stopping. It had the opposite effect. Gilligan soon disappeared into a lodging house on the northwest corner of Turk and Hyde streets.

The report of the shots brought Policemen P. Burns and Joy on the scene, and while Hurd kept watch outside Burns and Joy searched the lodging house. Burns found Gilligan hiding in a room on the top flat. He was taken to the prison and locked up in "the tanks." Later, when the restaurant man identified the articles, Gilligan was booked on a charge of burglary. He had effected an entrance into the restaurant by forcing open the rear window.

A charge of forgery was also booked against Gilligan. Last Friday he went to T. J. Clancy, saloon-keeper, 722 McAllister street, with a check for $12 on the First National Bank, purporting to be signed by John T. Sullivan, proprietor of the Grand Hotel on Market street. He told Clancy that he had been employed as a waiter at the Hotel and Sullivan had given him the check. He got the money. Clancy sent the check to the bank and found that the signature was a forgery. When Gilligan was searched at the prison a number of blank checks of the First National Bank were found in his pockets.



FAC-SIMILE OF THE FAMOUS BECKER DRAFT, RAISED FROM $12 TO $22,000, FOR WHICH SUM IT WAS CASHED AT THE NEVADA BANK, IN SAN FRANCISCO, AND IS ONE OF OVER FIFTY CASES ILLUSTRATED AND EXPLAINED IN THE BOOK.

Both in Case

The Game Law.

The open season for shooting quail, doves, deer and wild duck as fixed by the State law is as follows: Doves, 15th July to 15th February. Mountain quail and grouse, 1st September to 15th February. Valley quail, wild duck and rail, 1st October to 1st March. Male deer, 15th July to 15th October. Pheasants, the taking, killing, selling or having in possession at any time is prohibited; robbing or destruction of nests or having pheasant eggs in possession is a misdemeanor in the following counties: Butte, Trinity, Marin, Lake, Merced, Riverside, Los Angeles, San Bernardino, Santa Barbara, Kings, Ventura, Santa Clara, Monterey, San Joaquin, Yuba.

The clerks of nearly all the Boards of Supervisors have advised us no changes have been made this year, but the ordinances passed last year hold good if they do not conflict with the State law. The following counties have not passed any ordinances that alter the open season as provided by State law: Amador, Butte, Inyo, Modoc, Mono, Mendocino, Mariposa, Nevada, Napa, Plumas, San Diego, San Joaquin, Sacramento, Solano, Santa Cruz, Siskiyou, Tehama, Yolo and Yuba.

The changes are as follows:

Alpine—Deer, Sept. 2 to Oct. 15.

Alameda—Rail, Oct. 15 to Feb. 15. Quail, Nov. 1 to Feb. 1. Male deer, July 15 to Oct. 1. Pheasants protected until February, 1904. Hunting, killing or having in possession for purpose of sale or shipment out of county: quail, bob white, partridge, wild duck, rail, mountain quail, grouse, dove, does or deer, antelope, elk or mountain sheep prohibited.

Colusa—Deer, Aug. 15 to Oct. 15.

Calaveras—Deer, Sept. 1 to Oct. 15.

Contra Costa—Deer, July 20 to Sept. 2. (Use of dogs prohibited).

El Dorado—Doves, July 20 to Feb. 1. Trout, June 1 to Dec. 1.

Fresno—Valley quail, Nov. 1 to Jan. 31. Individual bag limited to 25 quail per day. Mountain quail, Sept. 1 to Feb. 15. Doves, Aug. 15 to Feb. 15. Pheasants, bob white quail and prairie chickens, close season in force for an indefinite period. Use of nets or seines in county waters prohibited.

Humboldt—Grouse and Wilson snipe, Sept. 1 to Feb. 15. Killing of waterfowl prohibited between one-half hour after sunset and one-half hour before sunrise. Pheasants and wild turkeys protected until Oct. 1, 1900. Black brant, Oct. 1 to March 1. Shipment of game out of the county prohibited. Deer, use of dogs prohibited.

Kern—Shipping game out of the county prohibited. Quail, Oct. 1 to Feb. 1.

Lake—Deer, Aug. 1 to Oct. 1.

Kings—Doves, Sept. 1 to Feb. 15. Quail, Nov. 1 to Feb. 15.

Los Angeles—Shipping game to markets outside of the county prohibited. Sea-gulls, egrets, pelicans, seals, protected. Trout season opens April 1st.

Marin—Deer, July 15 to Sept. 15. Quail, partridge or grouse, Nov. 1 to Feb. 1. Individual bag limited to 25 birds per day. Market hunting and shipment of game from the county is prohibited. Use of Repeating shot guns prohibited. Killing of meadow larks or any other song birds prohibited. Hunting within private enclosures or on public roads prohibited. Trout, with hook and line only, April 1 to Oct. 15.

Madera—Market hunting prohibited.

Monterey—Deer, July 15th to Sept. 1st. (Use of dogs prohibited). Quail, Oct. 1 to Oct. 5.

Napa—Trout, by hook and line only, April 1 to Dec. 1.

Orange—Doves, Aug. 1 to Feb. 1. Deer, Aug. 15 to Oct. 1. (Market hunting prohibited). Quail, partridges or grouse, Oct. 1 to Oct. 6. Ducks, Nov. 1 to March 1. Ducks and quail, shipment from the county restricted as follows: No person shall ship ducks or quail out of the county in quantities to exceed two dozen birds a week.

Placer—Trout, June 1 to Dec. 1.

Plumas—Salmon, trout, May 1 to Dec. 1 (netting prohibited.)

Riverside—Male deer, close season until July 15, 1901. July 15 to Sept. 15, thereafter. Quail, individual bag limited to 20 birds per day. Mountain or valley quail, pheasant and wild duck, sale of prohibited in the county. Wild duck, valley or mountain quail, shipment from county prohibited. Trout, any variety, close season until May 1, 1901. May 1 to Dec. 1, thereafter.

San Benito—Deer, Aug. 1 to Sept. 15. (Market hunting prohibited).

Santa Barbara—Deer, Aug. 1 to Aug. 22. Use of hounds prohibited. Quail, one day, Oct. 1. (Market hunting prohibited). Lobsters or crawfish, close season, April 15 to Sept. 15, shipping from county in close season prohibited. Abalones, taking, selling, having in possession and shipping from the county prohibited.

San Bernardino—Deer, close season continuous, 1899. Valley or mountain quail, wild duck, sale of prohibited. Trout, sale of, between April 1st and May 1st of any year and during 1899, prohibited. Tree squirrels, five per day the individual limit.

San Diego—Shipping game out of the county prohibited.

San Luis Obispo—Deer, July 15 to Sept. 1. Use of hounds prohibited. Doves, July 15 to Dec. 1. Hunting for markets situated outside of the county prohibited. Clams, use of plows or machines in digging prohibited. Shipment of abalones out of the county prohibited.

San Mateo—Deer, July 15 to Aug. 25. (Use of dogs not prohibited. Market hunting prohibited). Rail, Oct. 15 to Nov. 15. (Shooting from boat at high tide prohibited).

Santa Clara—Male deer, July 15 to Sept. 15. Quail, Nov. 1 to Feb. 1. Individual bag limited to 20 birds per day. Quail, wild duck, pheasants and doves, purchase and sale, or shipment out of the county prohibited.

Shasta—Deer, July 15 to Sept. 1. Shipment of feathered game out of the county prohibited.

Sierra—Deer, Sept. 1 to Oct. 15.

Siskiyou—Shipment of feathered game out of the county prohibited.

Sonoma—Deer, July 15 to Oct. 1. Quail, Nov. 1, to Feb. 1. Pheasants, close season till Jan. 1, 1901. Shipping game out of the county prohibited. Use of nets in streams of the county prohibited.

Sutter—Deer, Sept. 1 to Oct. 15. Doves, July 15 to Jan. 1.

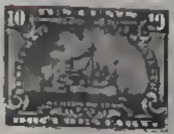
Trinity—Deer, Sept. 1 to Oct. 15.

Tulare—Deer, Sept. 1 to Oct. 15. Shipping game out of the county prohibited.

Ventura—Quail, any variety, Oct. 1 to Nov. 1.

[illegible] San Francisco, Cal., November 15, 1899.

Three months from date I promise to pay to the order of Louise Lagarde Eight [illegible] dollars, for value received, with interest at Seven (7) per cent per [illegible], until paid, both principal and interest payable in United States Gold Coin.



November 15th [illegible]

Ph. Maysounave

Ph. Maysounave
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Ph. Maysounave
Ph. Maysounave
Ph. Maysounave

DEFT

Sutter Creek
May 7th 1898

On demand without grace, for value received I promise to pay to Mary E O'Connell the sum of 810 eight hundred and ten dollars interest one per cent per month from date till both principal and interest is paid, payable only in United States Gold Coin.

John Rick

Stock[?] Advance Apr 6 1900

Theodore Kytka, the first expert that testified in the Mansfield trial, in addition to being quite a jovial fellow, is a genius with a pen. As an experiment he forged off-hand five signatures of the name "N. C. Briggs" and mixed them with five genuine signatures. Mr. Briggs was only able to select three genuine from the forged, and Mr. T. S. Hawkins, with a thirty years' knowledge of the Briggs' hand-writing, was only able to select two. In a similar test with the signature "R. Shaw," Mr. Shaw was only able to select one out of four.

Herald Jan 12 1901

Grandma

T. Kytka 1901

The Morning Press

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CHO L. LLOYD, Manager.

The Official County Paper

A WHOLESOME SENTENCE.

Judge Oster fittingly closed the trial of Yda Addis Storke yesterday, when he sentenced the defendant to imprisonment for the maximum term provided by the law. He expresses the regret of the community when he said he was sorry the penalty was not greater, for a year in the county jail was not sufficient punishment for the crime committed.

But the sentence will be welcomed with feelings of relief by the people of the county. They know that a dangerous and desperate woman is where she can do no harm for a few months at least. The county is to be congratulated upon the result of the trial, and congratulations from the county are due those who conducted the case so successfully. District Attorney Squier made a state record by the manner in which he handled the prosecution.

Much credit, too, should be given one whose good work has possibly been partially overlooked in the excitement of succeeding events, but who, by his scientific and painstaking analysis of the writings involved, did much to strengthen the case against Mrs. Storke. It is Theodore Kytka to whom reference is made. Mr. Kytka is an ideal witness; he was on the stand longer than any one handwriting expert in any other single trial in the United States. He underwent a severe cross-examination for four days. But not a flaw could be found in the mass of convincing testimony presented by him; so admirably was his evidence presented, that it was only strengthened by the attacks upon it. Kytka impressed all who heard him as fully qualified as an expert, and conscientious and truthful witness.

Bee Apr 7 1901

Writing Expert Kytka left for San Francisco on Saturday. During his few days stay here Mr. Kytka made many friends. He delighted in mystifying several of our well known judges of signatures. W. E. Hawkins carries off the honors as having selected the largest proportion of genuine signatures. Rudy Shaw wrote his signatures on four pieces of paper. Mr. Kytka copied the signatures on four others. Then he told Mr. Shaw to select in four signatures. He succeeded in getting one correct.

Call Jan 12 1901.

THE METRIC SYSTEM.

WITH this Congress an earnest effort is to be made to bring about the establishment in this country of the metric system of weights and measures. It is indeed time that something were done in that direction. The Russian Government has decided to establish it throughout the Czar's dominions, and when it goes into effect there ourselves and the British will be the only civilized people on earth who do not use it.

That there is a commercial advantage to be gained by adopting it has long since been pointed out not only by our Consuls but by British authorities who have made a study of foreign markets. The machinery made and used throughout Continental Europe is gauged and constructed according to the metric system. The workmen are familiar with the measurements of that system, while they do not know the measures of America and Great Britain, and consequently if other things are all equal the articles that conform to the metric system are preferred in the market.

Some time ago it was reported from Germany that the Iron and Steel Manufacturers' Union of that country had adopted a uniform system of metric dimensions for all articles of universal consumption, and it was announced at the time that the reason for the step was that competition between great manufacturing nations has now become so keen that every point of advantage is a matter of importance, and experience has shown that in dealing with people who use the metric system there is a big advantage in using the same measurements.

The market in which the metric system is used is very large. It is estimated that two-thirds of the people living in civilized countries use that system, and the number is increasing, for it is to be noted the metric system is growing in favor in all parts of the world. When it has been established in Russia there will be another vast market using such measurements. It is clear, therefore, that if exporters of America and Great Britain wish to compete on even terms with their rivals they will have to follow the example of the majority.

Of course it is not expected that the system could be put into operation at once. The bill now in the hands of the House Committee on Coinage, Weights and Measures provides only for the use of the metric system in all transactions by and with the Government after a fixed date. The operation of such a law would compel the people to acquaint themselves with the system and would thus prepare the way for the adoption of such measurements in private business.

It is probable the change in our weights and measures could be effected with much less difficulty than appears at first thought. The terms, "Metres, grams, kilos," etc., appear strange to us, but we are a people who easily adopt new words, and the calculations would be no trouble to us at all, for these are based upon the decimal system with which our coinage has made us thoroughly familiar. The greatest trouble would be in getting our scales and measuring instruments changed and in applying the metric system to our subdivisions of land, but even in those respects the reform could doubtless be worked out without entailing any great amount of confusion.

It is to be noted that the British are working for the new system even more eagerly than ourselves. Not long ago the Associated Chambers of Commerce of Great Britain adopted resolutions declaring that whereas the present system of British weights and measures is "in the opinion of her Majesty's Consuls responsible for great injury to British trade this association urges her Majesty's Government to introduce into and carry through Parliament as speedily as possible a bill providing that the use of the metric system of weights and measures shall be compulsory within two years of the passage of the bill, and suggests that meanwhile the system should be adopted in all specifications for Government contracts."

Since Russia has already acted and Great Britain is preparing to act, it is surely time for the United States to give the subject serious consideration. We must keep up with the procession.

MRS BEN. F. GEIS
WILLOWS

SAN JOSE, CAL., December 1, 1908.

ARREST FOR MURDER.

$1000 REWARD

will be paid by the Governor of the State of California for the arrest and conviction, and the citizens of Santa Clara County have subscribed an additional

$1200 REWARD

for the capture (dead or alive) of

PHOTO TAKEN IN 1895.

JAMES C. DUNHAM,

who brutally murdered six people near Campbell, Santa Clara County, California, on the night of May 26, 1896, and escaped to the mountains near here, where he was last seen on May 28, 1896, since which time no reliable clues have been obtained.

He is an American; about 32 years old at the time of the murder; fair common school education; quick to think or act, and very quick and active in his movements; athletic, and always kept himself in good condition; great pedestrian; very fond of hunting and fishing, and very expert with revolver; speaks Spanish, and may be able to write it. Below is a specimen of his handwriting (actual size) taken from a letter written some time prior to 1896. Note that two lines of writing are on lines of the paper, remainder is not. Some of the letters touch lines, others do not.

He drank, gambled, and chewed to a very limited extent; had few intimate friends, being very reserved and fond of going on long walking trips all alone; always associated with reputable people, and under ordinary circumstances was always gentlemanly and courteous, but rather quick-tempered; very studious, and was ambitious to improve his mind at all times; could talk intelligently on almost any subject; has followed various occupations—nurseryman, drummer, bicycle agent, confectioner, orchardist and farm hand; is supposed to have been studying law at time of murder; played well on harmonica; said to always sit with knees close together; did not know what to do with hands when idle; it is said that he had a habit of hooking thumb into vest pocket or waist band of trousers when talking, also of holding head on one side when talking; expert bicycle rider. Not much is known about his relatives; father, mother and sister are dead; brother at last report (1908) was practicing medicine in Seattle under name of Chas. Cobb. Dunham was very determined; when he made up his mind to do anything he never rested until he carried out his plans, and hated to give in when he made a statement. The photograph is said to be a good likeness of Dunham in 1895, but is taken from an ambrotype, and this reverses the features.

The above is a revision of the circular sent out by J. H. Lyndon, Sheriff of this county at the time of the murder. I waive all claims to the reward. Wire information at my expense.

ARTHUR B LANGFORD,
Sheriff of Santa Clara County, San Jose, California.

Additional Description of James C. Dunham

As He Was in 1896.

Height—5 ft., 11½ in. in shoes, and very erect.

Weight—165 to 180 lbs.; large frame; not much flesh; very muscular.

Hair—Almost black; some gray at temples; quite thick; no sign of baldness; cut long on top, short on sides and back

Forehead—Medium height; square, but rather narrow.

Eyes—Blue, but difference of opinion as to exact shade; deep set, especially at inner corners; right lid droops slightly when talking, but not very noticeable, not amounting to a deformity; piercing glance when he first looks at you.

Nose—Flat on bridge, wide and fleshy at end; nostrils not very large; noticeable depression between eyes.

Mustache—Not very heavy; slightly lighter in color than hair, might be called brown; exposure to weather might give reddish tinge; curled at tips.

Mouth—Broad and straight across; lower lip is medium full and droops a little so that mouth is never entirely closed; deep depression between lip and chin.

Teeth—Said to be some stained by tobacco; one dentist says he filled some of Dunham's back teeth with amalgam or cement, and a posterior cavity in the left lateral incisor with gold; another has a record that shows he filled an anterior cavity in the anterior lower six year molar with platinum.

Chin—Broad and square; depression between chin and lower lip gives chin protruding appearance; some, who knew Dunham, say he had dimple in chin, and others say it was a cleft, but nearly all agree that it was one or the other.

Neck—Long, with cords large and prominent, making neck look very broad.

Hands—Large, sinewy, muscular, hairy and tanned.

Thumbs—First joint very slender compared to ends; ends short, wide and very square, having appearance of having been cut off, and making nail very short and square

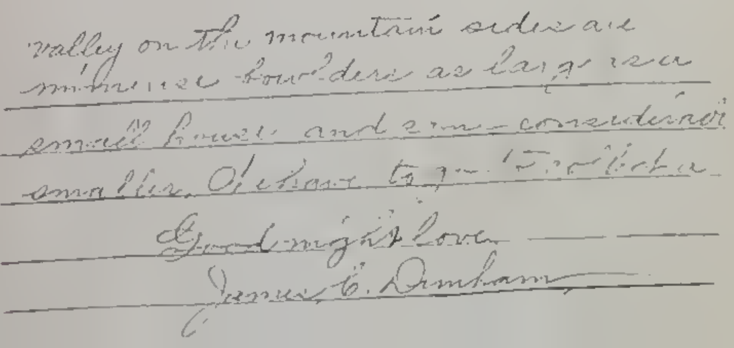
Feet—Wears No. 9 shoe.

Scars—When a boy cut left foot with ax; this is said to have left a big scar, running from left side of instep to outside of foot under left ankle.

If you are satisfied you have the right man located, arrest and send me photographs, with and without hat on, with complete description, height, weight, marks, scars, etc., also samples of writing if possible. So many have mistakenly thought they had this man spotted, and so many of our officers have had to make useless trips, that I must refuse to make any trips outside the State until I am positive you have the right man.

ARTHUR B. LANGFORD,
Sheriff of Santa Clara County, San Jose, California.

SPECIMEN OF DUNHAM'S HANDWRITING.


valley on the mountain sides are
immense boulders as large as a
small house and some considerably
smaller. O! have to go. Good bye
Good night love
James C. Dunham